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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

RESERVED ON : 07.08.2026

PRONOUNCED ON : 10.11.2026

CORAM

THE HONOURABLE MR. JUSTICE B.PUGALENDHI

Crl.OP(MD)No.11066 of 2026

A.Shahul Hameed ... Petitioner

Vs

1.State of Tamil Nadu,
Rep. by the The Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi District.

2.The Secretary to Government,
Home Department,
State of Tamil Nadu,
Secretariat, Chennai.

3.The Director of Prosecution,
Chennai.

4.The Registrar General,
Madras High Court,
Chennai. ... Respondents

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[R.2 to R.4 *suo-motu* impleaded vide order dated 06.08.2026]

PRAYER:- Petition filed u/s.528 BNSS seeking a direction to the Principal District Judge, Thoothukudi, to conduct speedy trial in Spl.C.No.13 of 2025 and to conclude the same within a stipulated time limit.

For Petitioner : Mr.L.Shaji Chellan

For Respondents : Mr.A.Robinson
Additional Public Prosecutor for R.1, R.3

Mr.S.Sivasubramanian
Government Advocate (Civil Side) for R.2

Mr.D.Venkatesh for R.4

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ORDER

The petitioner is the sole accused in Spl.C.No.13 of 2025 on the file of the Principal District and Sessions Court, Thoothukudi. He is facing trial for the offences under Section 7(a) of the Prevention of Corruption Act, 1988 and Section 167 IPC. He has filed this petition seeking expeditious disposal of the proceedings pending before the trial Court.

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2.Learned Counsel appearing for the petitioner, by placing reliance upon Section 4(4) of the Prevention of Corruption Act, submitted that the provision mandates day-to-day trial and conclusion of the entire trial within a period of two years. However, in this case, even though the charges were framed in the year 2023, for the past three years, only two witnesses have been examined. He submitted that the petitioner is only seeking an early disposal of the proceedings and sought for a direction to conclude the trial within a stipulated time.

3.Learned Additional Public Prosecutor submitted that the case was originally dealt with by the learned Chief Judicial Magistrate, Thoothukudi, in Spl.CC.No.2 of 2023. Pursuant to the administrative proceedings of this Court dated 29.05.2025, the case was transferred from the file of the Chief Judicial Magistrate to the Principal District and Sessions Court. Thereafter, the case was renumbered as Spl.C.No.13 of 2025. He further submitted that nearly 80 cases registered for the offences under the Prevention of Corruption Act 1988 are pending

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before the Principal District and Sessions Court, Thoothukudi.

4.The object of the Prevention of Corruption Act, 1988 is to eradicate corruption in public administration by ensuring effective investigation, speedy trial and deterrent punishment of corruption offences, thereby maintaining integrity in public services and preserving public confidence in governance. This object is reinforced by Section 4(4), which mandates that Special Judges shall, as far as practicable, hold trials on a day-to-day basis and endeavour to conclude the trial within two years, with reasons to be recorded for any extension. The said provision is extracted hereunder:-

> *"4.Cases triable by special Judges. -*
>
> *... ... ... (4) Notwithstanding anything contained in the Code of Criminal Procedure, 1973, the trial of an offence shall be held, as far as practicable, on day-to-day basis and an endeavour shall be made to ensure that the said trial is concluded within a period of two years:*
>
> *Provided that where the trial is not concluded within the said period, the special Judge shall record the reasons for not having*

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done so: Provided further that the said period may be extended by such further period, for reasons to be recorded in writing but not exceeding six months at a time; so, however, that the said period together with such extended period shall not exceed ordinarily four years in aggregate."

5.In fact, the Hon'ble Supreme Court in the case of ***Shahid Balwa v. Union of India*** [***(2014) 2 SCC 687***] observed that this provision reflects the necessity for early disposal of cases relating to bribery and corruption and also the imperative need to eradicate the evils of bribery and corruption.

