

CRL OP(MD) NO. 1433 of 2



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 14-02-2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

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CRL OP(MD) NO. 1433 of 2025

A.Muthukrishnan

S/o.Arumugam, Office of the Directorate of Town and Country
Planning, No.24/11, V.O.C. Colony, Round Road,
Dindigul-624 005.

Petitioner(s)

Vs

The State of Tamil Nadu

Rep by The Inspector of Police, Vigilance and Anti-Corruption,
Dindigul.

Respondent(s)

PRAYER: This criminal original petition is filed under Section 528 of BNSS to direct the Chief Judicial Magistrate, Dindigul to expedite the trial and to conclude the calendar case in SplCC.No.1 of 2022 within a stipulated period in accordance with law.

For Petitioner(s): Mr.D.Shanmugaraja Sethupathi

For Respondent(s): Mr.T.Senthil Kumar,
Additional Public Prosecutor

ORDER

The petitioner is an accused in SplCCNo.1 of 2022. He has approached this Court seeking a direction to the trial Court to conclude the trial in SplCCNo.1 of 2022 within a stipulated time.

2.The learned Counsel for the petitioner submits that apart from this criminal prosecution, the petitioner is also facing disciplinary proceedings. In the disciplinary proceedings, the



enquiry officer is proceeding with the enquiry without considering the criminal case pending before the Special Court. Therefore the petitioner has filed a writ petition in WP(MD)No.20259 of 2024 before this Court for a direction to restrain the department from holding the disciplinary proceedings, till the conclusion of the criminal case and this Court has granted an order of interim stay on 23.08.2024. The case in Crime No.01 of 2021 was registered on 07.01.2021 and final report was filed on 22.02.2022. In view of the pendency of the criminal case, the petitioner is under suspension and drawing the subsistence allowance alone. Therefore, the learned Counsel prayed that a direction may be issued to the trial court to conclude the trial within a stipulated time.

3.The learned Additional Public Prosecutor appearing for the respondent submits the petitioner is an Assistant Director of Town and Country Planning. He received a sum of Rs.1,00,000/- to approve an unapproved layout and he was trapped in the presence of independent witnesses. The trial in this case could not be proceeded, since the trial is pending in the cases from year 2000. He further submits that this petitioner filed a discharge petition in CrIIMP.No.5718 of 2022 and the same was dismissed on 17.10.2022 and he also filed CrIIMP.Nos. 4769 and 4770 of 2023 seeking certain documents and those petitions were dismissed on 09.06.2023.

4.He further submits that it is not only this petitioner, most of the accused in the cases registered by the Vigilance and Anti Corruption Department are filing miscellaneous applications one after the other before the trial court and therefore the trial court is made to spend the whole time for disposing of such miscellaneous applications rather than

concentrating in the trial. Therefore the trial before the Chief Judicial Magistrate Court/ the Special Court to deal with the Cases under the Prevention of Corruption Act Dindigul



is pending from the year 2014. He has also furnished the details about the cases pending before the Chief Judicial Magistrate from the year 2014.

5. This Court considered the rival submissions made.

6. From the report filed by the learned Additional Public Prosecutor, it appears that the trial court is discharging its duty diligently and is proceeding with trial in the cases upto the year 2021. The case of this petitioner is of the year 2022 and therefore, it will be taken in the near future.

7. The Courts are expected to take up the matters only on chronological basis. Priority cannot be given for a particular accused without any valid and compelling reason. The reason projected by the petitioner for giving priority to his case is not acceptable and therefore, this Court is not inclined to entertain this petition. Accordingly this petition is dismissed, however, with a direction to the learned Special Judge / Chief Judicial Magistrate, Dindigul to conclude the trial in SplCC No.1 of 2022 as expeditiously as possible after completing the other pending trials.

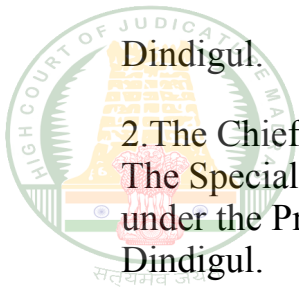
14-02-2025

DSK

To

<https://www.mhc.tn.gov.in/judis>

1. The State of Tamil Nadu
Rep by The Inspector of Police,
Vigilance and Anti-Corruption,



Dindigul.

2. The Chief Judicial Magistrate/
The Special Judge to deal with cases
under the Prevention of Corruption Act Cases,
Dindigul.



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3. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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B.PUGALENDHI.J

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