

CrI.O.P.(MD)No.7637 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.04.2025

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THE HONOURABLE MR. JUSTICE B.PUGALENDHI

CrI.O.P.(MD)No.7637 of 2025

T.Ganeshan

... Petitioner

versus

The State Rep. By its
The Superintendent of Police,
Central Bureau of Investigation,
Chennai – 600 006.

... Respondent

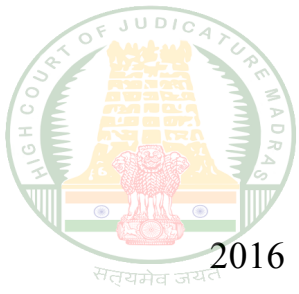
Petition filed under Section 528 of BNSS, seeking a direction to the trial Court to expedite C.C.No.3 of 2016 on the file of the learned II Additional District Judge (CBI Cases), Madurai, within a stipulated period fixed by this Court.

For Petitioner : Mr.J.Jeyakumaran

For Respondent : Mr.C.Muthu Saravanan,
Special Public Prosecutor for
CBI Cases

ORDER

The petitioner is a former Chief Manager in the Oriental Bank of Commerce. He was prosecuted by the respondent Police in C.C.No.3 of



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2016 before the learned II Additional District Judge (CBI Cases), Madurai, for the offence under Sections 120(b) r/w. 420, 409, 468 and 471 IPC and Section 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988. Now, the petitioner has approached this Court with a grievance that the final report was filed in the year 2016 and the same was taken on file in the year 2016 itself, but, the trial has not been concluded for the past nine years. He further claims that though he is attending the Court regularly, the trial Court is not paying any attention for this case. Therefore, he sought for a direction to the trial Court to conclude the trial in C.C.No.3 of 2016 within a stipulated time.

2. Mr.C.Muthu Saravanan, learned Special Public Prosecutor for CBI Cases, takes notice for the respondent and submits that though the final report was filed in the year 2016, they have filed a supplementary charge sheet on 16.11.2020. According to him, there are totally 11 accused in this case and the accused, by filing several interlocutory applications, delayed the process of framing the charges. The charges were framed on 11.01.2017. Thereafter, the 4th accused absconded and



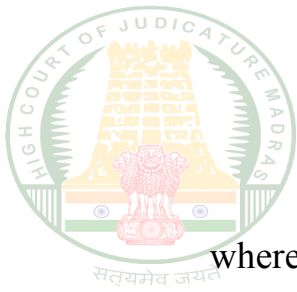
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therefore, a Non-Bailable Warrant was issued as against the 4th accused.

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The accused Nos.6 and 7 have also died in the year 2018. After the filing of the supplementary charge sheet on 16.11.2020, additional charges were framed on 26.11.2021. P.W.1 was examined from 15.02.2019 to 13.03.2019. P.W.2 was examined in chief on 24.05.2019, however, he was cross examined only on 07.05.2024. The petitioner has cross examined P.W.2 only on 24.12.2024 by recalling him. The learned Special Public Prosecutor further submits that P.W.3 was examined in chief on 14.10.2022 and he was cross examined by the 1st accused on 03.01.2023. This is how the accused are delaying the process of trial. Therefore, it is very difficult for the trial Court to conclude the trial.

3. The learned Special Public Prosecutor further submits that directions were already issued in 18 other cases and therefore, the trial Court is constrained to give priority to those cases, where directions were issued. The learned counsel has also relied on the Judgment of the Hon'ble Constitution Bench, reported in **(2024) 6 SCC 267 (High Court Bar Association, Allahabad vs. State of Uttar Pradesh and others)**,



wherein, the Hon'ble Supreme Court has held as under:

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“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.”

Therefore, according to the learned Special Public Prosecutor, if any time is stipulated, other cases would not be taken up for hearing.

4. This Court considered the rival submissions made.

5. Admittedly, the charge sheet was filed in the year 2016 and it was also taken on file in the year 2016 itself. It appears that there are 53 witnesses. Out of 53 witnesses, the trial Court has examined only P.W.1 to P.W.4 and the remaining witnesses are yet to be examined. In the event, if the trial is progressed in such a manner, then, the trial Court may consume another 10 years for completing the entire prosecution case.



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This Court is not inclined to issue any direction in view of the direction issued by the Hon'ble Supreme Court as cited above. At the same time, it is the duty and responsibility of the trial Court to conclude the cases on chronological basis and give priority to other cases. Admittedly, this case is of the year 2016 and priority has to be given to old year cases. Therefore, this Court expects that the trial Court would give priority on chronological basis and conclude the case without any further delay.

6. Accordingly, this Criminal Original Petition is disposed of.

29.04.2025

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NCC : Yes / No.

Index : Yes / No.

Internet: Yes / No.

To

1. The II Additional District Judge (CBI Cases)
Madurai.

2. The Superintendent of Police,
Central Bureau of Investigation,
Chennai – 600 006.

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B.PUGALENDHI, J.

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