



Crl.OP(MD)No.12531 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED : 25.07.2025

CORAM:

THE HONOURABLE MR.JUSTICE **B.PUGALENDHI**

Crl.OP(MD)No.12531 of 2025

Rajkumar

: Petitioner

Vs.

State of Tamilnadu,
Rep. by the Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
Cr.No.109 of 2017

: Respondent

PRAYER: Petition filed under Section 528 BNSS [482 CrPC] for speedy trial in CC.No.5 of 2021 on the file of the learned Additional District Judge, Special Court for NDPS Act Cases, Pudukottai, in connection with Crime No.109 of 2017 on the file of the respondent Police.

For Petitioner : Mr.J.Vijayaraja

For Respondent : Mr.A.S.Abul Kalaam Azad,
Government Advocate (Crl. Side)



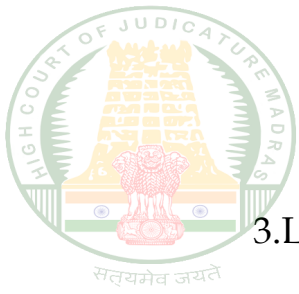
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ORDER

The petitioner is the third accused in Crime No.109 of 2017, registered for offences under Sections 8(c), 20(b)(ii)(B), 27A and 29(1) of the Narcotic Drugs and Psychotropic Substances Act, 1985, on the file of the respondent Police. After investigation, the case has been charge sheeted and now pending in CC.No.5 of 2021 before the Special Court for NDPS Act Cases, Pudukottai. He has filed this petition seeking a direction to the trial Court to conclude the trial within a stipulated time frame.

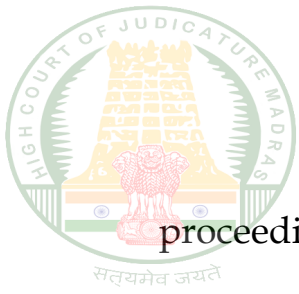
2.The grievance of the petitioner is that, although the case was registered in 2017, the charge sheet was filed only in 2021. Even after that, there has been no proper progress in the trial. To support this, he has enclosed a 'B' Diary extract dated 26.06.2025, claiming that charges have not been framed and that the case is simply being adjourned for "issue of steps."



3.Learned Government Advocate (Crl. Side), however, has produced another 'B' Diary extract dated 25.04.2022, which shows that the petitioner was absconding for some time and that a non-bailable warrant had been issued against him. This is an important fact that has been completely left out of the petition. Instead, the petitioner has given a later extract that leaves out these earlier events, thereby giving a false impression that the trial Court has done nothing.

4.Even the extract dated 26.06.2025, filed by the petitioner himself, shows that summons were issued to bring the second accused and LW8, and that seven witnesses have already been examined. This clearly proves that the trial has started and is progressing.

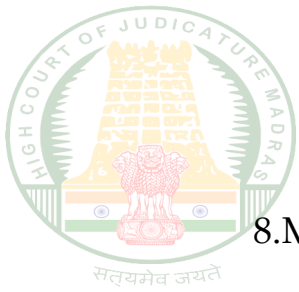
5.When this Court pointed out the serious defects in the petition, ie., the lack of proper particulars and the suppression of important facts, the learned Counsel for the petitioner made no attempt to explain or correct them. Instead, he went on to argue in a persistent manner, ignoring the Court's observations and showing disregard for the decorum of the



proceedings. Such conduct from an Advocate, who as an officer of the Court is expected to set an example of fairness, restraint, and respect, is unacceptable. In fact, such conduct does not aid the Court in addressing the merits of the matter, and instead diverts attention from the substance of the case to the impropriety of its presentation. This is wholly unhelpful to the client and unacceptable in the discharge of professional duties.

6.It must be remembered that while parties may sometimes fail to give full or accurate details, the Advocate has the responsibility to collect, verify, and present all relevant facts in a truthful and complete manner. The duty of an Advocate is not only to represent the client but also to assist the Court in arriving at a fair and correct decision. Suppressing facts or filing incomplete pleadings goes directly against this duty and undermines the justice system.

7.In this case, the way the petition was prepared and the manner in which it was argued show a clear failure to meet these professional obligations. This Court cannot approve of such an approach.



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8. Moreover, the Constitution Bench of the Hon'ble Supreme Court in

High Court Bar Association, Allahabad v. State of U.P. and Others [(2024)

2 SCR 946] has held that constitutional Courts should normally refrain from fixing a time-bound schedule for disposal of cases pending before any court, unless the circumstances so warrant. The relevant portion is extracted as under:-

"32. Therefore, constitutional Courts should not normally fix a time-bound schedule for disposal of cases pending in any Court. The pattern of pendency of various categories of cases pending in every Court, including High Courts, is different. The situation at the grassroots level is better known to the judges of the concerned Courts. Therefore, the issue of giving out-of turn priority to certain cases should be best left to the concerned Courts. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations."

For the reasons aforesaid, this Court is not inclined to entertain this petition. Accordingly, this criminal original petition is dismissed.

Internet : Yes
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B.PUGALENDHI, J.

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To

- 1.The Inspector of Police,
Poovanthi Police Station,
Sivagangai District.
- 2.The Additional District Judge,
Special Court for NDPS Act Cases,
Pudukottai.
- 3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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