

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 13.08.2015

CORAM:

THE HONOURABLE MS. JUSTICE K.B.K.VASUKI

Contempt Petition No.1251 of 2015

in

Crl.OP.No.19705 of 2013

K. Elangovan ... Petitioner

Vs.

1. Mr. N. Dhevanathan
The District Superintendent of Police
Thiruvannamalai
Thiruvannamalai District.
2. Mr. D. Kumar
The Inspector of Police
Keelpennathur Police Station
Thiruvannamalai
Thiruvannamalai District. ... Respondents

Contempt Petition filed praying to punish the respondents for their inaction and disobeying the orders of this Court dated 15.07.2014 made in Crl.O.P.No. 19705 of 2013.

For Petitioner : Mr. R.G. Annamalai
For Respondents : Mr. Mohamed Riyaz
Government Advocate (Crl. Side)

O R D E R

This Contempt Petition has been filed for not

<https://hcservices.ecourts.gov.in/hcservices/>
implementing

the order dated 15.07.2014 made in

CrI.O.P.No. 19705 of 2013 by this Court.

2. Both the learned counsel for the petitioner and the learned Government Advocate for the respondents are present. The respondents 1 and 2 are also present.

3. The contempt petition arises out of the order directing the respondents police to complete the investigation and file a final report as expeditiously as possible, by not later than three months. The order was passed on 15.07.2014 but till date the investigation is admittedly, not completed.

4. The learned Government Advocate representing the respondents would submit before this Court that the delay in completing the investigation is not wilful but only due to the circumstances explained in the status report filed before this Court on 10.08.2015 and 12.08.2015. The learned Government Advocate also produced the CD file for perusal of this Court. A combined reading of the status report and the CD file would reveal that the investigation is in progress and the witnesses were examined and materials were collected and investigation could not be completed for want of further clue regarding the nature of death, as to whether accidental or homicidal and the same is only recently found to be accidental and the offence is now altered into one under Section 304-A IPC and as the accident had taken place on the road, the vehicle is yet to be traced out and all efforts are being

made to trace out the vehicle. The same is also explained by way of status report filed by the second respondent, the Inspector of Police.

5. At this juncture, learned counsel for the petitioner would draw the attention of this Court to the point raised in his memo to the effect that the delay in the investigation is not properly explained and successful attempt was made only to twist the case of murder into one of accident and no accused were arrested and the delay in investigation is only to help the accused involved in the murder and the investigation has to be necessarily transferred to CBCID.

6. Heard the submissions made by the learned counsel for the petitioner and the learned Government Advocate (Criminal side) representing the respondents.

7. This Court considering the details furnished in the status report, supported by the material records and the case diary, is convinced that the investigation is reasonably in progress and the delay is properly explained on the side of the Investigating Officer. Hence, in my considered view, this is not a fit case to be transferred to CBCID, as the investigation by the second respondent Inspector of Police is monitored by the Deputy Superintendent of Police, who in turn has been periodically reporting to the Superintendent of Police. Going by the explanation given by the learned Government Advocate on

behalf of the respondent police, this Court feels that there is no justification to keep the Contempt Petition pending.

8. The Contempt Petition is hence closed, with a direction issued to the second respondent to expedite the investigation and the same shall be periodically and regularly monitored by the first respondent Deputy Superintendent of Police and the same shall be periodically duly reported to the Superintendent of Police.

avr

SD/-

DEPUTY REGISTRAR (CLAA)

//Certified to be true copy//

Dated at Madras this the day of 2015.

COURT OFFICER (O.S.)

From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

SS/CO/16/10/2015

Two CC to Mr.R.G.Annamalai, Advocate sr.10515

To

1.The District Superintendent of Police,
Thiruvannamalai,
Thiruvannamalai District

2.The Inspector of Police,
Keelpennathur police Station
Thiruvannamalai
Thiruvannamalai District