

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 15.12.2017

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THE HONOURABLE MR. **JUSTICE P.N. PRAKASH**

Contempt Petition No.1792 of 2017

Sanjeeva Reddy

... Petitioner

Vs

Sampath
Sub Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent for wilful disrespect and disobedience of the order of this Court dated 22.09.2016 made in CrI.O.P.No.20361 of 2016.

For Petitioner : Mr.M. Anandaraj

For respondent : Mr. K. Madhan
Govt. Advocate (CrI.Side)

ORDER

On the complaint lodged by one Sanjeeva Reddy, the Sub-Inspector of Police, Shoolagiri Police Station registered a case in Cr.No.419 of 2009 on 10.06.2009 against one Leelammal(A1) and others for offence punishable under Secs.147, 294(b), 341, 323, 324 and 506(ii) IPC. Since the police did not complete the investigation, Sanjeeva Reddy/petitioner herein filed a

petition in CrI.O.P No.20361 of 2016 for a direction to the respondent police to complete the investigation in Cr.No.419 of 2009. In CrI.O.P.No.20361 of 2016, this Court has passed the following order on 22.09.2016:

" 3. When the matter is taken up today for hearing, the learned Additional Public Prosecutor submitted that the investigations has almost been completed and he seeks four weeks time to complete the investigation and to file a final report. Accordingly, four weeks time is granted to the respondent to complete the enquiry and to file final report in this case.

4. With the above direction, the Criminal Original Petition is disposed of.

2. Since the police did not complete the investigation, as directed by this Court in the Order dated 22.09.2016, Sanjeeva Reddy has filed the present Contempt Petition. सत्यमेव जयते

3. When this Contempt Petition came up for hearing on 06.12.2017, this Court has passed the following Order:

Mr.C. Sampath, Inspector of Police, Soolagiri Police Station is present today.

2. The learned Government Advocate

(Crl.side), on instructions, submitted that the investigation in Cr.No.419 of 2009 was completed and final report was filed before the learned Judicial Magistrate No.I, Hosur in the year 2015, but the same has not yet been taken on file.

3. *This explanation cannot be accepted because only if the final report is filed with all necessary documents like Wound Certificate, statement recorded under Sec.161 of Criminal Procedure Code, Form-95, can learned Magistrate take the final report on file and assign calendar case number.*

4. *The respondent police is directed to complete the formalities and furnish C.C.Number to this Court on the next date of hearing.*

4. *Post the matter on 15.12.2017. The Inspector of Police shall be present before this Court on 15.12.2017.*

4. Today, Mr.G. Ezhil Mudhalvan, Head Constable-935, Shoolagiri Police Station is present with the case diary. On instructions, the learned Government Advocate (Crl.Side) submitted that charge sheet has been numbered as C.C.No.106 of 2017 by the learned Judicial Magistrate No.I, Hosur, but the learned Judicial Magistrate has returned the charge sheet on the ground that the original complaint and the first information report are not available.

5. On perusal of the case diary, it is seen that the first information report has gone to the Court of Judicial Magistrate No.I, Hosur as early as 12.06.2009 as could be seen from the Court seal in the copy of the first information report, available in the case diary.

6. The learned Government Advocate (Crl.Side) submitted that first information report was submitted as early as 12.06.2009, but it must have got misplaced.

7. It is not necessary for this Court to engage in any blame game. Just because the original complaint and the first information report are lost, the accused cannot be allowed to escape. Therefore, this Court directs the learned Judicial Magistrate No.I, Hosur and the Inspector of Police, Shoolagiri Police Station to reconstruct the complaint and the first information report and the same can be used as secondary evidence since originals have been lost. With the above direction, this contempt petition is closed.

