



Crl. A(MD)No.494 of 2019

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

Dated : 08.07.2022

CORAM:

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mrs. JUSTICE R.HEMALATHA

Crl. A(MD)No.494 of 2019

Vinoj Balton

: Appellant

Vs.

State through
The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
Crime No.149/2012

: Respondent

PRAYER: Criminal Appeal is filed under Section 374 of the Code of Criminal Procedure, against the judgment of conviction and sentence passed by the Sessions Court, Kanyakumari, Nagarkovil dated 19.07.2013 made in S.C.No.85 of 2012.

For Appellant

: Mr.R.Alagumani

For Respondent

: Mr.S.Ravi,
Additional Public Prosecutor



Crl. A(MD)No.494 of 2019

WEB COPY

JUDGMENT

(Judgment of the Court was delivered by P.N.PRAKASH, J.)

The appellant faced a prosecution in S.C.No.85 of 2012 in the Court of Sessions Judge, Kanyakumari, Nagarkovil, in which he was convicted and sentenced on 19.07.2013 as under:

Sl.No.	Section of Law	Sentence of imprisonment	Fine amount
1	302 IPC	To undergo imprisonment for life	Rs.1000/-, in default to undergo simple imprisonment for six months
2	294(b) IPC		Rs.1000/-, in default to undergo simple imprisonment for six months
3	506(ii) IPC		Rs.1000/-, in default to undergo simple imprisonment for six months

The sentences were ordered to run concurrently.

2. Challenging the conviction and sentence, the appellant filed the present appeal in the year 2019 with the delay of 2196 days, which was



Crl. A(MD)No.494 of 2019

condoned by this Court in Crl.M.P.(MD)No.8695 of 2019 on 14.10.2019.

Thereafter, the appeal was numbered as Crl.A.(MD)No.494 of 2019.

3. Today, when the matter was taken up for hearing, the learned Additional Public Prosecutor submitted that the appellant died as early as on 28.02.2020. Since the near relatives of the appellant have not come forward to continue the appeal in terms of proviso to Section 394 (2) Cr.P.C., despite the information having been passed to them by the learned counsel for the appellant, the present appeal stands abated under Section 394(2) Cr.P.C.

[P.N.P., J.] & [R.H., J.]

08.07.2022

Index : Yes/No
Internet : Yes

vsm



WEB COPY



Crl. A(MD)No.494 of 2019

**P.N.PRAKASH, J
AND
R.HEMALATHA, J**

vsm

To

- 1.The Sessions Judge,
Sessions Court, Kanyakumari, Nagarkovil.
- 2.The Inspector of Police,
Karungal Police Station,
Kanyakumari District.
- 3.The Additional Public Prosecutor
Madurai Bench of Madras High Court, Madurai.
- 4.The Record Keeper,
Vernacular Records Section,
Madurai Bench of Madras High Court, Madurai.

Judgment made in
Crl.A.(MD)No.494 of 2019

08.07.2022