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Suo Motu TR.No.6529 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.10.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

Suo Motu TR.No.6529 of 2025

(C.C.No.353 of 2021 of Judicial Magistrate Court, Avinashi, Avinashi Taluk,
Tiruppur)

For Petitioner : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)

ORDER

This Sua Motu Case is dealt with in an extraordinary manner by the Dedicated Bench, pursuant to Sua Motu.W.P.(Crl.) No.618 of 2025.

2. This is an accident case, complaining of an offence under Section 304(A) of Indian Penal Code, 1860. Reference can be made to the detailed order passed by this Court dated 01.09.2025 in Sua Motu W.P.(Crl.) No.618 of 2025.

3. In that view of the matter, the following was considered:

- (i) The accident was not due to any aggravated or egregious conduct.
- (ii) The victim has received compensation.
- (iii) The accused has no previous or subsequent case and a due report from the probationary officer regarding his conduct has already been received.
- (iv) The accused has also been facing the case all these years.

D.BHARATHA CHAKRAVARTHY, J.



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4. In view thereof, I find that this is a fit case where the provisions of the Probation of Offenders Act, 1958, can be invoked. Accordingly, upon the plea of the accused, the accused is found guilty of the offence under Sections 338 and 304(A) of Indian Penal Code, 1860. However, without proceeding to sentence the accused, this Court releases the petitioner on probation under the Probation of Offenders Act, 1958, on the following conditions:

(a) The accused shall execute a bond before the learned Magistrate undertaking good conduct for a period of one year, failing which he shall appear before this Court to receive sentence.

(b) It is made clear that, as per Section 12 of the Probation of Offenders Act, 1958, the finding of guilty will not be a disqualification for any purpose.

5. Accordingly, the case in C.C.No.353 of 2021 on the file of Judicial Magistrate Court, Avinashi, Avinashi Taluk, Tiruppur shall stands disposed of and this Sua Motu Transfer Case stands disposed of.

08.10.2025

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Note to the Trial Court: This order is digitally signed and communicated electronically alone. The Trial Court shall take note of the order and accordingly classify the case pending before them as allowed / dismissed / disposed of, etc, and while doing so, consider any applications such as disposal of properties, etc., and pass appropriate orders, as may be necessary. Further, the Court below is directed to dispatch the copy of this order to all concerned.

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