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# 138 ni act

🕒 5 months ago 💬 1 Replies

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hello there

complanint filed a case against accused, court took the cognigence, FADAVIT were produced, accused was produced before court, charges were framed on accused, accused requested complanaint for compomise and kept on requesting and delaying, mean time complanaint passed away. After death of complanaint his legal heir placed an aplication before court to continued the case through him which was accepted by court, later the evidences and cross examination was completed, accused recorded his statements under sec 313 crpc, accuse also presented his defence evidences, during final arguments accuse placed an application saying that after deat of complanaint his legal heir can not continue this case.

if i could be helped by any ruling against accuse that would help me in carrying out my fathers case (complanaint) to recover his money and penalise accuse.

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🕒 4 months ago

Under section 256 Cr PC, the court has allowed the legal heir to continue the case after the death of the original

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complainant. Therefore, it was wrong for the trial court to accept the pleadings of the accused that the legal heir cannot continue the case.

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