



Suo Motu TR.(MD).No.2392 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.08.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.2392 of 2025

(C.C.No.100047 of 2018 on the file of the Additional District Munsif cum
Judicial Magistrate Court, Sivagiri)

The Inspector of Police,
Sivagiri Police Station,
Tenkasi District.

... Petitioner

Vs.

1.Periasamy

2.Kumar

3.Siva

... Respondents

Upon perusing the documents and case records of the above C.C.No. 100047 of 2018 transmitted to this Court and hearing the arguments of ***Mr.S.Ravi, learned Additional Public Prosecutor*** on behalf of the State and *hearing the concerned probation officer* this Court passes the following



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ORDER

WEB COPY **Prelude:**

“This dedicated bench is for implementing the pilot project to identify and dispose of criminal cases involving offences punishable with imprisonment up to 3 years pending at trial, appeal or revision stage for more than 3 years and also offences like Section 506(ii) of IPC and others, which may carry a punishment of more than 3 years in the state of Tamil Nadu with reference to the 14 Districts coming under the Madurai Bench of Madras High Court”.

2. This Dedicated Bench has taken the **C.C.No.100047 of 2018** on the file of the **Additional District Munsif cum Judicial Magistrate Court, Sivagiri** as **Suo motu Special Tr.Case.(MD) No.2392 of 2025** in **Suo Motu W.P.(Crl.).(MD).No.1014 of 2025**, upon proper scrutiny and suitability as a fit case warranting the exercise of power under Article 226 of Constitution of India to pass suitable order in the said C.C., pending more than **Seven years** without any precedent value in this pilot project.

3. Brief facts of the prosecution case in C.C.No.100047 of 2018:

On 11.11.2017 at about 07.00 a.m., the accused illegally



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transported $\frac{3}{4}$ unit quantity of sand in violation of the provision of the Mines Act. Therefore, a case was registered in **Crime No.302 of 2017** for **the offence punishable under Section 379 of IPC** and upon completion of investigation, final report filed and the same was taken on file in **C.C.No.100047 of 2018** and the same was pending without trial for more than **Seven years**.

4. Discussion:

4.1 Today, the learned Additional District Munsif cum Judicial Magistrate has appeared through video conference. The accused and the police official were present before the learned Additional District Munsif cum Judicial Magistrate Court. The accused has filed an admission petition and pleaded guilty and seeks leniency in imposing punishment.

4.2. This Court explains the contents of the accusation to the accused, and the accused admits the contents of the admission petition and pleads guilty. Thus, this court satisfies the admission petition filed without any coercion or threat.

4.3. In view of the above admission and pleading of guilty of the accused, and considering the material allegation made in the final report did not relate to the economic and heinous offence and his conduct is good



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and the charged offence is punishable with **imprisonment of either description for a term which may extend to three years, or with fine, or with both** and the case is pending for more than **Seven years** without trial and the same impinge the fair and speedy trial as envisaged under Article 21 of the Constitution of India, this Court is inclined to admit the petition and convict the accused for the offence under **Section 379 of IPC and sentenced to the imprisonment which the accused had already undergone.** There is no bar to initiate the confiscation proceedings under the relevant statutes by following the procedure stated in the relevant Act.

5. Discussion on the question of sentence:-

The accused are aged about 30, 40 and 30 years respectively and they are doing coolie work and he has not involved in further offence and considering the mitigating circumstances, and following the law laid down by the Hon'ble Supreme Court in the case of ***Sunita Devi Vs. State of Bihar and another*** reported in ***2014 SCC Online SC 984, 2025 INSC 1014 (K.Ponnammal Vs. State)*** and also taken into account that the accused also regularly appearing before the Court for the past **Seven years** and also on the reiterated the principle of the Hon'ble Supreme Court in the cases of ***M.W.Mohiuddin V. State of Maharashtra*** reported in ***(1995)***



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3 SCC 567 and B.G.Goswami V. Delhi Administration reported in

(1974) 3 SCC 85 that delay itself amounts to punishment, which must weigh in sentencing and disposal, this court is inclined to impose fine of **Rs.5,000/- each** with default sentence of **two months** simple imprisonment.

6. Accordingly, this *Suo Motu Special Tr.(MD).* case stands closed on the following terms:

6.1. The accused are convicted for the offence under **Section 379 of IPC in C.C.No.100047 of 2018** on the file of the learned **Additional District Munsif cum Judicial Magistrate Court, Sivagiri** and sentenced to the imprisonment which he had already undergone.

6.2. The accused are directed to pay a fine of **Rs.5,000/- each** before the **Additional District Munsif cum Judicial Magistrate Court, Sivagiri**, and in default, they are directed to undergo **two months** simple imprisonment.

6.3. The accused are directed to execute the bond as to the satisfaction of the learned **Additional District Munsif cum Judicial Magistrate Court, Sivagiri** under **Section 4 of the Probation Offenders Act, 1958**.

6.4. The Learned **Additional District Munsif cum Judicial**



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Magistrate Court, Sivagiri is directed to transmit the fine amount to the District Mines and Minerals trust fund, Tenkasi District.

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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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K.K.RAMAKRISHNAN,J.

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Order made in
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