

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 31.05.2021

CORAM :

THE HON'BLE MR.SANJIB BANERJEE, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.P.No.12143 of 2021

A.A.Mohan

... Petitioner

Vs

- 1 The Principal Secretary  
Law, Court and Prison  
Secretariat  
Chennai - 9.
- 2 The Registrar General  
Madras High Court  
Chennai - 104.
- 3 The First Additional Sessions Court  
City Civil Court  
Chennai - 104.

Prayer: Petition filed under Article 226 of the Constitution of India for issuance of a Writ of Mandamus to direct the 3rd respondent to pronounce judgment in case No.SC 348/2015 pending before the 3rd respondent Chennai before superannuation or extend the tenure of the Judge.

**WWW.LIVELAW.IN**

For Petitioner : Mr.V.J.Arulraj  
For Mr.M.Balaji

For Respondents : Mr.R.Shunmugasundaram  
Advocate General  
Assisted by  
Ms.Shabnam Banu, Govt. Advocate  
for respondent-1

**ORDER**

(Made by the Hon'ble Chief Justice)

The petition is for the extension of the tenure of a learned Judge who demits office at the close of working hours today, so that a murder trial pending before such Judge can be disposed of without the matter being dealt with by another Judge.

2. In an extraordinary situation, there is no doubt that an extension may be granted, particularly since a lot of time has been spent without any meaningful steps being taken in the matter in the wake of pandemic and the closing down of Courts thereupon. However, it is submitted on behalf of the principal accused that it is not as if the entire trial was conducted by this Judge.

3. The Registry reports that the relieving order has been issued

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

to this Judge. Even if such is the case, in an exigency, the same can be undone by a judicial order. However, taking into consideration the fact that the entire trial may not have been conducted before this Judge, there may not be any impediment to the successor-in-office taking over the matter and dealing with the same in accordance with law, as expeditiously as possible.

4. Accordingly, W.P.No.12143 of 2021 is disposed of with a direction to the Registrar-General of this Court to ensure that the vacancy created by the superannuation of the present incumbent in the relevant Court is filled up within the next fortnight, so that the matter can be concluded by the end of July, 2021, without granting any further accommodation to the prosecution or the defence after June 15, 2021. The rest of the matter may be concluded on the virtual mode, if arguments remain outstanding. No adjournment should be sought on either side to deal with the matter any further. There will be no order as to costs.

