

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.03.2016

CORAM :

THE HONOURABLE MS. JUSTICE R.MALA

Cont.P.No.2656 of 2015

Thavamani

.. Petitioner

Vs.

Mr.R.Palani,
Circle Inspector,
(Vaniyambadi Town Police Station) (i/c)
Ambaloore Police Station,
Vellore District.

.. Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Cr.P.C., to punish the respondent for the willful disobedience of the order of this Hon'ble Court made in CrI.O.P.No.1487 of 2015 dated 23.01.2015.

For Petitioner : Mr.E.Kannadasan

For Respondent : Mr.C.Emalias

Addl. Public Prosecutor

ORDER

This Contempt Petition has been filed to punish the respondent for the willful disobedience of the order of this Court made in CrI.O.P.No.1487 of 2015 dated 23.01.2015.

2.The petitioner filed a petition in CrI.O.P.No.1487 of 2015, wherein in paragraph No.5, this Court directed the respondent police to investigate the matter and file a final report as expeditiously as possible. But the final report has not been filed. Hence, the contempt petition has been filed. Statutory notice has been issued to the respondent on 15.02.2016.

3.Learned counsel for the petitioner would submit that the respondent had willfully disobeyed the order passed by this Court and thereby committed contempt of Court.

4.Resisting the same, the learned Additional Public Prosecutor would submit that no specific time limit has been fixed for filing final report. He further submitted that Referred Charge Sheet has been filed and notice has also been sent to the petitioner for his appearance. He would also submit that the respondent has tendered unconditional apology for the delay in filing the final report.

5.Considered the rival submissions made on both sides and perused the typed set of papers.

6.This Court passed an order in CrI.O.P.No.1487 of 2015 on 23.01.2015, wherein in paragraph No.5, it was held as follows:

“5.Considering the rival submissions and on perusal of the facts and circumstances of the case that on the basis of the complaint given by the petitioner, a case in Crime No.539 of 2013 has been registered on 12.12.2013 under Sections 294(b), 323, 506(i) IPC against named persons, the respondent police is directed to investigate the matter and file a final report as expeditiously as possible.”

7. On perusal of the counter filed by the respondent shows that final report has been filed on 05.03.2016. No doubt, final report has been filed during the pendency of the contempt petition since there is no time limit has been fixed for filing the final report. In such circumstances, I do not find any element of disobedience or willful disobedience of the order passed by this Court. Furthermore, the contemnor/respondent herein has tendered unconditional apology for the delay in filing the final report. Hence, the Contempt Petition is dismissed as no element of contempt is made out. Therefore, the respondent is discharged from the contempt proceedings.

SD/
ASSISTANT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER (O.S.)

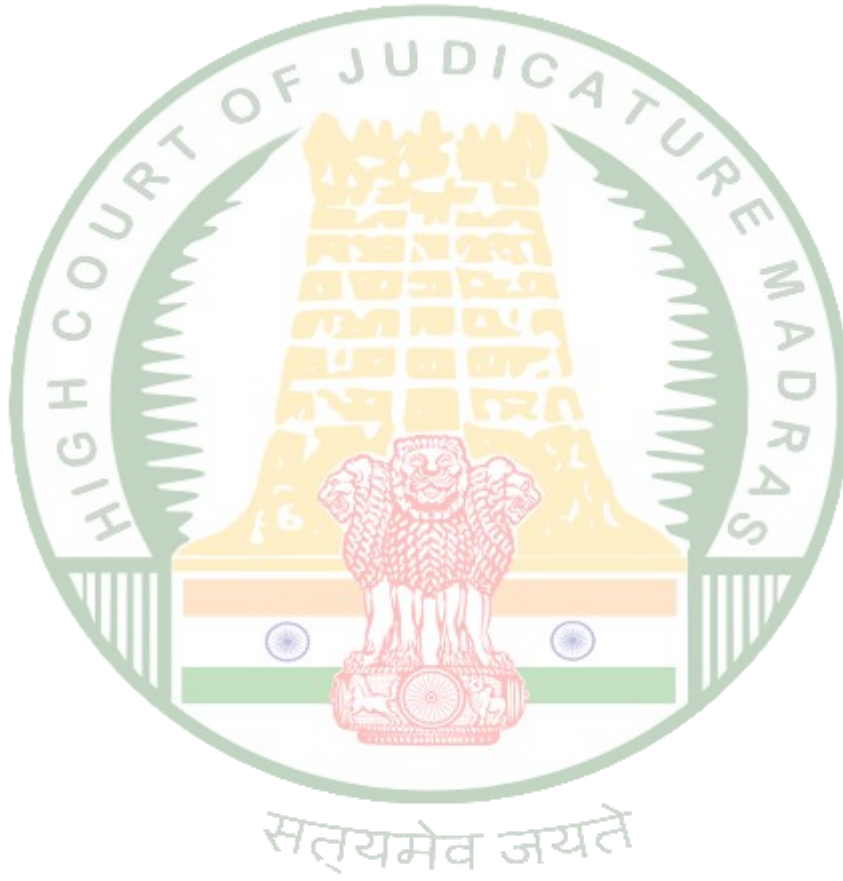
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

To

Mr. R. Palani,
Circle Inspector,
(Vaniyambadi Town Police Station) (i/c)
Ambaloore Police Station,
Vellore District.

BP/CO/07/04/2016

One CC to M/s. E. Kannadasan, Counsel for Petitioner,
SR.3853/2016



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