



IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 06.06.2025

CORAM :

THE HON'BLE MR. JUSTICE SATHI KUMAR SUKUMARA KURUP

Crl.A.No.182 of 2021

1. John Amalraj (Deceased)
2. Jayalakshmi
3. Maria Antoinette Anjana John
4. Aditya Emmanuel Arokiaraj
5. Pushpa Amalraj

(Petitioners 2 to 5 Legal Heirs of
late John Amalraj impleaded as
per Order dated 07.07.2023 in
Crl.M.P.No.9364 of 2023 in
Crl.A.No.182 of 2021)

.. Appellants

Vs.

Mr.P.S.Sethuraman

...Respondent



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PRAYER: Criminal Appeal filed under Section 378 (4) of the Criminal Procedure Code, to set aside the Judgment passed by the learned XVI Additional Sessions Judge, FAC XV Additional Sessions Court, Chennai in C.A.No.319 of 2018 on 12.02.2020 and conviction and sentence passed in C.C.No.73 of 2012 by the learned Metropolitan Magistrate, FTC – II, Chennai.

For Appellants : Mr.B.S.Jhothiraman
For Respondent : Mr.M.Arun for
Mr.T.K.S.Gandhi

J U D G M E N T

When the Court was about to pronounce the Judgments on 02.06.2025, the learned Counsel for the Respondent filed a memo reporting the death of the Respondent/Accused along with a copy of the death certificate. On the request of the learned Counsel for the Appellants, the case was adjourned today, 06.06.2025.

2. Today, 06.06.2025, the learned Counsel for the Appellants fairly



concedes the same. Therefore, the Appeal is dismissed as abated.

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3.The learned Counsel for the Appellants submitted that since the Accused died, he seeks compensation from the estate left behind by the Accused.

4. The Judgment in the Appeal was about to be pronounced regarding setting aside the Judgment of the Appellate Court acquitting the Accused. Therefore, as per the finding given by the trial Court since the criminal action against the legal heirs of the Accused regarding criminal liability, the Complainant himself has power to proceed with the estate left behind by the Accused regarding the civil liability. Therefore, the learned Counsel for the Appellant/Complainant is directed to seek remedy through the Civil Court. The claim or defence of the legal heirs that the claim is barred by limitation will not be considered in this case as the civil liability is to be taken up by the Complainant to recover the dues from the estate left behind by the Accused.



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5. The learned Counsel for the Appellant/Complainant is directed to seek remedy through the Civil Court by granting him time, the time limit is extended by this Court exercising discretion.

In the result, this ***Criminal Appeal is dismissed*** granting liberty to the Complainant/Appellant to seek relief through Civil Court.

06.06.2025

dh

To

1. The Additional Sessions Judge – XV,
Chennai.
2. The Metropolitan Magistrate,
Fast Track Court – II,
Allikulam @ Egmore,
Chennai.



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SATHI KUMAR SUKUMARA KURUP. J

dh

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06.06.2025