



Suo Motu TR.(MD).No.11965 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 22.09.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.11965 of 2025

**(C.C.No.58 of 2019 on the file of the Judicial Magistrate Court,
Nanguneri, Nanguneri Taluk, Tirunelveli)**

The Sub Inspector of Police,
Eruvadi Police Station,
Tirunelveli.

... Petitioner

Vs.

Abubaker Sithiq

... Respondent

Upon perusing the documents and case records of the above **C.C.No.58 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

ORDER

Prelude:

“This dedicated bench is for implementing the pilot project to identify and dispose of criminal cases involving offences punishable with



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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.58 of 2019** on the file of the **Judicial Magistrate Court, Nanguneri, Nanguneri Taluk, Tirunelveli** as ***Suo motu* Special Tr.Case.(MD) No.11965 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 **six years** without any precedent value in this pilot project.

3. **Brief facts of the prosecution case in C.C.No.58 of 2019:**

On 02.10.2018 at about 02.45 p.m., the accused is said to have committed the theft of a bike bearing Reg.No.TN-720AV-3755 valued at about Rs.40,000/-. Therefore, a case was registered in Crime No.181 of 2018 for the offence under Section 379 of IPC, and upon completion of investigation, final report filed and the same was taken on file in C.C.No.58 of 2019 and the same was pending without trial for more than



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six years.

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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.

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 six years, or with fine, or with both** 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 Section 379 of IPC and sentenced to the imprisonment which the accused had already**



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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 is 38 years and he is doing coolie work and he has two children and he has not involved in further offence and he was in custody for 6 days and the vehicle was recovered and the same was handed over to the complainant 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 **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.5,000/- (Rupees Five Thousand Only)** to **the accused** with default sentence of two **months** simple imprisonment.



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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 **Section 379 of IPC**, in **C.C.No.58 of 2019** on the file of the learned **on the file of the Judicial Magistrate Court, Nanguneri, Nanguneri Taluk, Tirunelveli**, and sentenced to the imprisonment which he had already undergone.

6.2. **The accused is directed to pay a fine of Rs.5,000/- (Rupees Five Thousand Only)** before the **Judicial Magistrate Court, Nanguneri, Nanguneri Taluk, Tirunelveli**, and in default, he is directed to undergo two **months** simple imprisonment.

6.3. The accused is directed to execute the bond as to the satisfaction of the learned **Judicial Magistrate Court, Nanguneri, Nanguneri Taluk, Tirunelveli**, under **Section 4 of the Probation Offenders Act, 1958**.

22.09.2025

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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



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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.

K.K.RAMAKRISHNAN,J.

dss

Order made in
SUO MOTU Tr.(MD).No.11965 of 2025

22.09.2025