

**IN THE COURT OF THE CIVIL JUDGE AND ADDL. J.M.F.C AT TARIKERE**

**C.C.No.327/2020**

**COMPLAINANT**

**vs.**

**ACCUSED**

M. Basavarajappa

A. Nagaraj

**Date: 16.12.2024**

**Proceedings or Orders of the Judicial Officer**

**ORDERS ON APPLICATION FILED U/S. 302 OF  
Cr.P.C.**

1. The instant application has been filed on behalf of the Complainant seeking permission of the Court to allow Sri. Chandrashekar Basavarajappa and Smt. Manjula.B. who are the son and daughter of the deceased Complainant to further prosecute the above complaint.
2. In the application it is ventilated that the instant complaint was initially filed by the Complainant by name Basavarajappa against the Accused for the offence punishable under Section 138 of NI Act; the Complainant has now expired; he has left behind the son and daughter as his legal heirs; hence, it becomes necessary to permit the legal heirs of the Complainant to further prosecute the above complaint.
3. The Accused in this case is still not secured despite issuance of NBW's against him on several occasions.
4. Heard Learned Counsel for Complainant and perused the materials made available to me.
5. The sole Point which would now arise for my consideration is as under -

***Whether sufficient grounds are made out to allow the application filed on behalf of the Complainant?***

6. The instant complaint has been filed under Section 200 of Cr.P.C alleging offence punishable under Section 138 of NI Act, against the Accused.

7. On perusal of the documents made available to me along with the instant application being death certificates, it is evident that the Complainant by name Sri. Basavarajappa has unfortunately expired on 16.02.2023 leaving behind his son and daughter as his legal heirs.

8. It is now settled law that even on the death of the Complainant, proceedings under Section 138 of NI Act, would not come to an end and the legal heirs of the Complainant can very well further prosecute the complaint under Section 301(2) of Cr.P.C. and Section 142 of NI Act. Such being the settled position of law, there is no legal impediment in allowing the application and permitting the son and daughter of the Complainant to continue the further proceedings of the case, as per law. Therefore, I am of the considered opinion that the application deserves to be allowed and without pondering much, I answer the sole point in the 'Affirmative' and proceed to pass the following -

**ORDER**

*Application filed u/s. 302 of Cr.P.C. filed on behalf of the Complainant is hereby allowed.*

*Resultantly, the son and daughter of the deceased Complainant viz., Sri. Chandrashekhara Basavarajappa and Smt.*

*Manjula.B. are hereby permitted to further prosecute the above case.*

*In view of this order, there shall be consequential amendment to the Complainant.*

*For carrying out amendment and to furnish amended complaint.*

*Call on: **30.12.2024***

sd/-

C.J. and A.JMFC, Tarikere.