



Crl.O.P.(MD)Nos.16136, 16144, 16148 and 16181 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 24.09.2025

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THE HONOURABLE MR.JUSTICE SUNDER MOHAN

Crl.O.P.(MD).Nos.16136, 16144, 16148 and 16181 of 2025

Crl.O.P.(MD).No.16136 of 2025

S.Kannan

... Petitioner/Complainant

Vs.

Aswini

... Respondent/Accused

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Fast Track Judicial Magistrate No.II, Madurai to expedite the trial of the petitioner's complaint in S.T.C.No.245 of 2024.

Crl.O.P.(MD).No.16144 of 2025

S.Kannan

... Petitioner/Complainant

Vs.

Swaroop

... Respondent/Accused

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Fast Track Judicial Magistrate No.II, Madurai to expedite the trial of the petitioner's complaint in S.T.C.No.247 of 2024.



Crl.O.P.(MD)Nos.16136, 16144, 16148 and 16181 of 2025

Crl.O.P.(MD).No.16148 of 2025

M/s.Laxmi Agency,
partnership concerned represented
by its Partner S.Kannan.

... Petitioner/Complainant

Vs.

1.Dispo Concept Private Limited,
a Company Registered Under the
Indian Companies Act, and

(a) Having Registered Office at
No.103, 1st Floor, Siddalingeshwara Complex,
Kepapura Road, Srinandi Nagar,
Chikkaba, Navara, Bengaluru 560 090,
Karnataka.

(b) Having its main place of business at
No.S/N-49/6, Chandana Complex, Ex-Giriyappa Road,
Pipe Line Road, Kumbarahalli,
Bengaluru 560 090,
Karnataka.

2.Hagaduru Chandrappa Gowda Prakash

3.Hagaduru Chandrappa Gowda Praveena

... Respondents/Accused

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023,
to direct the Fast Track Judicial Magistrate No.II, Madurai to expedite the trial
of the petitioner's complaint in S.T.C.No.242 of 2024.

Crl.O.P.(MD).No.16181 of 2025

M/s.Laxmi Agency,
partnership concerned represented
by its Partner S.Kannan.

... Petitioner/Complainant



Crl.O.P.(MD)Nos.16136, 16144, 16148 and 16181 of 2025

Vs.

1.Dispo Concept Private Limited,
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(a) Having Registered Office at
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Pipe Line Road, Kumbarahalli,
Bengaluru 560 090,
Karnataka.

2.Hagaduru Chandrappa Gowda Prakash

3.Hagaduru Chandrappa Gowda Praveena ... Respondents/Accused

Prayer: Criminal Original Petition is filed under Section 528 of BNSS, 2023, to direct the Fast Track Judicial Magistrate No.II, Madurai to expedite the trial of the petitioner's complaint in S.T.C.No.253 of 2024.

For Petitioner : Mr.V.Kannan
(in all cases)

COMMON ORDER

In all these cases, the petitioner/complainant has sought for a direction to the learned Magistrate to dispose of the trial in expeditious manner.



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2. The petitioner has filed complaints under Section 138 of the Negotiable Instruments Act against different respondents and would state that though the complaints were filed in the year 2024, there is no progress in the trial; that the petitioner has lost huge sums of money; and that unless a direction is issued to the learned Magistrate for expeditious disposal of the trial, the petitioner would be put to irreparable loss.

3. To a specific query as to whether complaints filed before complaint of the petitioner are pending before the learned Magistrate, the learned counsel for the petitioner had no answer. Though the Negotiable Instruments Act provides for a time limit to complete the trial for the offence under Section 138 of the Act, it is a matter of common knowledge that the Trial Courts are unable to comply with the said statutory direction as there are several cases pending before the learned Magistrates for several years. It appears that the petitioner had financial transactions with various individuals and had filed several complaints against them, who had dishonored the cheques issued by them. The petitioner has sought for out of turn priority for disposal of the trial only because the cheque amounts are huge. This Court is of the view that out of turn priority cannot be given only for that reason.



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4. The Hon'ble Supreme Court in the case of ***High Court Bar Association, Allahabad Vs. State of Uttar Pradesh and others*** reported in ***(2024) 6 SCC 267*** had held as follows:

"41. Apart from dealing with huge arrears, our trial courts face the challenge of dealing with a large number of cases made time-bound by our constitutional courts. Therefore, in the ordinary course, the constitutional courts should not exercise the power to direct the disposal of a case before any District or trial court within a time span. In many cases, while rejecting a bail petition, a time-limit is fixed for disposal of trial on the ground that the petitioner has undergone incarceration for a long time without realising that the trial court concerned may have many pending cases where the accused are in jail for a longer period. The same logic will apply to the cases pending before the High Courts. When we exercise such power of directing High Courts to decide cases in a time-bound manner, we are not aware of the exact position of pendency of old cases in the said courts, which require priority to be given. Bail petitions remain pending for a long time. There are appeals against conviction pending where the appellants have been denied bail.

42. 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 courts concerned. Therefore, the issue of giving out-of-turn priority to certain cases should be best left to the courts concerned. The orders fixing the outer limit for the disposal of cases should be passed only in exceptional circumstances to meet extraordinary situations.

43. There is another important reason for adopting the said approach. Not every litigant can easily afford to file proceedings in the constitutional courts. Those litigants who can afford to approach the constitutional courts cannot be allowed to take undue advantage by getting an order directing out-of-turn disposal of their cases while all other litigants patiently wait in the queue for their turn to come. The courts, superior in the judicial hierarchy, cannot interfere with the day-to-day functioning of the other courts by directing that only certain cases should be decided out of turn within a time-frame. In a sense, no court of law is inferior to the other. This Court is not superior to the High Courts in the judicial hierarchy. Therefore, the Judges of the High Courts should be allowed to set their priorities on a rational basis. Thus, as far as setting the outer limit is concerned, it should be best left to the courts concerned unless there are very extraordinary circumstances."



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5. In view of the above dictum of the Hon'ble Supreme Court, this Court finds no reason to fix outer limit for disposal of the cases as the petitioner has not made out an exceptional case warranting such a direction. Accordingly, the Criminal Original Petitions are dismissed.

24.09.2025

NCC : Yes / No
Index : Yes / No
Internet : Yes/ No
Lm

To
The Fast Track Judicial Magistrate Court No.II,
Madurai.



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SUNDER MOHAN, J.

Lm

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