



Crl.O.P.(MD)No.17070 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 04.10.2024

CORAM

THE HON'BLE MR.JUSTICE K.MURALI SHANKAR

Crl.O.P.(MD)No.17070 of 2024

Antony Suganth

... Petitioner

Vs.

The Deputy Commissioner of Customs (Preventive),
Customs Divisions,
Ramanathapuram.

... Respondent

PRAYER : Criminal Original Petition filed under Section 528 of BNSS, to direct the learned Additional Chief Judicial Magistrate, Madurai to expeditiously commence the trial and more particularly complete the trial in C.C.No.1929 of 2023 within the time limit stipulated by this Court.

For Petitioner : Mr.P.Vijendran

For Respondent : Mr.C.Arul Vadivel @ Sekar
Special Public Prosecutor for customs cases

ORDER

The Criminal Original Petition has been filed, invoking Section



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528 B.N.S.S., seeking orders to direct the Additional Chief Judicial Magistrate, Madurai to expedite the case in C.C.No.1929 of 2023 and dispose of the same as expeditiously as possible within a time that may be stipulated by this Court.

2. It is evident from the records that the respondent has lodged a complaint with regard to seizure of 3500 grams of gold biscuits against seven persons including the petitioner/fifth accused for the offences under Sections 135(1)(a), 135(1)(b) and 135(1)(i) of the Customs Act, 1962 and the same was taken on file in C.C.No.1929 of 2023 and is pending on the file of the Additional Chief Judicial Magistrate, Madurai.

3. The learned Special Public Prosecutor appearing for the respondent would submit that Non-Bailable Warrant is pending against fourth accused.

4. Considering the above, the respondent is directed to execute the warrant and in case of their failure to execute the warrant with reasonable time, they are at liberty to take necessary steps for splitting up the case



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with regard to the absconding accused.

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5. The fact remains that, the case was taken on file in the year 2023. The High Court has already issued Circulars to the District Judiciary directing the Courts to give priority for the cases relating to the Senior Citizens, HIV affected persons, Defence personnel, women and children etc., The petitioner, without approaching the trial Court, has directly approached this Court. In the absence of total pending particulars and the work burden of that particular Court, this Court is not inclined to give any direction to dispose of the case within the specified period of time.

6. However, the trial Court is required to give priority to the cases, as per the Circulars of the High Court. The petitioner is at liberty to approach the trial Court and if such requisition for early disposal of the case is made, the learned trial Judge is directed to consider the same, in the light of the circulars issued by this Court.

7. With the above observation and direction, this Criminal Original



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Petition stands disposed of.

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NCC : Yes / No
Index : Yes / No
Internet : Yes / No
csm

To

- 1.The Additional Chief Judicial Magistrate,
Madurai.
- 2.The Deputy Commissioner of Customs (Preventive),
Customs Divisions,
Ramanathapuram.



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K.MURALI SHANKAR,J.

csn

Order made in
Crl.O.P.(MD)No.17070 of 2024

Dated: 04.10.2024