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W.P.No.36818 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 25.07.2025

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE SUNDER MOHAN

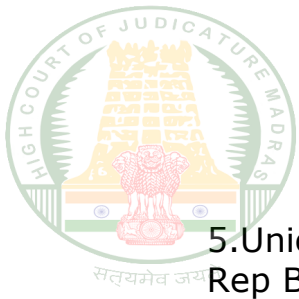
WP No.36818 of 2024

R.Subramanian
2/583, Singaravelan Road,
1st Cross Street, Chinna Neelankarai
Chennai 600 115.

Petitioner(s)

Vs

1. The State of Tamilnadu,
Rep By Chief Secretary,
Fort. St George, Chennai,
- 2.The Secretary,
Law Department,
State of Tamilnadu,
Fort St. George, Tamilnadu.
- 3.The Registrar General,
Madras High Court.
- 4.State of Tamilnadu
Rep By The Inspector of Police,
E.O.W II, Guindy,
Chennai 600 032.



W.P.No.36818 of 2024

5.Union of India,
Rep By Secretary
Ministry of Law and Justice,
New Delhi.

Respondent(s)

PRAYER: Petition filed under Article 226 of the Constitution of India seeking issuance of a writ of declaration, declaring the provisions of Order I Rule 2 (11) (a) of the Rules of the High Court Appellate Side 1965 as ultra vires and illegal and consequently strike down the same.

For Petitioner(s): Mr. R. Subramanian
Party-in-Person

For
Respondent(s): Mr.P.S.Raman
Advocate General
Assisted By Mr.A.Edwin Prabhakar
State Government Pleader
For R1 and R2

Mr.E.V.Chandru @
E.Chandrasekaran For R3

ORDER

(Order of the Court was made by the Hon'ble Sunder Mohan J.)

The petitioner, who has been convicted for the offence under Section 5 of the Tamil Nadu Protection of Interests of Depositors (In Financial Establishments) Act, 1997 (TNPID Act), and sentenced to imprisonment for twenty years, has filed this writ petition, praying for the following reliefs:



WEB COPY



W.P.No.36818 of 2024

"a) issue a writ of declaration or any other appropriate writ, order in the nature of writ to declare the Provisions of Order I Rule 2(11)(a) of the Rules of the High Court Appellate Side 1965 as ultra vires and illegal and consequently strike down the same.

b) direct the 3rd respondent to place the petitioner's Criminal Appeal 1413/2023 impugning order and judgment dated 20.11.2023 of Special Court for TNPID Act, Chennai in CC.6/2020 along with the Applications therein together with other Appeals arising out of the same order and judgment before the Bench of 2 Judges pending disposal of the petition."

2. The petitioner appeared in person and submitted:

(a) that the impugned rule is violative of Article 14 of the Constitution of India, inasmuch as it makes a distinction between life sentences and fixed-term sentences for a period of fourteen years and upwards; that life sentences for all practical purposes are construed as fourteen-year sentences; and that the rule impugned may either be struck down or modified to the effect that cases in which a sentence of death, imprisonment for life, or for a term of fourteen years or more has to be decided by a Division Bench;



W.P.No.36818 of 2024

(b) that in other High Courts, the rules are different; that in many High Courts, the appeals where a convict is sentenced to imprisonment for a term exceeding ten years are heard by a Division Bench; that in Calcutta High Court, appeals filed by convicts sentenced to imprisonment exceeding seven years are heard by a Division Bench; and

(c) that even this Court had by an administrative order directed that appeals filed under the Prevention of Money Laundering Act [PMLA], where the maximum sentence provided is seven years, be heard by a Division Bench.

3. Thus, he submitted that the impugned Rule has to be quashed or modified as stated above. In his pleadings and his written memo, he had relied upon a few judgments and quoted section 433-A of the Criminal Procedure Code, which, according to him, construed life sentences as 14 years.

4. Heard the learned counsels for the respondents and perused the counter affidavits filed by them.



W.P.No.36818 of 2024

5. There is an endorsement in the prayer portion of the affidavit that the petitioner had given up the second prayer extracted above. However, we find no order to that effect. In view of our findings below, the second prayer also deserves to be rejected.

6. The impugned Rule reads as follows:

"2. The following matters [shall] be heard and determined by a Bench of two judges-"

....

(11) Every appeal -

(a) from a judgment of a criminal Court in which sentence of death or imprisonment for life has been passed on the appellant or a person tried with him, including orders for admission of suicide appeals;"

A similar Rule in the Criminal Rules of Practice, 2019, reads as follows:

"181. Cases to be heard by Bench of two judges or more – The following classes of cases shall ordinarily be heard by a Bench of two Judges: -

(i) Every proceeding under Section 366 of the Code and every appeal from the judgment of a criminal Court in which sentence of death or imprisonment for life has been passed on the appellant or on a person tried with him.....;"



W.P.No.36818 of 2024

7. The first submission that the impugned rule violates Article 14 of the Constitution of India is based on the premise that life sentences were practically construed as 14 years. This premise is palpably wrong, though there is a general misconception that it means 14 years based on Section 433-A of the Criminal Procedure Code. Section 433-A of Cr.P.C., does not restrict the life sentence to only 14 years but only prescribes a minimum period for a person to be eligible for remission. It is trite that imprisonment for life is imprisonment for the whole of the remaining period of the convicted person's natural life. This view was reiterated by the Hon'ble Supreme Court in **Arjun Jadav vs State of West Bengal and others** reported in **(2014) 15 SCC 426**. Therefore, the submission that the impugned Rule, by which appeals filed by convicts facing imprisonment for 20 years are heard by a Single Judge and appeals filed by convicts facing a 14 year sentence are heard by a Division Bench is violative of Article 14 of the Constitution of India, is misconceived and flawed.



W.P.No.36818 of 2024

8. The second submission that different High Courts have different rules and that in certain High Courts appeals of convicts facing 10/7 years are heard by a Division Bench and hence, this Court has to modify the Rule to hear fixed sentences above 14 years is also misconceived. The submission is in the nature of a suggestion and does not state as to why the impugned Rule should be struck down or modified.

9. It is well established that a convict is provided a substantive right of appeal. The Forum, namely the High Court, has also been specified. There is no right whatsoever conferred to a litigant to specify the quorum of the forum.

10. Therefore, this Court finds that the instant petition, besides being misconceived, is frivolous. Accordingly, the petition is dismissed. There shall be no order as to costs.

(MANINDRA MOHAN SHRIVASTAVA, CJ)
25.07.2025

(SUNDER MOHAN,J)

Neutral Citation : Yes/No
ars/dk



WEB COPY



W.P.No.36818 of 2024

THE HON'BLE CHIEF JUSTICE
AND
SUNDER MOHAN,J.

ars

To:

1. The Chief Secretary,
State of Tamilnadu,
Fort. St George, Chennai,

2.The Secretary,
Law Department,
State of Tamilnadu,
Fort St. George, Tamilnadu.

3.The Registrar General,
Madras High Court.

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WP No.36818 of 2024

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