6.In view of the above provision and the submissions made by the learned Additional Public Prosecutor regarding the existing pendency before the trial Court, this Court called for a report from the Principal District and Sessions Judge, Thoothukudi, regarding the implementation of the requirement under Section 4(4) of the Prevention of Corruption Act. The learned Principal District and Sessions Judge, in his report, stated that 70 cases under the Prevention of Corruption Act were

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pending before the Court and that the petitioner's case had been received only recently pursuant to the administrative proceedings of this Court dated 29.05.2025. Considering the existing pendency, he sought six months' time to conclude the trial.

7.At this juncture, learned Counsel for the petitioner drew an analogy to the orders passed by the First Bench of this Court in ***XXX v. Director General of Police*** [***W.P.No.20751 of 2026, dated 29.07.2026***], wherein, taking note of the legislative object underlying the Protection of Children from Sexual Offences Act, 2012, comprehensive directions were issued to the State Government as well as the High Court administration to ensure establishment of adequate infrastructure and effective implementation of the statutory mandate under Section 35 of the POCSO Act, relating to time-bound disposal of cases under the Act. Placing reliance upon the said decision, learned Counsel submitted that appropriate directions may also be issued for effective implementation of the mandate contained in Section 4(4) of the Prevention of Corruption

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Act, 1988.

8.This Court finds force in the analogy drawn by the learned Counsel for the petitioner. While the petitioner has sought only expeditious disposal of his case, the facts brought before this Court disclose a larger issue touching upon the implementation of the statutory mandate contained in Section 4(4) of the Prevention of Corruption Act.

9.It is brought to the notice of this Court that exclusive Special Courts for trial of offences under the Prevention of Corruption Act have been constituted only in eight districts in the State. In the remaining districts, the cases are being dealt with by the jurisdictional Principal District and Sessions Judges / Sessions Judges. It is also brought to the notice of this Court that, pursuant to the administrative proceedings of this Court dated 29.05.2025, the cases which were earlier pending before the learned Chief Judicial Magistrates came to be transferred to the

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Courts of the Principal District and Sessions Judges. It appears that such transfer was necessitated on account of the Bharatiya Nagarik Suraksha Sanhita, 2023 coming into force. Under Section 10 of the Code of Criminal Procedure, 1973, the cadre of Assistant Sessions Judge was previously available. However, the Bharatiya Nagarik Suraksha Sanhita, 2023, has removed this cadre. Consequently, administrative arrangements came to be made by transferring the cases to the Courts of the Principal District and Sessions Judges.

10.However, a reading of Section 3 of the Prevention of Corruption Act shows that a Special Judge may be appointed from amongst persons who are or have been Sessions Judges or Additional Sessions Judges. While so, this Court was of the *prima facie* view that it required consideration as to whether entrustment of all Prevention of Corruption Act cases to the Principal District and Sessions Judges alone, despite the availability of Additional District and Sessions Judges, would effectively achieve the legislative mandate contained in Section 4(4) of the Act.

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11.This Court was also of the view that the basis on which exclusive Special Courts under the Prevention of Corruption Act had been constituted only in certain districts and not in others, and the criteria adopted for such constitution, required examination. Unless adequate institutional measures are put in place, the legislative mandate for expeditious disposal of cases under the Act may not be effectively achieved.

12.Since these issues have a direct bearing on the implementation of the statutory mandate contained in Section 4(4) of the Prevention of Corruption Act throughout the State, this Court *suo motu* impleaded the Secretary to Government, Home Department; the Director of Prosecution, Chennai; and the Registrar General of this Court as respondents and directed them to file separate reports addressing the

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district-wise pendency of cases, the number of exclusive Special Courts, the criteria adopted for their constitution, the possibility of constituting additional Special Courts or designating Additional District and Sessions Judges as Special Judges, and the steps taken or proposed to ensure effective implementation of Section 4(4) of the Act.

13.Pursuant to the above directions, the Registrar General of this Court has submitted a report stating that, as on 30.06.2026, a total of 2,423 cases under the Prevention of Corruption Act are pending throughout the State of Tamil Nadu. Apart from this, 61 cases are pending in the Union Territory of Puducherry, taking the overall pendency to 2,484 cases. The Registrar General has further stated that eight Special Courts were functioning in the State previously in the cadre of Civil Judge (Senior Division) to try the cases under the Prevention of Corruption Act. Subsequently, the Government, by G.O.Ms.No.87, Home Department, dated 18.02.2026, has upgraded all the eight Special Courts to the cadre of District Judge. In the remaining 30 districts, the cases

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under the Prevention of Corruption Act are being tried by the respective Principal District and Sessions Judges / Sessions Judges.

