

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 09.08.2016

CORAM

THE HONOURABLE MR.JUSTICE P.N.PRAKASH

Cont.P.No.1491 of 2016

J.Johnbosco @ Jegan ... Petitioner
Vs
Venkatesan,
Inspector of Police,
South Police Station,
Vandavasi (Town),
T.V Malai District. ... Respondent

Prayer: Contempt Petition filed under Sections 11 of Contempt of Courts Act, to punish the respondent for willful disobedience of the order passed in CrI.O.P.No.20061 of 2015 dated 01.09.2015.

For Petitioner :Mr.A.Indiyan

For Respondents :Mr.C.Emalias
Addl. Public Prosecutor

ORDER

This Contempt Petition has been filed to punish the respondent for willful disobedience of the order passed in CrI.O.P.No.20061 of 2015 dated 01.09.2015.

2. Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondent.

3. It is seen that in CrI.O.P.No.20061 of 2015 dated 19.02.2015, this Court passed the following order;

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

"The learned Additional Public

Prosecutor submitted that the petitioner has sent a compliant dated 21.07.2015 by post to the respondents. The petitioner is directed to go in person and give a complaint to the third respondent and on such complaint being given, the same shall be enquired into in accordance with law, following the decision laid down by the Hon'ble Supreme Court in Lalitha Kumari Vs. Government of Uttarpradesh and others reported in (2014) 2 SCC 1."

4. In Para -3 of the petitioner's affidavit, he has stated as follows;

"I further state that I have submitted the above certified copy of the order in person before the District Crime Branch, Thiruvannamalai, as early as in the 1st week of October 2015 and thereafter the Police officials have informed me that I will be sent with summons soon and while I can appear before them, etc."

5. From the above, it is seen that the petitioner has not even stated the date on which, he went to the Police Station in person to give a fresh compliant as directed by this Court. On the contrary, in Page No.15 of the typed set of papers, the petitioner has kept the copy of the representation dated 15.03.2016, which also does not disclose the commission of any cognizable offence.

6. Even according to the petitioner, he had received the post card on 08.12.2015, in which, he was

asked to appear on 05.12.2015. In other words, according to him, he has received the post card only on 08.12.2015 and therefore, he could not have been able to appear on an earlier date i.e. 05.12.2015. Be that as it may, even according to him, that post card given was meant only on for earlier complaint dated 21.07.2015.

7. Under such circumstances, this Court does not find any prima facie materials even to issue a statutory notice in this case. Hence, the contempt petition is dismissed.

ub/sms

SD/
JOINT REGISTRAR (OS)

//Certified to be true copy//

Dated at Madras this the day of 2016.

COURT OFFICER (O.S.)

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JM/CO/22/08/2016

One CC to A.Indiyan, SR.9847/2016

To
Inspector of Police,
South Police Station,
Vandavasi (Town),
T.V Malai District.