



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: **11.07.2017**

CORAM:

THE HONOURABLE MR.JUSTICE M.M.SUNDRESH
AND

THE HONOURABLE MR.JUSTICE N.SATHISH KUMAR

CONT P(MD)No.936 of 2016

in

E.A.No.229 of 2015

in

E.P.No.95 of 2014

in

R.C.O.P.No.134 of 2011

S.Zeenath Pareetha

: Petitioner/Petitioner

Vs.

Paravashudevan,
Inspector of Police (Law & Order),
Villakuthoon Police Station,
Madurai - 625 001.

: Contemnor/3rd party

PRAYER: Contempt Petition is filed under Section 11 of the Contempt of Courts Act, 1971, to punish the contemnor with simple imprisonment for a term of six months with fine for his wilful lapse, dereliction of duty and wilful disobedience of the Police Protection order of the learned Additional District Munsif Court, Madurai Town from 28.04.2016 to 19.05.2016 in E.A.No.229/2015 in E.P.No.95/2014 in R.C.O.P.No.134/2011 dated 07.04.2016 and also intimation of official Memorandum dated 27.04.2016.

For Petitioner : Mr.S.Sitharthan

For Contemnor : Mr.T.R.Janarthanam

Additional Government Pleader

O R D E R

[Order of the Court was made by **M.M. SUNDRESH, J.**]

This Contempt Petition has been filed alleging that the order passed by the learned Additional District Munsif Court, Madurai directing the contemnor to give police protection has not been complied with.

2.The learned counsel appearing for the petitioner would submit that there is an obstruction to the flow of justice at the hands of the respondents. The said order was passed on 27.04.2016. It was served on the contemnor on 28.04.2016. However, a different stand is taken before this Court, as if the order was served on 24.05.2016. Thus, a case of criminal contempt is made out.



3. The learned counsel appearing for the contemnor would submit the fact that the order was passed on 27.04.2016 and thereafter came to be known by the contemnor is not in dispute. The Senior Bailiff has met the contemnor along with the order passed, only on 24.05.2016. And therefore, there is no willful disobedience of the order. The contemnor could not comply with the order earlier, in view of the then on going direction. He was also transferred to his place of work recently, which is prior to the order passed by this Court.

4. The learned counsel for the petitioner, by way of reply would submit that the order was served on the office of the commissioner on 28.04.2016. Thereafter, intimation was also sent to the office of the Deputy Superintendent of Police on 29.04.2016. From the Deputy Superintendent of Police, the contemnor received the order on 05.05.2016. Hence, it cannot be stated that only on 24.05.2016, he had received the order.

5. There appears to be some truth in both the statements made by the respective counsel. Though, intimation was sent to the office of the Commissioner on 28.04.2016, it was received by the office of the contemnor on 05.05.2016. For executing the order, the contemnor ought not to have waited for the Senior Bailiff, which can be treated as a negligence. Perhaps, the reason why he filed an affidavit before the Court below giving reason, if it is otherwise to that extent, we find that the contemnor is at fault.

6. However, the contention of the learned counsel for the petitioner that the contemnor has stated that he was not aware of the order earlier, but, only on 24.05.2016, is incorrect. In the affidavit, the contemnor has stated that for the first time, the bailiff came and served the order on 24.05.2016. There is no contra material to dispute the said matter. May be, the contemnor might have waited for the order to be served by the Senior Bailiff. The contemnor was directed to be present before this Court by an earlier bench. He was enquired into and thereafter, his presence was dispensed with.

7. Considering the above facts, we are of the view that the contemnor could have been more diligent in taking appropriate action. The learned counsel for the petitioner was made to run from pillar to post, which is an unfortunate happening. The fact remains that atleast on 05.05.2016, the contemnor had knowledge of the order passed. Now, the order has been executed. Therefore, considering the above, we prefer to close this Contempt Petition with a warning to the contemnor to see to it that no such mistake happens again. Once, an order is passed through the Court and is served through official machinery, he is bound to give effect to it.



8. With the above said warning, this Contempt Petition stands closed.

Sd/-

Assistant Registrar (CS-II)

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/Truecopy/

Sub Assistant Registrar

To

Paravashudevan,
The Inspector of Police (Law & Order),
Villakuthoon Police Station,
Madurai - 625 001.

+2cc to M/S.S.SITHARTHAN, Advocate SR.No.64647

+1cc to Special Government Pleader, SR.No. 64952

mr

MAS/JC/SAR2:22.08.2017:3P-5C

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