



Suo Motu TR.(MD).No. 13523 of 2025

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATE : 19.09.2025

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THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.13523 of 2025

(C.C.No.1100415 of 2016 on the file of the Judicial Magistrate Court
No.III, Nagercoil, Kanniyakumari District)

The Inspector of Police,
Kottar Police Station,
Kanniyakumari District.
(Crime No.24 of 2016)

... Petitioner

Vs.

Sethukumar

... Respondent

Upon perusing the documents and case records of the above **C.C.No.1100415 of 2016** transmitted to this Court and hearing the arguments of **Mr.S.Ravi, learned Additional Public Prosecutor**, on behalf of the State and **Mr.B.N.Biju**, learned counsel for the accused, and **hearing the jurisdiction probation officer** this Court passes the following

ORDER

Prelude:

“This dedicated bench is for implementing the pilot project to



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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.1100415 of 2016** on the file of the learned **Judicial Magistrate Court No.III, Nagercoil, Kanniyakumari District** as **Suo motu Special Tr.Case.(MD) No.13523 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 **nine years** without any precedent value in this pilot project.

3. **Brief facts of the prosecution case in C.C.No.1100415 of 2016:**

On 26.02.2016 at about 07.30 p.m., a vehicle driven by the accused caused an accident, resulting in the death of one person. Therefore, a case was registered in Crime No.24 of 2016 for the offence punishable under Sections 279 and 304(A) of IPC and upon completion



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of investigation, final report filed and the same was taken on file in **C.C.No.1100415 of 2016** and the same was pending without trial for more than **nine 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.

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 **nine 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



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convict the accused for the offence under **Sections 279 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 is aged about 48 years and he has two children** 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 victim received the compensation and he also not interested in prosecuting the case and the accused also regularly appearing before the Court for the past **nine years** and also on the reiterated the principle of the Hon'ble Supreme Court in the cases of



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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.15,000/- (Rupees Fifteen 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 279 and 304(A) of IPC** in **C.C.No.1100415 of 2016** on the file of the learned **Judicial Magistrate Court No.III, Nagercoil, Kanniyakumari District.**

6.2. The accused is directed to pay a fine of **Rs.15,000/- (Rupees Fifteen Thousand only)** before the learned **Judicial Magistrate Court No.III, Nagercoil, Kanniyakumari District**, and in default, he is directed to undergo two months simple imprisonment.

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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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