

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.01.2018

CORAM

THE HONOURABLE MR. JUSTICE P.KALAIYARASAN

Cont.P.No.1698 of 2017

R.Srinivasan ... Petitioner

vs.

1. P.Rajan
The Superintendent of Police
Nethimedu, Salem - 636 002.
2. S.Sivalingam
The Inspector of Police
Omalur, Salem. ... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondents 1 and 2 for willful disobedience of the order, dated 07.10.2016 made in CrI.O.P.No.22915 of 2016.

For Petitioner : Mr.A.Karthikeyan

ORDER

Heard the learned counsel appearing for the petitioner.

2. This Contempt Petition has been filed praying this Court to punish the respondents 1 and 2, the Superintendent of Police and the Inspector of Police for their willful disobedience of the order, dated 07.10.2016 made in CrI.O.P.No.22915 of 2016.

3. This Court in its order, dated 07.10.2016 in Cr1.O.P.No.22915 of 2016, directed the respondents 1 and 2 to execute the NBW, if pending without any further delay.

4. The petitioner averred in his affidavit that he filed a cheque bounce case against the accused before Judicial Magistrate No.VI, Salem in C.C.No.129 of 2012 and since NBW has been pending for a long time, he moved this Court for a direction to execute the NBW and on that petition, this Court passed the above mentioned order, dated 07.10.2016.

5. It is further averred that when he gave a representation to execute the NBW as per the above mentioned order, the first respondent gave a reply stating that the Inspector went to the residence of J.Selvamurugan and he was not found there and upon enquiry with the Village Administrative Officer, it appears that Selvamurugan is not residing in the said place.

6. The learned counsel appearing for the petitioner also submits that the whereabouts of the accused Selvamurugan is not known to the petitioner and it is the duty of the police to trace out the accused and execute the NBW.

7. In this case, admittedly whereabouts of the accused is not known even to the petitioner. The respondents / police are also not in a position to execute the NBW as they came to know upon enquiry with the Village Administrative Officer that J.Selvamurugan, accused in Section 138 of Negotiable Instruments Act case, is not residing in the said place. Under the said circumstances, the petitioner has to proceed further as contemplated under Criminal Procedure Code.

8. From the above facts, it cannot be discerned that the respondents 1 and 2 disobeyed the orders of this Court and therefore, this Contempt Petition is liable to be dismissed.

In the result, this Contempt Petition is dismissed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

tsvn

//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER (O.S.)

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One cc to Mr.A.Karthikeyan, Advocate, Sr.NO.850