

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 19.06.2018

CORAM:

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

Cont.P.No.769 of 2018

S.Mukanchand Bothra .. Petitioner

vs.

A.K.Viswanathan
Commissioner of Police
Greater Chennai, Egmore
Chennai 600 008. ... Respondent

Contempt Petition filed under Section 11 of Contempt of the Courts Act, 1971 to punish the respondent for disobeying the order dated 13.03.2007 passed by this Court in Cr.O.P.No.6848 of 2007.

For petitioner : Mr.Gagan Bothra

For Respondent : Mrs.Kritika Kamal, P.
Government Advocate [Crl.Side]

ORDER

This petition has been filed to punish the respondent for disobeying the order dated 13.03.2007 passed by this Court in Cr.O.P.No.6848 of 2007.

2. Mukanchand Bothra filed a petition under Section 482 Cr.P.C. in Crl.O.P.No.6848 of 2007 with the following prayer:

<https://hcservices.ecourts.gov.in/hcservices/> "Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent herein not to interfere with

the regular course of the petitioner's business activities and in taking legal recourse for realizing his dues."

This Court, by order dated 13.03.2007 in CrI.O.P.No.6848 of 2007, has passed the following order:

"4. In view of the submissions made by both sides and also the reasons assigned by the petitioner in the affidavit, this Court is constrained to direct the respondent police not to harass the petitioner on the basis of any complaint preferred against him except in dealing with the matter in accordance with law, by strictly following the procedure and guidelines stipulated by the Hon'ble Supreme Court in D.K.Basu Vs. State of West Bengal (AIR 1997 SC 610). The criminal original petition is ordered accordingly."

3. Now, in the year 2018, Mukanchand Bothra has filed the present contempt petition alleging that the police have violated the said order and are harassing him.

4. In the opinion of this Court, a contempt petition will not lie in respect of an order of this nature, because the expression "not to harass" is subjective. and even a summons issued under Section 160 Cr.P.C. or 41-A Cr.P.C. can be construed by the suspect as harassment. That apart, the order was passed in the year 2007 and we are now in the year 2018. Several FIRs were registered against Mukanchand Bothra and he was also detained under the Goondas Act.

Under such circumstances, this Contempt Petition is dismissed as being devoid of merits.

SD/
ASSISTANT REGISTRAR (Commr.Cases)

gms

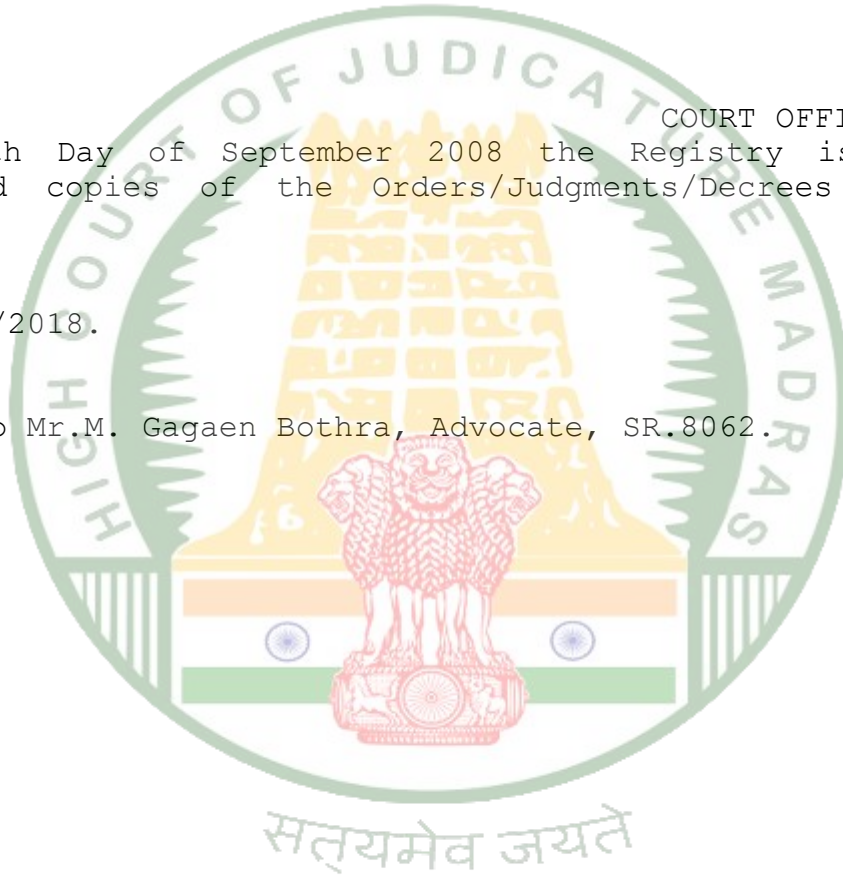
//Certified to be true copy//

Dated at Madras this the day of 2018.

COURT OFFICER(O.S.)
From 25th Day of September 2008 the Registry is issuing certified copies of the Orders/Judgments/Decrees in this format.

CO/09/07/2018.

One CC to Mr.M. Gagaen Bothra, Advocate, SR.8062.



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