



WEB COPY



Crl.M.P.No.4260 of 2024
in Crl.A.No.201 of 2024

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M. NIRMAL KUMAR, J.

This Criminal Miscellaneous Petition has been filed seeking to implead the respondent/legal heir of deceased to be represented on behalf of the deceased viz., Palani, de-facto complainant as one of the respondent in the above appeal.

2.The petitioner was arrested by the respondent police on 04.01.2024 on the complaint of one Palani. The respondent police on getting information from the Government Hospital, Tiruvannamalai, enquired the said Palani, who doused himself with kerosene and set fire on him and taken treatment as inpatient. The said Palani stated that in the year 2017, he had taken loan of Rs.2,00,000/- from Ravi/A2 by giving its property of 3.42 acres along with power of attorney. The amount of Rs.1,45,000/- had been repaid in three installments. Further, the de-facto complainant had given a power of attorney in the name of Chennamml/A1, wife of A2. But the said Chennammal executed a sale deed in favour of her husband Ravi and her son Pasupathy and also restrained the de-facto complainant from carrying out his



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agricultural activities in the land. Thereafter, a village Panchayat was held.

The de-facto complainant agreed to pay Rs.2,00,000/- of the loan amount, which the said Ravi was not agreeable and there was some dispute. This being so, on 30.12.2023, the said Ravi laid a road to his land on the de-facto complainant's property by dumping rubbish and gravels. The said Ravi was recommended by the petitioner/A3 and in the presence of A3, the money was handed over as well as the power was executed but the petitioner herein not taken any steps to question the said Ravi and retrieve back the de-facto complainant's property. Hence, on 31.12.2023 at about 6.00 a.m. the de-facto complainant had self immolated and thereafter while taking treatment he lodged a complaint and a case for offence under Sections 418, 306 r/w 511 of IPC registered. On 04.01.2024 after the demise of Palani the section was altered including offence under Section 302 IPC and the case was altered to offence under Sections 418, 306 IPC r/w 3(2)(v) of SC/ST (POA) Act and on the same day the petitioner was arrested. Thereafter, the petitioner filed a bail application in C.M.P.No.223 of 2024, which came to be dismissed on 08.02.2024, against which, the present appeal.

3.The contention of the petitioner is that the deceased Palani had taken



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a loan from Ravi in the year 2017 and thereafter there have been some misunderstanding between Ravi and Palani. The petitioner has got nothing to do with the transaction between the Palani and Ravi and what was the understanding while depositing the loan document and executing power of attorney, the petitioner is not privy to the same. The petitioner, in fact on earlier occasion advised Palani and resolved the issue amicably between them. The petitioner is aged about 71 years and in incarceration from 04.01.2024. After the demise of Palani, the petitioner filed an impleading petition to implead his wife, namely, Chandra as respondent in the above appeal.

4.The learned counsel for petitioner had taken private notice to the said Chandra on 22.02.2024, which has been served to her. The learned Additional Public Prosecutor had taken notice through the jurisdictional police on 22.02.2024 and the same was received by the said Chandra on 26.02.2024.

5.In view of the above, the implead petition is ordered.

M. NIRMAL KUMAR, J.



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6.Registry is directed to carry out necessary amendment in the cause-
tile.

7.Registry is further directed to print the name of said Chandra in the
cause-list and post the case on 12.03.2024.

8.The learned Additional Public Prosecutor is directed to file his counter
by then.

07.03.2024

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