

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

**THE HONOURABLE THE CHIEF JUSTICE MR.ASHOK BHUSHAN
&
THE HONOURABLE MR.JUSTICE A.M.SHAFFIQUE**

FRIDAY, THE 24TH DAY OF JULY 2015/2ND SRAVANA, 1937

Con.Case(C).No. 839 of 2013 (S)

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AGAINST THE JUDGMENT IN WP(Crl.) 588/2012 DATED 14-11-2012
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PETITIONER/PETITIONER IN THE WRIT PETITION :

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T.N. BIJU, AGED 51 YEARS
S/O. NARAYANAN, VADEKKEKARUMAKIL HOUSE
VALLICHIRRA PALLA, VALAVOOR P.O., KOTTAYAM.**

BY ADV. SRI.R.DIVAKARAN

RESPONDENT/5TH RESPONDENT IN THE WRIT PETITION :

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SRI. PUTTA VIMALADIDYA I.P.S.,
(AGE AND FATHER'S NAME NOT KNOWN TO THE PETITIONER)
SUPERINTENDANT OF POLICE, PATHANAMTHITTA-689645.**

BY SR. GOVT. PLEADER SRI.C.R. SYAMKUMAR

**THIS CONTEMPT OF COURT CASE (CIVIL) HAVING BEEN FINALLY HEARD
ON 24-07-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

Mn

...2/-

APPENDIX

PETITIONERS' ANNEXURES :

- ANNEXURE A1 : CERTIFIED COPY OF THE JUDGMENT DATED 14/11/2012
PASSED BY THIS HON'BLE COURT IN WP(C) NO. 588/2012.
- ANNEXURE A2 COPY OF THE COVERING LETTER DATED 28/1/2013
FORWARDING ANNEXURE A1 JUDGMENT TO THE
RESPONDENT.
- ANNEXURE A3 COPY OF THE ACKNOWLEDGEMENT CARD EVIDENCING
RECEIPT OF ANNEXURE A1 JUDGMENT BY THE RESPONDENT.
- ANNEXURE A4 COPY OF THE NOTICE DATED 30/5/2013 ISSUED BY THE
PETITIONER TO THE RESPONDENT.
- ANNEXURE A5 COPY OF THE ACKNOWLEDGEMENT CARD EVIDENCING
RECEIPT OF ANNEXURE A4 NOTICE BY THE RESPONDENT.

RESPONDENT'S ANNEXURES : NIL

//TRUE COPY//

P.A. TO JUDGE

Mn

ASHOK BHUSHAN, CJ

&

A.M.SHAFFIQUE, J.

Cont.Case No.839 of 2013

Dated this the 24th day of July 2015

J U D G M E N T

Shaffique, J

Petitioner has approached this Court complaining about non-compliance of the directions issued by this Court in the judgment dated 14/12/2012 in W.P.(Crl) No.588/2012. It is stated that though a specific direction was issued by this Court to constitute a special team to investigate into the crime in regard to disappearance of one Smt.Binu and periodical reports were to be filed, no such action has been taken in the matter and therefore it amounts to contempt.

2. The learned Government Pleader has placed on record further order dated 01/08/2013 by which this Court held as under:

"If as stated by the Investigating Officer, the missing person is not the petitioner's wife, the petitioner is guilty of misrepresentation of facts before this Court and has no locus standi to maintain the writ petition. Be that, as it may, from the report we are

satisfied that the respondents are taking earnest efforts for tracing out the missing person. We, therefore, direct them to continue their efforts, but dispense with the requirement of a further report in the matter.

3. It is evident that the periodical reports were being filed by the investigating agency and by virtue of the order dated 01/08/2013, there was no necessity to continue to file further reports before this Court. It is also stated that Smt.Binu had subsequently appeared before the Magistrate and had given a statement. It is also recorded that the petitioner is not the husband of the said person.

Under these circumstances, we do not think that a case of wilful contempt has been made in the matter. Accordingly the contempt case is dropped.

(sd/-)

(ASHOK BHUSHAN, CHIEF JUSTICE)

(sd/-)

(A.M.SHAFFIQUE, JUDGE)

jsr