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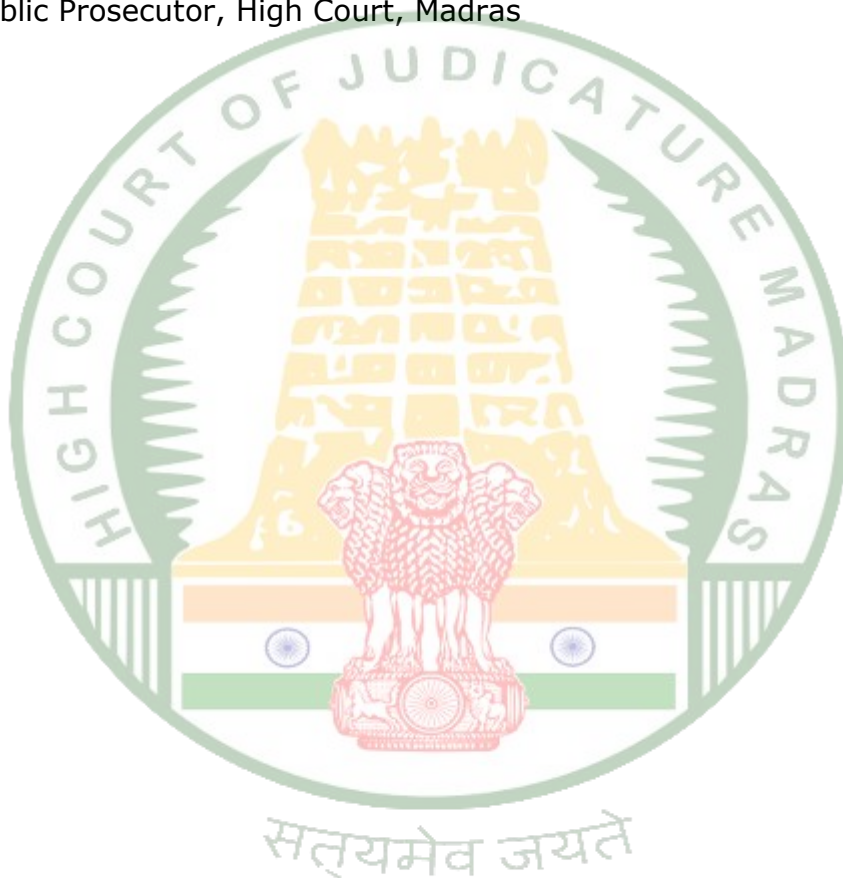
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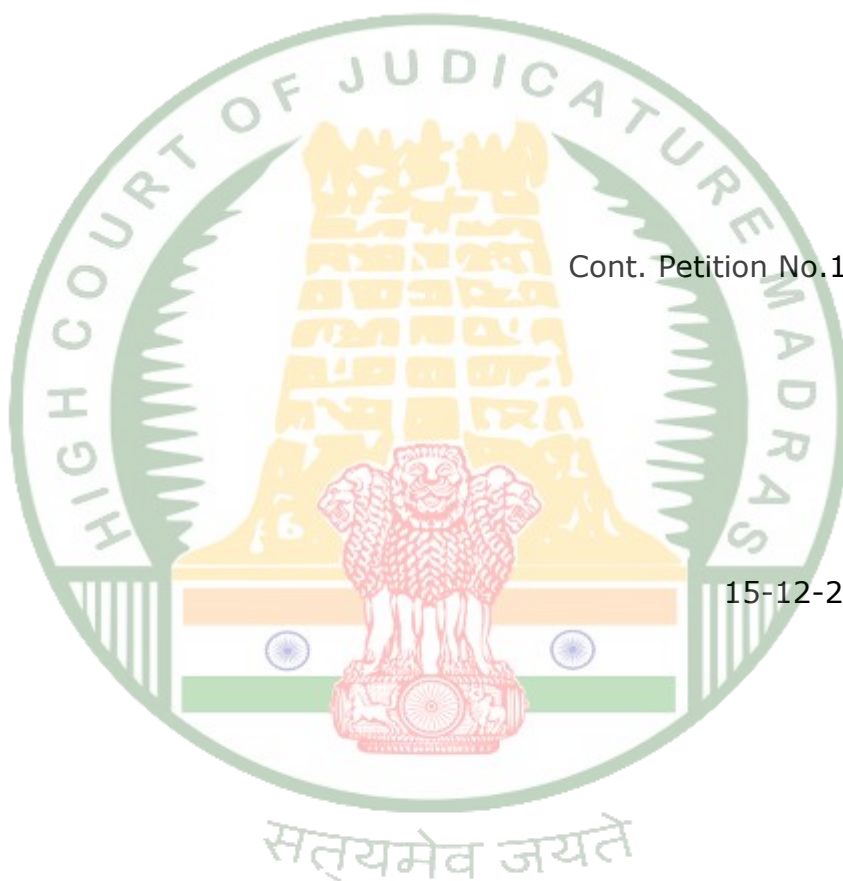
1. The Judicial Magistrate No.I, Hosur
2. The Inspector of Police,
Shoolagiri Police Station,
Krishnagiri District
3. The Public Prosecutor, High Court, Madras



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P.N. PRAKASH,J.,

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