

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.09.2017

CORAM :

THE HON'BLE MR. JUSTICE P.N.PRAKASH

Contempt Petition No.1422 of 2017

R.Chendrayan

...

Petitioner

Vs.

Mr.Sivalingam,
Inspector of Police,
Omalur Police Station,
Omalur, Salem District.

...

Respondent

Prayer : Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent herein for their act of wilful misrepresentation of the facts before this Hon'ble Court in CrI.OP.No.22286 of 2016, dated 20.10.2016.

For Petitioner : Mr.R.Thamaraiselvan

For Respondent : Mr.C.Emalias
Additional Public Prosecutor

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ORDER

This Contempt Petition is filed seeking to punish the respondent herein for their act of wilful misrepresentation of the facts before this Court in CrI.OP.No.22286 of 2016, dated 20.10.2016.

2. Mr.Sivalingam, Inspector of Police, Arumuganeri Police Station, Thoothukudi District, formerly Inspector of Police, Omalur Police Station, Salem District is present.

3. It is seen that R.Chendrayan (Accused) filed CrI.OP.No.22286 of 2016, for quashing the prosecution in C.C.No.64 of 2016 on the file of the Judicial Magistrate, Omalur, under Sections 294(b), 324, 506(ii) of IPC. When the CrI.OP.No.22286 of 2016, has come up for hearing before this Court, this Court passed the following order.

"...

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

3.When the matter was taken up for hearing, learned Additional Public Prosecutor submitted that the trial in C.C.No.64 of 2016 has commenced and witness has been examined-in-chief.

In view of the above, it is not a fit case to interfere at this juncture. Accordingly, this petition is dismissed with liberty to raise all points before the trial Court. Consequently, connected miscellaneous petition is closed.

....."

4. R.Chendrayan, has filed the present Contempt Petition, on the ground that no witness was examined in C.C.No.64 of 2016 and misrepresentation was made before this Court by the police on 20.10.2016 and hence they are liable for contempt. Mr.Sivalingam, Inspector of Police has filed an affidavit, wherein paragraph 6 and 7 are stated as follows :

*"6.I respectfully submitted that during the course of pending trial, Tr.Ramasamy, Special Sub Inspector of Police (2106), Omalur Police Station, Salem District has appeared before the Office of the State Public Prosecutor, High Court, Madras and has given the particulars of the case in Crime No.978 of 2015, inadvertently the **"trial commenced and the witness has been examined in chief the case is posted for cross examination."***

7.I respectfully submit that I once again tender my unconditional apology for any wrong doing on the part of the respondent. I respectfully submit that I am having highest regards for the Honourable Court and the court directions."

P.N.PRAKASH, J.

ms/arr

5. Accepting the above explanations, the contempt petition is closed.

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Index : Yes/No
Internet : Yes/No
Speaking /Non-speaking order
ms/arr



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