WEB COPY

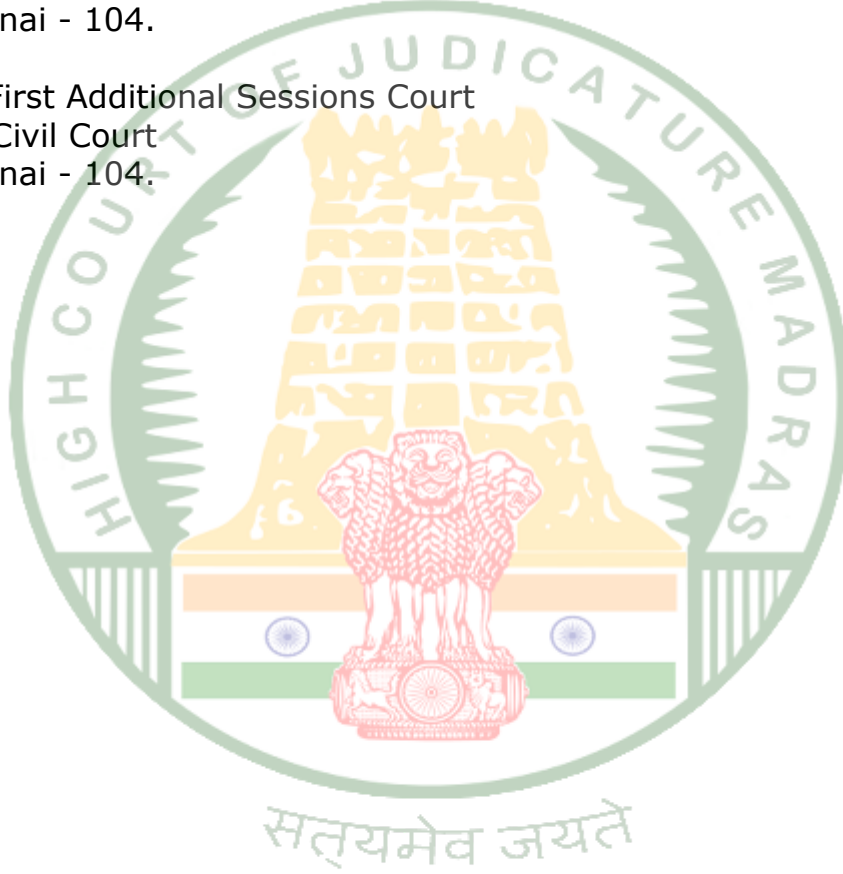
(S.B., CJ.) (S.K.R., J.)  
31.05.2021

kpl

To

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)

- 1 The Principal Secretary  
Law, Court and Prison  
Secretariat  
Chennai - 9.
- 2 The Registrar General  
Madras High Court  
Chennai - 104.
- 3 The First Additional Sessions Court  
City Civil Court  
Chennai - 104.

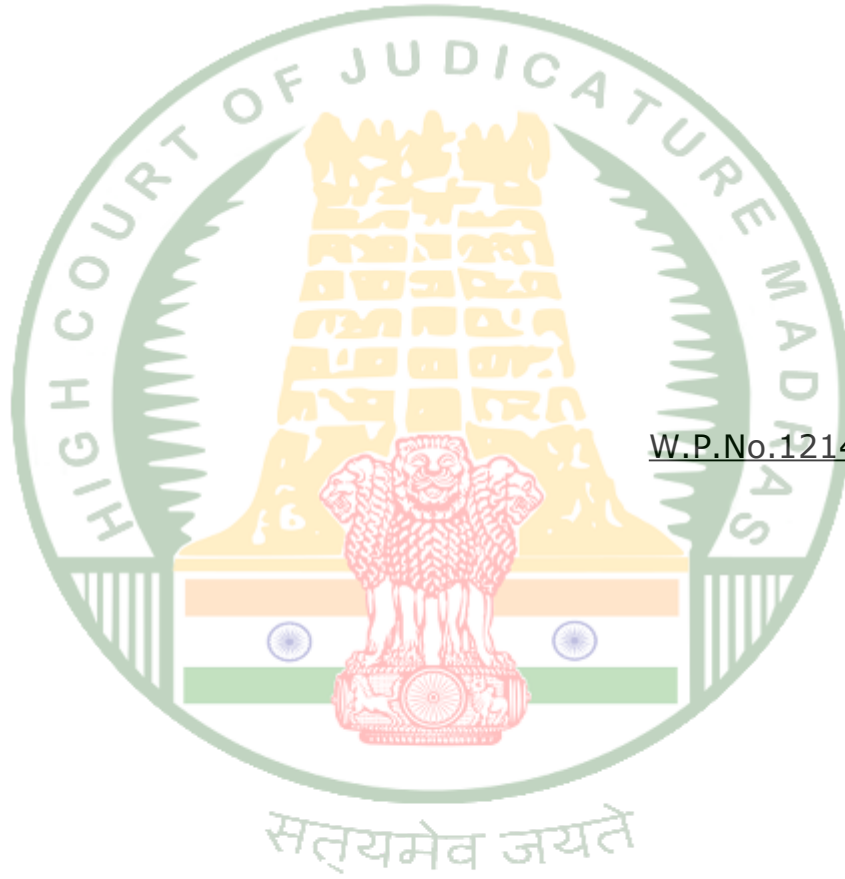


WEB COPY

W.P.No.12143 of 2021

THE HON'BLE CHIEF JUSTICE  
AND  
SENTHILKUMAR RAMAMOORTHY, J.

[WWW.LIVELAW.IN](http://WWW.LIVELAW.IN)



W.P.No.12143 of 2021

WEB COPY

31.05.2021