

CR 683/2017
(CNR. No. : WBMD04-005219-2017)
JO Code WB 01376

Order Dated: 08.02.2021

Today is fixed for hearing.

Ld. Advocate for the complainant files hazira.

Now the record is taken up for hearing.

Ld. Advocate for the complainant submits that Ramprasad Agarwal has expired and his three legal heirs are now willing to continue this case as complainant. In support of the contention he files legal heir certificate issued by Berhampore Municipality.

Perused the materials on record.

Considered the relevant provisions of law and decisions of Hon'ble Supreme Court in *Ashwin Nanubhai Vyas vs State of Maharashtra AIR 1967 SC 983*, *Chand Devi Daga and Others vs Manju K Humatani and Others, (2018) 1 SCC 71* and decision of Hon'ble Kerala High Court in *Chandra Babu vs Remani, 2003 (2) KLT 750*.

In these decisions legal heirs of the original complainant was permitted to continue the prosecution in case of death of the original complainant.

In this instant case, the complainant Ramprasad Agarwal has expired and his three legal heirs are willing to continue the case as complainants. Considering the circumstance of the case, this Court is of the opinion that the decisions of Hon'ble Court's are applicable in this case.

Hence the prayer of the legal heirs of the original complainant dated 16.01.2019 is considered and allowed.

The legal heirs of the petitioners are permitted to proceed with the case as complainants.

To **17.04.2021** for SA.

D/C by me.

J.M. 1st Court, Berhampore

Sd/- P. Pal

J.M. 1st Court, Berhampore