

CONTEMPT CASE No.106 of 2014

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ORDER:

The order of this Court, violation of which is alleged in this Contempt Case, is the order in WPMP.No.44140 of 2013 in Writ Petition No.35519 of 2013 dated 13.12.2013. In the said order, this Court noted the submission of the learned Government Pleader for Home that a complaint, in Crime No.240 of 2013, was registered against the Branch Manager and Assistant Branch Manager of Manapuram Finance Limited that they had misappropriated and stolen gold ornaments from the safe, and had pledged the same gold with the petitioner Finance Corporation; the Sub-Inspector of Police had never visited the petitioner's branch or enquired the matter; and the police were trying to recover gold ornaments from the petitioner's branch is incorrect, baseless and far from truth; and, as part of investigation, the Investigating Officer would examine the petitioner for the purpose of investigation.

Apart from a vague and bald assertion, that the police officials were visiting the premises of the petitioner branch, reference is made to a letter addressed by the Sub-Divisional Police Officer, Anantapuram informing the Branch Manager that, during investigation on 08.01.2014, accused 2 to 6 had confessed about the commission of the offence, and had stated that the theft property was pledged in the petitioner branch under 28 accounts. While enclosing the list for perusal of the petitioner's branch, the Sub-Divisional Police Officer requested that the properties be handed over so as to seize it for further proceedings. The letter also notes that the customers had suffered a lot due to the acts of the accused, and hence it was

necessary to handover the property in the interests of general public. The petitioner was informed that, if they refused to do so, there was no other option except to proceed against them in accordance with law approaching a competent Court.

The mere fact that the petitioner was informed that, failure to return the property, would necessitate a complaint being lodged before the competent Court, would not amount to violation of the undertaking given by the respondents, and which has been recorded in the order of this Court dated 13.12.2013. As the order of this Court has not been violated, much less willfully and deliberately, I see no reason to proceed against the respondent under the Contempt of Courts Act.

The Contempt Case is, accordingly, closed.

RAMESH RANGANATHAN, J

4th DECEMBER, 2015.

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