



Crl.R.C(MD)Nos.174 & 182 of 2019

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 19.06.2023

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

Crl.R.C(MD)Nos.174 & 182 of 2019

and

Crl.M.P(MD)Nos.2687 & 2781 of 2019

1.Crl.R.C(MD)No.174 of 2019:-

Kesavan

... Revision Petitioner/
Respondent/Accused

Vs.

M.Sheik Mohammad (Died)

1.S.Raighana Sheik

2.Shajitha Parveen

3.Batchha

... Respondents/Appellants/
Legal Heirs of the defacto complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records of the impugned Judgment of the learned Additional District and Sessions Judge, Theni at Periyakulam in Crl.A.No.37 of 2015, dated 18.09.2017 convicting the revision petitioner and sentenced to undergo simple imprisonment for 6 months and further order to pay compensation of a sum of Rs.50,000/- to the complainant within one month from the date of Judgment and in default to undergo simple imprisonment for the period of 2 months, reversing the Judgment in S.T.C.No.282 of 2011 on the file of the learned Fast Track Court (Magistrate Level), Theni, Theni District, dated 28.05.2015 acquitting the petitioner from the charges under Section



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138 of the Negotiable Instruments act and set aside the Judgment of the learned Appellate Court and acquit the petitioner.

For Petitioner : Mr.R.Shankar Ganesh

For Respondents : Mr.J.Devasenar

2.Crl.R.C(MD)No.182 of 2019:-

Kesavan ... Revision Petitioner/
Respondent/Accused

Vs.

M.Sheik Mohammad (Died)
1.S.Raighana Sheik
2.Shajitha Parveen
3.Batcha ... Respondents/Appellants/
Legal Heirs of the defacto complainant

PRAYER: Criminal Revision Case filed under Section 397 and 401 of the Code of Criminal Procedure, to call for the records of the impugned Judgment of the learned Additional District and Sessions Judge, Theni at Periyakulam in Crl.A.No.34 of 2015, dated 18.09.2017 convicting the revision petitioner and sentenced to undergo simple imprisonment for 6 months and further order to pay compensation of a sum of Rs.1,00,000/- to the complainant within one month from the date of Judgment and in default to undergo simple imprisonment for the period of 2 months, reversing the Judgment in S.T.C.No.283 of 2011 on the file of the learned Fast Track Court (Magistrate Level), Theni, Theni District, dated 28.05.2015 acquitting the petitioner from the charges under Section 138 of the Negotiable Instruments act and set aside the Judgment of the learned Appellate Court and acquit the petitioner.



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WEB COPY For Petitioner : Mr.R.Shankar Ganesh
For Respondents : Mr.J.Devasenan

COMMON ORDER

Crl.R.C(MD)No.174 of 2019 has been filed to set aside the conviction and sentence passed in Crl.A.No.37 of 2015, dated 18.09.2017, on the file of the learned Additional District and Sessions Judge, Theni at Periyakulam, reversing the Judgment passed in S.T.C.No.282 of 2011, dated 28.05.2015, on the file of the learned Fast Track Court (Magistrate Level), Theni, Theni District.

2.Crl.R.C(MD)No.182 of 2019 has been filed to set aside the conviction and sentence passed in Crl.A.No.34 of 2015, dated 18.09.2017, on the file of the learned Additional District and Sessions Judge, Theni at Periyakulam, reversing the Judgment passed in S.T.C.No.283 of 2011, dated 28.05.2015, on the file of the learned Fast Track Court (Magistrate Level), Theni, Theni District.



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3.The learned counsel appearing for the petitioner would submit that while pending the appeal, the petitioner/accused died.

4.In view of the above, the entire charge as against the petitioner is abated and the Criminal Revision Cases are dismissed as abated. Insofar as the compensation is concerned, the respondents are at liberty to proceed as against the legal heirs of the deceased petitioner in the manner known to law, if they are so advised. Consequently, connected Miscellaneous Petitions are closed.

19.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
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To

- 1.The Additional District and Sessions Court,
Theni at Periyakulam.
- 2.The Fast Track Court (Magistrate Level),
Theni, Theni District.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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G.K.ILANTHIRAIYAN, J.

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Order made in
Crl.R.C(MD)Nos.174 & 182 of 2019

19.06.2023