

2022 LiveLaw (SC) 298

IN THE SUPREME COURT OF INDIA

DINESH MAHESHWARI; VIKRAM NATH, JJ.

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 30839/2021; 11-03-2022
M. GOPALAKRISHNAN & ORS. VERSUS PASUMPON MUTHURAMALINGAM & ANR.

Practice and Procedure - Ordinarily, before passing any order for expeditious proceedings in a particular case, it would be appropriate for the higher Court to appreciate that any such order for one case, without cogent and extremely compelling reasons, might upset the calendar and schedule of the subordinate Court; might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court; and progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein. Moreover, such petitions, even when moved before the higher Court, need to be examined from all angles. (Para 4,5)

(Arising out of impugned final judgment and order dated 20-04-2021 in CRLOP(MD) No. 5650/2021 passed by the High Court Of Judicature At Madras At Madurai)

For Petitioner(s) Mr. C.R. Jaya Sukin, Adv. Ms. Divya Mishra, Adv. Ms. Smita Pandey, Adv. Mr. Abhinav Kumar Srivastava, Adv. Mr. Narender Kumar Verma, AOR

ORDER

In the impugned order dated 20th April, 2021 in CrI.O.P. (MD) No. 5650 of 2021, the Madurai Bench of High Court of Madras has issued directions that the Trial Court shall expedite the proceedings in S.C. No. 627 of 2017 and conclude the trial within six months.

Though the impugned order appears to be an innocuous one but, was passed at the instance of the complainant and without notice to the accused.

Now, the accused seeks to question the said order before us, inter alia, with the submissions that he was not made a party in the petition filed before the High Court by the complainant and was never heard by the High Court; and that various petitions filed against the order declining discharge, including CrI. R.C.(MD) No. 214 of 2021, are pending in the High Court.

Looking to the nature of the order passed by the High Court, we are not inclined to grant leave to appeal in this matter but feel impelled to observe that ordinarily, before passing any such order for expeditious proceedings in a particular case (which might appear to be rather of innocuous nature), it would be appropriate for the higher Court to appreciate that any such order for one case, without cogent and extremely compelling reasons, might upset the calendar and schedule of the subordinate Court; might result in assigning an unwarranted priority to that particular case over and above other cases pending in that Court; and progression of such other cases might suffer for no reason and none of the faults of the litigants involved therein.

Moreover, such petitions, even when moved before the higher Court, need to be examined from all angles. It has transpired in the present matter that the said petition was filed by the complainant without even joining the accused persons as parties and the High Court had passed the impugned order while being not informed of the other relevant facts, including pendency of the revision petitions in the same High Court, as filed by the accused persons.

Having said so, we refrain from entertaining this petition lest there be other complications in the trial or in the pending matters but, it goes without saying that the said petitions, if pending in the High Court also deserve to be taken up for consideration expeditiously. We say no more.

This Petition stands dismissed subject to the observations foregoing.

All pending applications stand disposed of.