

Sri TG counsel for the complainant filed application under sec 256(1) and (2) of Cr.P.C along with vakalath seeking permission to the applicant to prosecute the case on behalf of his father who died on 29/10/2020.

The counsel for the applicant filed this application reporting the death of complainant on 08/10/2021 and produced Genealogical tree of their family and death certificate. Perused, the materials on record which disclosed that the applicant is the son of the deceased complainant.

In view of the judgment reported in ILR 2001 KAR 5401, between Jimmy Jahangir Madan V/s Mrs. Bolly Cariyappa Hindley and others wherein it is held that: The complaint filed under section 256(2) of Cr.P.C or under section 142 of the N.I Act would not ipso factor terminate or abate upon the death of the complainant. In a proceeding initiated under section 142 of the N.I.Act, on the death of the complainant, his L.Rs their agents or power of attorney holder could be permitted to prosecute the complaint under section 256(2) of Cr.P.C or under section 142 of the N.I.Act.

In this case, the applicant is none other than the son of the deceased complainant. Therefore, there is no impediment to allow the present application and permitting the applicant to prosecute the case. Being satisfied with the contents of the application, applicant is

permitted to come on record. Hence, I pass the following :

ORDER

The application filed by the LR's of complainant under section 256 (1) and (2) of Cr.P.C is hereby allowed. The LR's/applicant by name Sri Vinay S/o Prakash is permitted to come on record and to prosecute the case of the deceased complainant.

To carry out Amendment and to furnish amended complaint by 25/11/2021.

Sr. CJ and JMFC.,
K.R.Nagar.