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CrI.O.P.No.27841 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 23.01.2025

Coram:

THE HONOURABLE MR. JUSTICE P.VELMURUGAN

CrI.O.P.No.27841 of 2024

A.Elumalai

... Petitioner

Vs.

1. The State Rep. by

Inspector of Police (Law & Order)

E-3, Minjur Police Station, Minjur - 601 203

Tiruvallur District

2. Kuppusamy Naidu

(R2 impleaded as per order dated 4.12.24

in CrI.M.P.No.17171/2024 in CrI.O.P.No.27841/2024

... Respondents

Prayer: Criminal Original Petition filed under Section 528 of B.N.S.S. seeking direction to the learned Judicial Magistrate No.II, Ponneri as to expedite C.C.No.180 of 2022 pending on the file of the Court of Judicial Magistrate -II, Ponneri, Tiruvallur District and dispose of the same as early as possible.

For Petitioner : Mr.B.Dayalan

For 1st Respondent : Mr.S.Vinoth Kumar

Government Advocate (CrI. Side)

For 2nd Respondent : Mr.S.Kaithamalai Kumaran



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ORDER

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This Criminal Original Petition has been filed by the petitioner to direct the learned Judicial Magistrate No.II, Ponneri to expedite the trial in C.C.No.180 of 2022 pending on the file of the Court of Judicial Magistrate -II, Ponneri, Tiruvallur District and dispose of the same as early as possible.

2. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. Side) appearing for the 1st respondent and also perused the materials available on record.

3. Since no adverse order is being passed against the 2nd respondent, notice to the 2nd respondent is dispensed with.

4. It would be appropriate to note that since thousands of cases are pending in the Courts and the litigants are awaiting in a long queue, the Hon'ble Supreme Court in the case of ***Sangram Sadashiv Suryavanshi Vs. The State of Maharashtra*** in ***Criminal Appeal No.4758 of 2024*** dated ***25.11.2024*** has observed that the High Courts are fixing a time-bound schedule



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for conclusion of the trials in a routine manner despite the decisions of the

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Constitution Bench of the Supreme Court in the case of ***High Court Bar Association, Allahabad vs. State of Uttar Pradesh reported in (2024) 6 SCC***

267, which reads as under:

"47.3. constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the disposal of cases pending before any other courts. Constitutional courts may issue directions for the time-bound disposal of cases only in exceptional circumstances. The issue of prioritising the disposal of cases should be best left to the decision of the courts concerned where the cases are pending."

5. In view of the above decisions of the Hon'ble Supreme Court, this Court cannot stipulate any time frame to the trial Court to dispose of the C.C.

6. However, the trial Court is directed to dispose of the case in C.C.No.180 of 2022 as early as possible as per the roster.

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7. With the above directions, this Criminal Original Petition is disposed

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of.

23.01.2025

Index : Yes / No

Speaking Order : Yes / No

Neutral Citation Case : Yes/No

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To

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1. The Judicial Magistrate -II, Ponneri, Tiruvallur
2. The Inspector of Police (Law & Order)
E-3, Minjur Police Station, Minjur - 601 203
Tiruvallur District
3. The Public Prosecutor
High Court of Madras



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P.VELMURUGAN. J.

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