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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 12.08.2025

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THE HONOURABLE MR JUSTICE B.PUGALENDHI

Crl.O.P.(MD)Nos.13318 and 13320 of 2025

Crl.O.P.(MD)No.13318 of 2025

Subbammal

W/o.P.Nainar

Through his Power Agent

N.Shankar Ganesh

S/o.P.Nainar,

No.5/41, Caldwell Colony 1st Street,

Thoothukudi

...Petitioner

-Vs-

1.Bharat Marines Company India Pvt. Ltd.,

Through its Director,

T.Selvakumar

No.107/93D/23A, Rajagopal Nagar West,

2nd street, Thoothukudi-8.

2.T.Selvakumar

3.Sweetlin

...Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS 2023, to direct the I Additional District and Sessions Court, Tuticorin to expeditiously dispose of Crl.A.No.46 of 2023 within the time frame as may be stipulated by this Court.



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For Petitioner : Mr.C.Mayil Vahana Rajendran

Crl.O.P.(MD)No.13320 of 2025

Bala Enterprises through its Proprietor,
P.Nainar
S/o.Ponnaiah
No.5/41, Caldwell Colony 1st Street,
Thoothukudi,
Through his Power Agent
N.Shankar Ganesh
S/o.P.Nainar,
No.5/41, Caldwell Colony 1st Street,
Thoothukudi

...Petitioner

-Vs-

1.Daniel and Samuel Logistics Pvt. Ltd.,
Through its Director,
T.Selvakumar
No.107/93D/23A, Rajagopal Nagar West,
2nd street, Thoothukudi-8.

2.T.Selvakumar

3.Sweetlin

...Respondents

Prayer: Criminal Original Petition is filed under Section 528 of BNSS 2023, to direct the I Additional District and Sessions Court, Tuticorin to expeditiously dispose of Crl.A.No.48 of 2023 within the time frame as may be stipulated by this Court.

For Petitioner : Mr.C.Mayil Vahana Rajendran

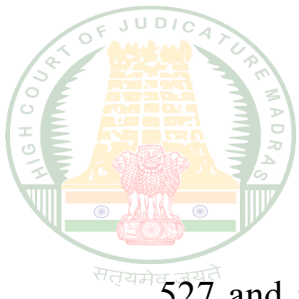


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COMMON ORDER

The petitioners have filed these petitions seeking a direction to the I Additional District and Sessions Judge, Tuticorin to conclude the criminal appeals in Crl.A.Nos.46 and 48 of 2023 within a time stipulated by this Court.

2. The grievance of the petitioners is that the petitioners as complainants have lodged private complaints as against the respondents for the offence punishable under Section 138 NI Act before the learned Judicial Magistrate, Fast Track Court (Magistrate Level), Tuticorin in C.C.Nos.232 and 233 of 2023. The respondents have dragged the proceedings for nearly 9 years and finally the cases were ended in conviction by a judgment of the trial Court dated 14.02.2023. As against the judgments of the trial Court in C.C.Nos.232 and 233 of 2023, the respondents have preferred the appeals in Crl.A.Nos.46 and 48 of 2023 before the District and Sessions Court, Tuticorin. They have also filed the applications for suspending the sentence pending the appeals in Crl.M.P.Nos. 1658 and 1664 of 2023 and the same was allowed by an order dated 15.03.2023 on condition that the respondents shall deposit 20% of the compensation amount. Challenging the orders in Crl.M.P.Nos.1658 and 1664 of 2023, the respondents have filed the criminal revisions before this Court in Crl.R.C.Nos.

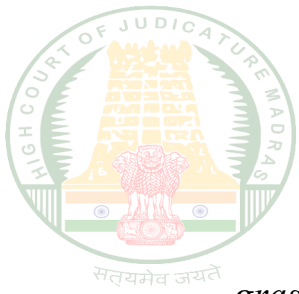


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527 and 525 of 2023. Pending the criminal revisions, this Court, by its order dated 18.05.2023 in CrI.M.P.(MD)Nos.7482 and 7478 of 2023 has modified the condition imposed by the First Appellate Court in the suspension applications and directed the respondents to deposit 20% of the cheque amount within a period of four weeks. Taking advantage of the pendency of the Criminal Revisions before this Court, the respondents are delaying the proceedings of the criminal appeals. Therefore, in this exordinary circumstances, the petitioners have filed these petitions seeking a direction to the I Additional District and Sessions Judge, Tuticorin, to conclude the proceedings in CrI.A.Nos.46 and 48 of 2023.

3. 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



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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.”

4. Therefore, this Court is not inclined to entertain these petitions. However, since it is reported that the respondents have repeatedly sought time by referencing the criminal revisions pending before this Court, this Court is inclined to issue a direction to the learned I Additional District and Sessions Judge, Tuticorin to conclude the appeals in CrI.A.Nos.46 and 48 of 2023 as expeditiously as possible. Furthermore, the pendency of the criminal revisions challenging the order of interim suspension shall not be an impediment for the Appellate Court to decide the appeals.

5. With the above direction, these Criminal Original Petitions are disposed of.

12.08.2025

NCC : Yes/No
Index : Yes/No
Internet : Yes/No
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B.PUGALENDHI, J.

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To
The I Additional District and Sessions Judge,
Tuticorin.

Crl.O.P.(MD)Nos.13318 and 13320 of 2025

12.08.2025