14.The Registrar General has also brought to the notice of this Court that a proposal is pending before the High Court, in the administrative side, for designating Additional Sessions Courts as Special Courts under the Prevention of Corruption Act, instead of entrusting such cases to the Principal Sessions Courts.

15.The Director of Prosecution, in his report, has stated that in eight districts, exclusive Special Courts are functioning under the Prevention of Corruption Act. He has further clarified that the posts of Additional Public Prosecutors / Deputy Legal Advisors in the Directorate of Vigilance and Anti-Corruption are deputation posts and that such officers come under the administrative control of the Director of Vigilance and Anti-Corruption. He has also referred to the upgradation of the eight Special Courts pursuant to G.O.Ms.No.87, Home Department,

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dated 18.02.2026.

16.The reports now furnished disclose that the State has already recognised the need for strengthening the judicial establishment dealing with cases under the Prevention of Corruption Act, as evident from the upgradation of the eight existing Special Courts to the cadre of District Judge. However, the position in the remaining 30 districts continues to be different, inasmuch as the cases registered under the Prevention of Corruption Act in these districts are being dealt with by the Principal District and Sessions Judges / Sessions Judges along with their regular judicial work.

17.The pendency of 2,423 cases throughout the State, as on 30.06.2026, cannot be viewed as an ordinary workload to be dealt with as an additional responsibility by the Principal District and Sessions Judges. The trials under the Prevention of Corruption Act are governed by a

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specific statutory mandate requiring day-to-day hearing, as far as practicable, and an endeavour to conclude the trial within the prescribed period. The very purpose of such a mandate would be defeated if the Courts entrusted with these cases are unable to devote the requisite time and attention to them on account of their other judicial and administrative responsibilities.

18.Corruption cases involve allegations affecting public administration and the integrity of public services. Prolonged pendency of such cases neither serves the public interest nor does it advance the interests of the accused. While the prosecution is entitled to a fair opportunity to establish its case, the accused is equally entitled to have the proceedings concluded within a reasonable time. The legislative mandate under Section 4(4) has to be understood in this background.

19.This Court is conscious of the fact that the Principal District and

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Sessions Judges are entrusted with substantial judicial and administrative responsibilities in their respective districts. In addition to the regular criminal and civil work, they are also required to attend to administrative matters concerning the subordinate judiciary. Entrusting the entire workload of cases under the Prevention of Corruption Act to them, without making any corresponding arrangement for distribution of such cases, would place an avoidable burden on the said Courts.

20.More importantly, Section 3 of the Prevention of Corruption Act itself provides for appointment of Special Judges from amongst persons who are or have been Sessions Judges or Additional Sessions Judges. The legislature has not confined the appointment of Special Judges only to Principal District and Sessions Judges. The availability of Additional District and Sessions Judges in the judicial establishment is a relevant factor which cannot be overlooked while making arrangements for the trial of cases under the Act.

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21.The administrative proposal already pending before this Court for designating Additional Sessions Courts as Special Courts under the Prevention of Corruption Act is, in this regard, a welcome step. Such an arrangement would enable the workload to be distributed and would ensure that the Principal District and Sessions Judges alone are not burdened with the responsibility of conducting all PC Act trials in districts where exclusive Special Courts have not been constituted. The proposal deserves to be considered expeditiously, keeping in view the statutory mandate and the existing pendency.

22.At the same time, the constitution of exclusive Special Courts in only eight districts requires a uniform and objective assessment. The pendency of cases is an important factor, but it need not be the only consideration. The age of the pending cases, the number of cases at the stage of trial, the rate of institution of new cases and the judicial strength available in each district are also relevant factors in deciding whether a separate Special Court is required.

