

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

**C.C.No.757/2019**

**COMPLAINANT**  
Sri. T.B. Basavaraju

**vs.**

**ACCUSED**  
Sri. Sami Ahammed

**Date: 15.11.2024**

**Proceedings or Orders of the Judicial Officer**

**ORDERS ON APPLICATION DATED  
24.11.2023 FILED ON BEHALF OF THE  
COMPLAINANT under Section 142 of  
N.I. Act and R/w. 200, 302(2) of Cr.P.C.**

1. The Instant application has been filed on behalf of the Complainant seeking permission of the Court to allow the legal heirs of deceased complainant being proposed complainant No.1(a) to (e) who are the wife and children of the deceased Complainant to further prosecute the above complaint.
2. In the affidavit appended to the application it is ventilated that the instant complaint was initially filed by the Complainant by name T.B. Basavaraju against the Accused; the Complainant has now expired; he has left behind the proposed complainant as his only legal heirs; hence, it becomes necessary to permit the legal heirs of the Complainant to prosecute the above complaint.

3. The Accused in this case is presently absconding and despite issuance of NBW's against him on several occasions, his presence could not be secured before the Court.
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 certificate of the Complainant, it is evidence that the complainant by name T.B. Basavaraju has unfortunately expired on 04.09.2023 leaving behind his wife and children as his only 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 wife and the children 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 proceed to pass the following -

**ORDER**

*Application dated 24.11.2023 filed on behalf of the Complainant u/s 142 of N.I. Act R/w. 200, 302(2) of Cr.P.C. is hereby allowed.*

*Resultantly, the wife and the children of the deceased Complainant viz., 1(a) Smt. Manjamma, 1(b) Smt. Geetha.T.B, 1(c) Smt. Nirmala.B, 1(d) Smt. Rekha.B and 1(e) Smt. Lakshmi.T.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:*  
**16.11.2024.**

sd/-

C.J. and A.JMFC, Tarikere.