



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)
Date : 13.03.2020
PRESENT

WEB COPY

THE HON`BLE MR.JUSTICE G.R.SWAMINATHAN

Crl.O.P(MD) .No.2239 of 2020
and
Crl.M.P(MD) .No.1157 of 2020

1.Shri Renuga Textiles Ltd.,
rep., by its Managing Director/Authorized Signatory,
R.N.Jagadeesan

2.R.N.Jagadeesan ... Petitioners
Vs

M/s.Muniraj Colours Private Limited,
rep., by its Manager/Power Agent
Mr.D.Amaranathan ... Respondent

PRAYER : Petition is filed under Section 482 of Cr.P.C to direct the Additional District and Sessions Judges, Theni to dispose Cr.M.P.No.877 of 2019 in Crl.A.No.13 of 2016 filed by the petitioners before pronouncing judgment in Crl.A.No.13 of 2016.

For Petitioners : Mr.C.Muthusaravanan
For Respondent : Mr.D.Shanmugarajasetupathy

ORDER

Heard the learned counsel on either side

2.The petitioners had suffered conviction in a case arising under Section 138 of Negotiable Instrument Act before the learned Judicial Magistrate, Theni. Questioning the same, the petitioners filed an appeal in Crl.A.No.13 of 2016 before the Additional District and Sessions Judge, Theni. During the pendency of the appeal, the accused company got liquidated. Therefore, Cr.M.P.No.877 of 2019 was filed under Section 391 of Cr.P.C. The learned Appellate Judge is said to have taken a stand that the petition under Section 391 of Cr.P.C will be taken up along with main appeal. Hence, this original petition has been filed for directing the appellate Court to dispose of the petition filed under Section 391 of Cr.P.C. before pronouncing the judgment in Crl.A.No.13 of 2016.



3.As rightly pointed out by the learned counsel on either side, the issue is no more *res integra*. The Hon'ble Supreme Court in a recent decision made in Crl.A.No.184 of 2020 (***Asim @ Munmun @ Asif Abdulkarim Solanki Vs., The State of Gujarat***) dated 28.01.2020 has held that a petition filed under Section 391 of Cr.P.C should be taken up before the disposal of the main appeal. Infact, the Hon'ble Supreme Court had observed that whenever a petition under Section 391 of Cr.P.C is filed, it should be immediately heard without waiting for the appeal to be finally heard.

4.In this view of the matter, no objection can be taken for giving a direction sought for. The learned Appellate Judge is directed to dispose of Cr.M.P.No.877 of 2019 filed in Crl.A.No.13 of 2016 on merits and in accordance with law within a period of four (4) weeks from the date of receipt of a copy of this order.

5.This Criminal Original Petition is allowed on these terms. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar (CO)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

rmk

To

The Additional District and Sessions Judges, Theni.

+1 CC to Mr.C.MUTHUSARAVANAN, Advocate (SR-11834[F] dated 16/03/2020)

+1 CC to Mr.R.BASKAR, Advocate (SR-11842[F] dated 16/03/2020)

ORDER IN
Crl.O.P(MD) .No.2239 of 2020
13.03.2020

MK (17.03.2020) 2P 4C