



Suo Motu TR.(MD).No.4392 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 18.09.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.4392 of 2025

**(C.C.No.123 of 2019 on the file of the Judicial Magistrate Court No.II,
Thoothukudi Taluk, Thoothukudi)**

The Inspector of Police,
Thermal Nagar Police Station,
Thoothukudi.

... Petitioner

Vs.

1.Kundan Sah

2.Iftekhar Ahmed

... Respondent

Upon perusing the documents and case records of the above
C.C.No.123 of 2019 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.123 of 2019** on the file of the Judicial Magistrate Court No.II, Thoothukudi Taluk, Thoothukudi as **Suo motu Special Tr.Case.(MD) No.4392 of 2025** in *Suo Motu W.P.(CrI.).(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 **six years** without any precedent value in this pilot project.

3. Brief facts of the prosecution case in C.C.No.123 of 2019:

According to the prosecution, the accused were working as safety officers of Power Station of SEPC Company. The deceased and



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the complainant were working as labours in the said Company. On 25.09.2018 at about 06.30 p.m., due to the negligent act of the accused, the broken stones fell down on the helmet of the deceased. Due to which, the helmet was broken. Thereby, the deceased sustained injuries on the head. Even after treatment, he died on 03.10.2018. Therefore, a case was registered in Crime No.116 of 2018 for the offence under sections 288 and 304(A) of IPC and upon completion of investigation, final report filed and the same was taken on file in C.C.No. 123 of 2019 and the same was pending without trial for more than six years.

4. Discussion:

4.1 Today, the learned Judicial Magistrate has appeared through video conference. The accused and the police official were present before the learned 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 he admits the contents of the admission petition and pleads guilty. Thus, this court satisfies the admission petition filed without any coercion or threat.



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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 case is pending for more than **six 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 sections 288 and 304(A) of IPC.**

5. Discussion on the question of sentence:-

5.1. Hon'ble Thiru. Justice D. Bharatha Chakravarthy has considered number of Hon'ble Supreme Court Judgments and passed order in suo moto W.P.(MD) No. 618 of 2025 on 01.09.2025 and framed sentencing policy with reference to the offence under section 304(A) IPC. This case also comes under said parameter *as the accident is not due to any aggravated or egregious conduct.*

5.2. The accused are aged about 29 and 42 years respectively and A2 is absconding and A1 regularly appeared before the Court. he is doing coolie work and he has a female child and he has not involved



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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 legal heirs of the victim received the compensation**

from the Company and he also not interested in prosecuting the case and

the accused also regularly appearing before the Court for the past **six**

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.10,000/- (Rupees Ten Thousand only)** 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 is convicted for the offence **under sections 288**

and 304(A) of IPC in C.C.No.123 of 2019 on the file of the learned

Judicial Magistrate Court No.II, Thoothukudi Taluk, Thoothukudi.



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6.2. The accused is directed to pay a fine of Rs.10,000/- (Rupees Ten Thousand only) before the Judicial Magistrate Court No.II, Thoothukudi Taluk, Thoothukudi, and in default, he is directed to undergo two months simple imprisonment.

18.09.2025

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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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K.K.RAMAKRISHNAN,J.

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Order made in
SUO MOTU Tr.(MD).No.4392 of 2025

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