



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATE : 12.11.2025

CORAM

THE HONOURABLE MR.JUSTICE K.K.RAMAKRISHNAN

Suo Motu TR.(MD).No.19160 of 2025

S.T.C.No.3918 of 2019

On the file of the Judicial Magistrate, Rajapalayam

The Sub Inspector of Police,
South Police Station,
Rajapalayam

.. Petitioner

Vs.

1.Sathya

2.Abirami

3.Rajeshwari

... Respondent

Upon perusing the documents and case records of the above S.T.C.No.3918 of 2019 on the file of the Judicial Magistrate, Rajapalayam transmitted to this Court and hearing the arguments of ***Mr.S.Ravi, learned Additional Public Prosecutor, and hearing the concerned probation officer*** this Court passes the following



WEB COPY

ORDER

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 in the State of Tamil Nadu with reference to the Districts coming under the Madurai Bench of Madras High Court”.

2. This Dedicated Bench has taken all S.T.C.No.3918 of 2019 on the file of the Judicial Magistrate, Rajapalayam as *Suo motu* Special Tr.Case. (MD) No.19160 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 quash the said S.T.C., pending more than six years without any precedent value in this pilot project.



WEB COPY

3.1 Brief facts of the prosecution case in S.T.C.No.3918 of 2019:

On 23.12.2008, at about 6:30 p.m., the accused/respondents are said to have stolen the money purse containing a sum of Rs. 120/- belonging to the defacto complainant. Therefore, a case was registered in Crime No.837 of 2008 for the offence under Section 379 of IPC and on investigation, final report filed and the same was taken on file in S.T.C.No.3918 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 admission petition and pleaded guilty and seek to give leniency in imposing punishment.

4.2. This Court satisfies the admission petition filed without any coercion or threat and this Court also explains the contents of the accusation to the accused and he admit the contents of the admission petition and pleaded guilty.



WEB COPY

4.3. In view of the above admission and pleading of guilty and considering the material allegation made in the final report did not relate to the economic and heinous offence and their conduct is good and the charged offence is punishable with imprisonment of three years or fine and the case is pending for more than three years without trial and the same offend the violation Article 21 of the fair and speedy trial, this Court is inclined to admit the petition and convict the accused under Section 379 of IPC

5. Discussion:

5.1. Today, the accused and the police official were present before the Learned Judicial Magistrate Court. The learned Judicial Magistrate has framed the necessary charges and explained to the accused and the accused has filed admission petition and pleaded guilty and seek to give leniency in imposing punishment.

5.2. This Court satisfies the admission petition filed without any coercion or threat and this Court also explains the contents of the



accusation to the accused and he admit the contends of the admission petition and pleaded guilty.

5.3. In view of the above admission and pleading of guilty and considering the material allegation made in the final report did not relate to the economic and heinous offence and their conduct is good and the charged offence is punishable with imprisonment of three years or fine 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 petitioner under Section 379 of IPC

6. Discussion on the question of punishment:-

The accused persons are aged about 37, 38, and 39 years respectively, and being women, they are engaged in coolie (daily wage) work. It is also noted that they have not been involved in any further offence. Further they are confined in Central prison, Madurai, for a period of 27 days. 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 of the victim received the stolen articles and he also not interested in prosecuting the case and recovery witness where about also not known and the accused also regularly appearing before the Court for the past five 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 punishment as already undergone.

7. Discussion on the applicability of Section 427 of Cr.P.C.:

The accused have committed number of theft of money purse containing a sum of Rs.120/- belonging to the *defacto* complainant during the period of 2008 and undergone various period of imprisonment during the pendency of trial. After that period, they have not committed any offence and they have been reforming and living without involvement of any further similar offence. They are also married and having children. In



view of the above reformatory, this Court is inclined to give benefit of Section 427 of Cr.P.C., by exercising power under Section 482 of Cr.P.C., in this Special drive. The Hon'ble Supreme Court in the case of ***State of Punjab vs, Madan Lal*** reported in ***2009(5) SCC 238***, Hon'ble Division Bench of this Court in the case of ***Selvakumar vs. The Inspector of Police, Seidhunganallure Police Station and others*** reported in ***2008 2 LW (Crl.) 733***, Hon'ble Judge of this Court in Crl.O.P.(MD).No.8479 of 2022, Crl.O.P.(MD).No.4142 of 2022 and Crl.O.P.(MD).No.12 of 2025 has held that benefit of all sentence of imprisonment to run concurrently had been extended. The above ratio of this Court is applicable to the present case also.

8. Accordingly, this Suo Motu Special Tr.(MD). Case stands closed on the following terms:

8.1. the accused persons are convicted under Section 379 of IPC in S.T.C.No.3918 of 2019 on the file of the Judicial Magistrate, Rajapalayam, Virudhunagar District and sentenced to the imprisonment which they have already undergone



WEB COPY

8.2.The accused persons are directed to execute the bond as to the satisfaction of the learned **Judicial Magistrate Court,Rajapalayam, Virudhunagar District** under **Section 4 of the Probation Offenders Act, 1958.**

12.11.2025

sbn

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.

Copy To

- 1.The Judicial Magistrate,
Rajapalayam, Virudhunagar.
- 2.The Sub Inspector of Police,
South Police Station,
Rajapalayam
- 3.The Superintendent of Prison,
Central Prison, Madurai.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



WEB COPY



K.K.RAMAKRISHNAN,J.

sbn

Order made in
SUO MOTU (MD).No.19160 of 2025

12.11.2025