

IN THE COURT OF THE JUDICIAL MAGISTRATE NO.II, KUMBAKONAM.

Proceeded by: Thiru S.Baladhandayutham B.Sc., B.L.,

Judicial Magistrate No.II, Kumbakonam

Dated the 06th day of June 2026

C.C. No.844/2023

State through Inspector of Police,

Swamimalai Police Station,

(Cr.No.550/2022)

... Complainant

U/S. 294(b),427,506(2) IPC R/W 25(1)(a) Arms Act.

(By APP, JM-II)

/Vs/

Mr. Barathiraja (aged 38),

S/o.Mani,

East Street, Thiruvanchuzi,

Kumbakonam Taluk.

... Accused

(By Advocate Mr.S.Kennadykannan)

JUDGMENT

Disposal Type: Judgment on admission

1). This case is charge sheeted by the Sub Inspector of Police, Swamimalai P.S alleging that the accused had committed offence punishable under Section U/S. 294(b), 427, 506(2) IPC R/W 25(1)(a) Arms Act.

2). This case was taken on file and summon was issued to the accused and on appearance copies furnished to him. After giving sufficient opportunities to both the prosecution and the accused, and upon perusal of the material records, this Court is satisfied that there are sufficient grounds to presume that the accused has committed offences triable by this Court. Accordingly, charges for the offences punishable under Sections 294(b), 427, 506(2) of IPC R/W 25(1)(a) Arms Act were framed against the

accused. The substance of the accusation was read over and explained to him in Tamil. When questioned, the accused pleaded not guilty and claimed to be tried.

3). During the course of trial, accused appeared today and voluntarily admitted their guilt by filing a petition of admission.

4). Now, the question for consideration is whether, at this stage of the trial, the Court may permit the accused to withdraw his earlier plea of not guilty and accept his plea of guilt?

4.1) In this regard, the Hon'ble Supreme Court in *State of Maharashtra v. Sukhdev Singh & Another*, reported in (1992) 3 SCC 700, has held that *"a conviction can be founded upon a confession or admission of guilt made by the accused at any stage of the proceedings, including at the stage of examination under Section 313 Cr.P.C. While acting upon such a plea of guilt, the Court must exercise caution and circumspection to ensure that the plea is clear, unqualified, and voluntary, and that the facts admitted by the accused constitute the offence allege"*

4.2). Further the above-referred decision lays down the guiding principle that a court is empowered to accept a plea of guilt tendered by the accused at any stage of the criminal proceedings and render judgment accordingly. Placing reliance on the above-said precedent, the Hon'ble High Court of Kerala in *Shyni Moolayil Aged 38 Years vs State Of Kerala* on 21 May, 2015 held that *"No doubt, there is no specific provision in the crpc enabling the court to permit an accused to withdraw his claim to be tried and convict him on a plea of guilty subsequently. But as contended by the learned counsel for the petitioner, there is also no prohibition in the crpc to record the plea of guilty in the course of trial and convict the accused on his subsequent admission of guilt. The object of trial is to investigate the offence and to find out the truth. When the guilt is admitted by the accused and the admission is found to be voluntary, there is no reason why the court should not allow him to withdraw his claim to be tried and plead guilty. In this*

connection it is relevant to note the decision of the Patna High Court in Shyama Charan Bharthue and ors Vs Empror (AIR 1934 Patna 330). It was held in that case that there is no implication that when an accused in the course of the trial withdraws his claim to be tried and plead guilty, the court is not entitled to record the plea either accept it or continue the trial. An identical question came up for consideration before the Allahabad High Court in Ram Kishun v. State of U.P. (1996 CrL. L.J. 440). The Allahabad High Court held that a plea of guilt can be taken at any stage of trial after framing charge. The court observed that the necessity of evidence would arise only if and when the charge is not accepted. There is no reason to restrict the applicability of S. 229 of the Cr.P.C. to a particular date or occasion but the purport of section is obvious that plea of guilt can be advanced by an accused at any stage of the trial after framing charge. If an accused is allowed to withdraw his claim to be tried and plead guilty, an earlier termination of the trial can be secured and wastage of the precious time of the court can be avoided”.

5). Hence, in view of the law laid down by the Hon’ble Apex Court in the decision referred to above, this Court is satisfied that the plea of guilt is voluntary and accordingly allows the admission petition filed by the accused . On examination of the plea of the accused, this Court finds no material to indicate that the plea was made under threat, coercion, or misconception. This Court is therefore satisfied that the accused has voluntarily pleaded guilty and admitted the commission of the offence. Hence it is accepted.

At the time of sentencing, the both accused submitted that "தவறை ஒப்புக் கொள்கிறேன், குறைந்த பட்ச தண்டனை கொடுங்கள் அய்யா"

6). The accused found guilty and is convicted. He is sentenced as follows:

(i) The accused is sentenced to undergo simple imprisonment for 42 days for the offence punishable under Section 294(b) of IPC.

(ii) The accused is sentenced to undergo simple imprisonment for 42 days for the offence punishable under Section 427 of IPC.

(iii) The accused is sentenced to undergo simple imprisonment for 42 days for the offence punishable under Section 506(2) of IPC.

(iv) The accused is sentenced to undergo simple imprisonment for 42 days for the offence punishable under Section 25(1)(a) of Arms Act and fine of Rs.500/- In default of payment of fine, he shall undergo simple imprisonment for one month.

(v) The punishment shall be run concurrently. The period of detention already undergone by the both accused(11.08.2022 to 21.09.2022) is ordered to be set off in terms of Section 468 of BNSS. No property order in this case. The property in C.P No.108/2022 shall be destroyed after the lapse of appeal period.

Typed and pronounced by me in open court on 06th day of June 2026.

Judicial Magistrate No.II,
Kumbakonam.