



Crl.A.No.693 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 05.06.2024

CORAM:

THE HON'BLE **MR.JUSTICE M.DHANDAPANI**

Crl.A.No.693 of 2024

Kalyanasundaram-Died

1.K.Jeyalakshmi

2.K.Thejashree

...Appellants

Vs.

J.Devadoss

...Respondent

Prayer: Appeal filed under Section 397(4) of Cr.P.C., to call for the records and set aside the judgment in STC.No.324 of 2019 on the file of the Judicial Magistrate, Sirkali dated 05.12.2022 and allow the criminal appeal.

For Appellants	: Mr.R.Shivakumar for M/s.K.M.Vijayan Associates
For Respondent	: Mr.Om Sai Ram

JUDGMENT

This petition has been filed to call for the records and set aside the judgment in STC.No.324 of 2019 on the file of the Judicial Magistrate, Sirkali dated 05.12.2022 and allow the criminal appeal.

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2. Learned counsel for the appellants would submit that the appellants herein are the legal heirs of the complainant in S.T.C.No.324 of 2019. After filing the complaint, the complainant died. Thereafter, the legal heirs of the complainant were taken effective steps to bring them on record, but without giving an opportunity to the legal heirs of the complainant, the Trial Court had erroneously dismissed the petition. Challenging the same, the present Criminal Appeal has been filed by the legal heirs of the complainant.

3. Learned counsel for the appellants further contented that the appellants are ready to pay a sum of Rs.2,000/- to the respondent. If the appellants paid the said cost, this Court may direct the Trial Court to restore the case and to give opportunity to the legal heirs of the complainant.

4. Learned counsel appearing for the respondent has no serious objection.

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5. This Court gave its anxious consideration to the submissions advanced by the learned counsel appearing on either side and perused the materials available on record.

6. Considering the facts and circumstances of the case and considering the limited request made by the learned counsel for the appellants, this Court is inclined to pass the following orders:

(i) The order in STC.No.324 of 2019 on the file of the Judicial Magistrate, Sirkali dated 05.12.2022 is set aside:

(ii) The appellants are directed to pay the cost of Rs.2,000/- (Rupees two thousand only) to the respondent within a period of one week from the date of receipt of a copy of this order; and

(iii) The appellants are directed to produce the receipt of cost memo of Rs.2,000/- to the learned Judicial Magistrate, Sirkali along with the application to bring the legal heirs of the complainant on record.

(iv). After perusal of such receipt, the learned Judicial Magistrate, Sirkali shall restore the



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S.T.C.No.324 of 2019 and pass appropriate orders after providing opportunity to the appellants and the respondent, on merits and in accordance with law, within a period of three months from the date of receipt of a copy of this order.

7. With the above terms and observations, the Criminal Appeal is allowed.

05.06.2024

msv

Note: Issue order copy on 07.06.2024

Index : Yes/No
Speaking Order : Yes/No
NCC : Yes/No

To

- 1.The Judicial Magistrate, Sirkali
- 2.The Public Prosecutor,
High Court of Madras,
Chennai – 600 104.



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M.DHANDAPANI, J.

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