



Crl.O.P.(MD)No.2502 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED :10.02.2025

CORAM :

THE HON'BLE MR.JUSTICE P. DHANABAL

Crl.O.P.(MD)No.2502 of 2025

R.Vallinayagam

... Petitioner

Vs.

K.Balachandran

... Respondent

Prayer : Criminal Original Petition filed under Section 528 of BNSS to direct the Principal District and Sessions Judge, Nagercoil to dispose the Crl.A.No.119 of 2023 on the file of the Principal District and Sessions Judge, Nagercoil

For Petitioner : Mr.R.Murugan

For Respondent :

ORDER

This Criminal Original Petition has been filed direct the Principal District and Sessions Judge, Nagercoil to dispose the Crl.A.No.119 of 2023 on the file of the Principal District and Sessions Judge, Nagercoil.



Crl.O.P.(MD)No.2502 of 2025

WEB COPY

2. According to the petitioner, he is the complainant in a cheque case in STC.No.172 of 2020 on the file of Judicial Magistrate, Fast Track Court, (Magistrate Level) Nagercoil. He filed a complaint under section 138 of Negotiable Instruments Act, 1881, as against the respondent herein and his wife. Thereafter, the wife of the respondent filed a petition seeking to quash the complaint as against her in Crl.O.P.(MD).No.16714 of 2022, and the same was allowed by this Court on 25.11.2022. After an elaborate trial, the case was ended with conviction and the trial court directed the respondent to pay compensation of Rs.15,00,000/- and sentenced to undergo simple imprisonment of one year and to pay the said compensation within a period of six months, in default to undergo further simple imprisonment of two months. Aggrieved by the said order the respondent herein has preferred an appeal and the same is pending before the Principal District and Sessions Judge, Nagercoil in Crl.A.No.119 of 2023. The said appeal was adjourned periodically without any progress. Therefore, he prayed to direct the Principal District and Sessions Judge, Nagercoil to expedite the trial and dispose the said appeal.



Crl.O.P.(MD)No.2502 of 2025

3. Considering the limited scope of prayer sought for in this petition, this Court without issuing notice to the respondent, inclined to pass orders in this petition.

4. According to the petitioner, he is the complainant in the cheque case and filed a complaint as against the respondent herein and the same was ended in favour of the petitioner and the trial Court convicted the accused and directed the respondent to pay compensation of Rs.15,00,000/- and sentenced to undergo simple imprisonment of one year and to pay the said compensation within a period of six months, in default to undergo further simple imprisonment of two months. While so, the respondent filed appeal in Crl.A.No.119 of 2023 and the same is pending before the learned Principal District and Sessions Judge, Nagercoil for adjudication. This Court also perused the materials available on record and seen that the said appeal is pending from 03.04.2024 and periodically adjourned. This Court cannot direct the trial Court to complete the trial within a specific time period in all cases in a routine manner. However, in appropriate cases, this Court can direct the trial courts to dispose the cases within stipulated time.



Crl.O.P.(MD)No.2502 of 2025

5. Considering the long pendency of the said appeal, this Court is of the view that it is appropriate to direct the learned Principal District and Sessions Judge, Nagercoil to dispose the Crl.A.No.119 of 2023 as early as possible without giving any long adjournments and preferably within a period of six months from the date of receipt of copy of this order.

6. With the above said observations and directions, this Criminal Original Petition stands allowed.

10.02.2025

NCC : Yes / No

Index : Yes / No

Internet : Yes

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Crl.O.P.(MD)No.2502 of 2025

To

The Principal District and Sessions Judge,
Nagercoil



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CrI.O.P.(MD)No.2502 of 2025

P. DHANABAL, J.,

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CrI.O.P.(MD)No.2502 of 2025

10.02.2025