

ORDERS ON APPLICATION

Sri.KBG advocate for the complainant filed application U/Sec.256 and Sec.302(2) of Cr.P.C., along with vakalath seeking permission to the applicants to prosecute the case on behalf of the complainant who is the husband and father of the LRs who died on 26/03/2022.

The counsel for the applicants filed this application reporting the death of complainant on 13/07/2023 and produced death certificate of complainant along with copy of Genealogical tree and copies of Aadhar cards of LRs. Perused, the materials on record which disclosed that the applicant No.1 is the wife and applicant No.2 is the son of the deceased complainant and sought permission for applicant No.1 to prosecute the case on behalf of the applicants.

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 LRs, 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 No.1 is none other than the wife and applicant No.2 is the son of the deceased complainant.

Therefore, there is no impediment to allow the present application and permitting the applicants 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 U/Sec.256 and Sec.302(2) of Cr.P.C., is hereby allowed. The LR's/applicant No.1 by name Smt.Soubhagya W/o Late Kantharaju is permitted to prosecute the case of the deceased complainant.

To carry out Amendment and to furnish amended complaint by 03.10.2023.

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