



Suo Motu TR.(MD).No.4340 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 28.08.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.4340 of 2025

**(C.C.No.1100228 of 2017 on the file of the Judicial Magistrate Court
No.III, Thoothukudi Taluk, Thoothukudi)**

The Inspector of Police,
Pudukottai Police Station,
Thoothukudi District.

... Petitioner

Vs.

1.Ayyadurai
2.Kaliselvan
3.Murugan

... Respondents

Upon perusing the documents and case records of the above
C.C.No.1100228 of 2017 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



Suo Motu TR.(MD).No.4340 of 2025

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.1100228 of 2017** on the file of the **Judicial Magistrate Court No.III, Thoothukudi Taluk, Thoothukudi** as **Suo motu Special Tr.Case.(MD) No.4340 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 **eight years** without any precedent value in this pilot project.



Suo Motu TR.(MD).No.4340 of 2025

3. Brief facts of the prosecution case in C.C.No.1100228 of 2017:

WEB COPY

The complainant is the Reliance Petrol bulk Operator. On 31.01.2008 at about 03.30 a.m., the watchman of the petrol bulk found that a aluminium ladder, valued at about Rs.20,000/- was missing. Therefore, a case was registered in Crime No.132 of 2008 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. 1100228 of 2017 and the same was pending without trial for more than eight years.

4. Discussion:

4.1 Today, the learned Principal District Judge has appeared through video conference. The accused and the police official were present before the learned Principal District 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.



Suo Motu TR.(MD).No.4340 of 2025

WEB COPY

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 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 **eight 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 52, 53 & 58 years respectively and they are doing coolie work and except three cases, the accused have not involved in further offence and they were in 22 days in jail and the property was already recovered and they are regularly appearing from 2023 onwards and considering the mitigating circumstances, and



Suo Motu Tr.(MD).No.4340 of 2025

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 **eight 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) 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.1,000/- to each accused** 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.1100228 of 2017** on the file of the **Judicial Magistrate Court No.III, Thoothukudi Taluk, Thoothukudi**, and sentenced to the imprisonment which he had already undergone.



Suo Motu TR.(MD).No.4340 of 2025

6.2. The accused is directed to pay a fine of Rs.1,000/- each before the Judicial Magistrate Court No.III, Thoothukudi Taluk, Thothukudi, and in default, he is directed to undergo two months simple imprisonment.

28.08.2025

dss

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.



WEB COPY



Suo Motu TR.(MD).No.4340 of 2025

K.K.RAMAKRISHNAN,J.

dss

Order made in
SUO MOTU Tr.(MD).No.4340 of 2025

28.08.2025