

Order Dated: 05-01-2019.

One accused person namely Probodh Kishore Anand on court bail, is present by filing hazira. Four accused persons are absent by filing a petition. The complainant is present by filing hazira.

As stipulated by the previous order today is fixed for evidence.

At this stage the Ld lawyer for the accused persons submitted that the accused persons namely Veena Kumari Verma has expired. A copy of death certificate has been filed to ratify the contention.

On call the Ld lawyers for the accused persons as well as the Ld lawyer for the complainant are found to be present. The Ld lawyer for the complainant submitted that as per the instruction given by his client the fact ventilated by the Ld lawyer for the accused persons is correct and the accused person namely Veena Kumari Verma has expired.

I find nothing in the case record to doubt the authenticity of the the death certificate, especially the same has been admitted by the complainant. At this stage I must hasten to articulate that, it is well settled law that a criminal culpable offence shall not be inherited by the heirs. Once the accused died, the charge against the accused has to be dismissed as abated. I draw my inspiration from ***M/s.Lakshmi Metal Works Vs. State rep. by The Inspector of Police reported in 2016 CRLJ 2730.*** In view of the matter let the case be filed for ever in respect of accused person Veena Kumari Verma. The other accused person have been duly represented and hence let the case be fixed for evidence.

To 26-04-2019 date for evidence.

Typed by me;

Additional Chief Judicial Magistrate

Bidhannagar

Additional Chief Judicial Magistrate

Bidhannagar