



WEB COPY

CRL OP No. 6065 of 2



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 09.03.2026

CORAM

THE HON'BLE MR. JUSTICE M.NIRMAL KUMAR

CRL OP No. 6065 of 2026

Mohanasundaram

..Petitioner(s)

Vs

State Represented by
The Inspector of Police,
Kondalampatti Police Station,
Salem city.

..Respondent(s)

Criminal Original Petition is filed under Section 528 of B.N.S.S., to issue a direction to the learned Judicial Magistrate No.V, Salem to complete the trial in C.C.No.178 of 2021 within the time stipulated by this Court.

For Petitioner(s): Mr.B.Manikandan

For Respondent(s): Mr.Leonard Arul Jospeh Selvam,
Additional Public Prosecutor

ORDER

This Criminal Original Petition has been filed seeking expeditious disposal of C.C.No.178 of 2021 pending on the file of the learned Judicial Magistrate No.V, Salem, arising out of the FIR in Crime No.336 of 2020.



2. The case of the petitioner is that based on the complaint lodged by the de facto complainant, a case in Crime No.336 of 2020 was registered by the respondent for the offences punishable under Sections 279 and 304(A) of IPC. Thereafter, the respondent filed the final report and the case was taken on file as C.C.No.178 of 2021 on the file of the learned Judicial Magistrate No.V, Salem. Even after the lapse of five years, the trial has not been proceeded any further, necessitating the filing of the present petition.

3. The learned counsel for the petitioner submitted that the case pertains to the year 2020 and there has been no progress in the trial, despite the filing of the final report in the year 2021.

4. The learned Additional Public Prosecutor appearing for the respondent submitted that there are 14 witnesses in this case, out of whom, 13 witnesses have already been examined, except L.W.14, who is the Investigating Officer and is still in service. The case now stands posted for examination of L.W.14 on 30.03.2026.

5. It is pertinent to state that a Constitution Bench of the Supreme Court, in the case of *High Court Bar Association, Allahabad vs. State of Uttar Pradesh* reported in (2024) 6 SCC 267, has held that the constitutional courts, in the ordinary course, should refrain from fixing a time-bound schedule for the



disposal of cases pending before any other court. The relevant portion of the said decision for the sake of ready reference is reproduced below:

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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."

(emphasis supplied by this Court).

6. It has also been held in the aforesaid extracted portion that in exceptional circumstances, constitutional courts may issue directions for time bound disposal of cases.

7. Considering the facts and circumstances of this case and also considering that the case which arises out of the FIR of the year 2020, is of the year 2021 and the same has been pending for the past five years, this Court directs the learned Judicial Magistrate No.V, Salem, to dispose of the case in C.C.No.178 of 2021, as expeditiously as possible, preferably within a period of two months from 30.03.2026, i.e., the next date of hearing.



8. With the above direction, this criminal original petition stands disposed

of.

09.03.2026

Index: Yes/No

Speaking/Non-speaking order

Neutral Citation: Yes/No

VKR

To

1.The Judicial Magistrate No.V, Salem.

2.The Inspector of Police,
Kondalampatti Police Station,
Salem city.

3.The Public Prosecutor,
High Court of Madras.



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M.NIRMAL KUMAR, J.

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