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23.The upgradation of the eight existing Special Courts to the cadre of District Judge pursuant to G.O.Ms.No.87, Home Department, dated 18.02.2026, is a step in the right direction. However, such upgradation alone cannot address the problem of pendency throughout the State. The State Government and the High Court administration must work in coordination to ensure that the judicial establishment, supporting staff and prosecuting personnel are adequate to meet the requirements of these Courts.

24.The clarification furnished by the Director of Prosecution regarding the deputation of Additional Public Prosecutors / Deputy Legal Advisors to the Directorate of Vigilance and Anti-Corruption also assumes significance. The constitution or designation of additional Special Courts must be accompanied by adequate arrangements for prosecution. A Special Court cannot effectively discharge its statutory responsibility if the requisite prosecuting officers and supporting

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personnel are not made available.

25.This Court is of the view that the statutory mandate under Section 4(4) of the Prevention of Corruption Act cannot be achieved merely by issuing directions to the trial Courts to dispose of cases within two years. The judicial establishment must also be organised in such a manner that the Courts entrusted with the trial of these cases have sufficient time and resources to comply with the mandate. The responsibility to ensure this does not rest with the judiciary alone. The State Government also has a corresponding responsibility to provide the necessary infrastructure, staff and prosecuting personnel.

26.Accordingly, the following directions are issued:

(i) The Registrar General shall follow up on the proposal already pending before the Hon'ble Committee concerned for designating Additional Sessions Courts, in addition to the Sessions Court, as Special

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Courts under the Prevention of Corruption Act, so as to enable the distribution of the workload among the Principal District and Sessions Judges and the Additional District and Sessions Judges, having regard to the pendency and workload of cases in the respective districts.

(ii) In respect of the districts where exclusive Special Courts under the Prevention of Corruption Act are not functioning, the Government, in consultation with the High Court, shall examine the necessity of establishing such exclusive Special Courts, taking into account the district-wise pendency and workload of cases, and take appropriate steps wherever warranted.

(iii) The State Government shall extend all necessary cooperation to the High Court administration in providing the required infrastructure, supporting staff and other facilities for the effective functioning of the existing and any additionally designated Special Courts.

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(iv) The Director of Vigilance and Anti-Corruption, in coordination with the Director of Prosecution, shall ensure that adequate prosecuting personnel are made available to the existing Special Courts and any additional Special Courts that may be designated, so that the trials are not delayed for want of prosecuting officers.

(v) The Principal District and Sessions Judges / Sessions Judges dealing with cases under the Prevention of Corruption Act, 1988 shall give due priority to such cases and make every endeavour to conduct the trials on a day-to-day basis, as far as practicable, and conclude them within the period contemplated under Section 4(4) of the Act. Whenever the statutory period is exceeded, the reasons shall be recorded in accordance with the said provision.

27.Coming to the individual case of the petitioner, this Court is of the view that, though the case has been transferred to the Principal District and Sessions Court only recently, the fact remains that the

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charges were framed in the year 2023 and only two witnesses have been examined so far. The petitioner cannot be made to suffer on account of administrative arrangements or the workload of the trial Court. The learned Principal District and Sessions Judge, Thoothukudi, shall make every endeavour to conclude the trial in Spl.C.No.13 of 2025 within a period of six months from the date of receipt of a copy of this order, without granting unnecessary adjournments, subject to the cooperation of the parties.

With the above directions, this Criminal Original Petition is disposed of.

10.11.2026

gk

Note to Registry:-

Mark a copy of this order to all the Principal District and Sessions Judge / District and Sessions Judge and also to the Presiding Officers of Special Courts dealing with cases under the Prevention of Corruption Act, throughout the State.

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To

1.The Inspector of Police,
Vigilance and Anti Corruption,
Thoothukudi District.

2.The Secretary to Government,
Home Department,
State of Tamil Nadu,
Secretariat, Chennai.

3.The Director of Prosecution,
Chennai.

4.The Registrar General,
Madras High Court,
Chennai.

5.The Director of Vigilance and Anti Corruption,
Chennai.

6.The Principal District and Sessions Judge,
Thoothukudi.

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B.PUGALENDHI, J.

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