



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 26.06.2023

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THE HONOURABLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.A.(MD).No.169 of 2017

Theodore Manuvel

... Appellant/Complainant

Vs.

1.Chella Swamy

2.Harris

3.Sunil Kumar

4.Suresh Indra Kumar

5.K.P.Swarnabai

... Respondents 1 to 5/Accused

6.The State of Tamil Nadu,

Represented by the Sub-Inspector of Police,

Thiruvettar Police Station,

Kanyakumari District.

... 6th Respondent/Complainant

PRAYER : Criminal Appeal filed under Section 372 of Cr.P.C to set aside the Judgment in Crl.A.No.39 of 2011, dated 20.01.2016 on the file of the Mahila Fast Track Court, Nagercoil, reversing the Judgment in C.C.No.110 of 2003, dated 01.04.2011 on the file of the learned Judicial Magistrate, Padmanabhapuram.

For Appellant

: Mr.C.Godwin

For RR 1 to 5

: Mr.M.R.Sreenivasan

For R – 6

: Mr.T.Senthil Kumar
Additional Public Prosecutor



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JUDGMENT

This appeal has been filed to set aside the Judgment in Crl.A.No.39 of 2011, dated 20.01.2016, on the file of the Mahila Fast Track Court, Nagercoil, reversing the Judgment in C.C.No.110 of 2003, dated 01.04.2011, on the file of the learned Judicial Magistrate, Padmanabhapuram.

2.The learned counsel appearing for the appellant would submit that the sole appellant died even as early as on 01.09.2019. Even till today, the legal heirs of the appellant did not file any petition to substitute the deceased appellant in order to proceed with the appeal further. That apart, out of five accused, two accused died, namely, respondents 2 and 4. Therefore, this Criminal Appeal is dismissed as abated.

26.06.2023

NCC : Yes/No
Index : Yes/No
Internet : Yes
ps



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To

- 1.The Mahila Fast Track Court,
Nagercoil.
- 2.The Judicial Magistrate,
Padmanabhapuram.
- 3.The Sub-Inspector of Police,
Thiruvettar Police Station,
Kanyakumari District.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

CRL.A.(MD).No.169 of 2017





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G.K.ILANTHIRAIYAN, J.

ps

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