

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 27.06.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Cont.P.No.663 of 2019

R.Srinivasan

Petitioner

vs.

S.Prabhakaran,
Inspector of Police,
Puliampatti Police Station,
Puliampatti,
Erode District.

Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the respondent/1st respondent herein for willful disobedience and violating the order of this Court dated 16.11.2018 in CrI.O.P.No.26571 of 2018 and CrI.M.P.No.15299 of 2018.

For Petitioners : Mr.S.Viswanathan
for Dass and Viswa Associates

For Respondent : Mr.L.Chandrakumar

WEB COPY
ORDER

The petitioner has filed this contempt petition to punish the respondent/1st respondent herein for willful disobedience and violating the order of this Court dated 16.11.2018 in

CrI.O.P.No.26571 of 2018 and CrI.M.P.No.15299 of 2018.

2. Pursuant to the orders passed by this Court on 12.06.2019, the respondent has filed a further counter affidavit before this Court. It will be relevant to extract Paragraphs 6 and 7 here under:

6. I am to further submit that when the case was listed for hearing, the Hon'ble High Court by its order dated 16.11.2018 issued direction to the respondent police not to file a final report in this case; however the police official who attended the court on that day had stated that he mentioned to the Public Prosecutor that the Final Report was in NTF stage. On 20.11.2018 another Sub-Inspector of Police who attended the court case has submitted that the Hon'ble High Court has not passed any order. On 21.11.2018 when stage of the case was verified with the Information Centre, the case was shown as 'pending' and the interim order passed by this Hon'ble Court does not reflected. The complainant Tr.Arokiasamy has submitted a petition on 11.10.2018 and 18.11.2018 to take speedy action in the above Crime No.57 of 2018 and 270 of 2017. Since this petition was forwarded from the Deputy Inspector General of Police, Coimbatore Range I had been in a position to initiate immediate action on the representation of the petitioner.

7. I am to further submit that it is learnt that on 16.11.2018 when the above case was listed, this Hon'ble Court is said to have issued direction to the respondent police not to file any final report in this case. On the said day, the SSI Sugumaran was deputed to attend the Court. It is

learnt that on 16.11.2018 the State was represented by one Mr.C.Ragavan to whom the said deputed SSI Sugumaran had informed that the Crime No.270 of 2017 was numbered as C.C.No.68 of 2018 and was taken on file on 17.10.2018 in so far as Crime No.57 of 2018 is concerned, it was reported that it was not taken on file. There was no communication or intimation from the either parties to me in regard to any orders being passed in 16.11.2018. Be that as it may, the files relating to submission of final report was handed over to the Public Prosecutor's office, Sathyamangalam on 17.04.2018 by my predecessor Mrs.V.Jothilakshmi, Inspector of Police. The entire files were retained in the above said Public Prosecutor's office, Sathyamangalam and only on 05.12.2018 the incumbent APP is said to have verified and approved thereby there was no access for me to deal with the above criminal case. Hence the Final Report in Crime No.57 of 2018 came to be handed over to the APP, Sathyamangalam on 17.04.2018 by my predecessor and it was under the custody of APP, Sathyamangalam.

3. The respondent has also tendered an unconditional apology for the final report being filed after the orders were passed by this Court on 16.11.2018.

4. This Court also went through the final report and found that the final report was actually made ready on 17.04.2018 and thereafter it was sent for opinion of

Additional Public Prosecutor. In the mean time, this Court had passed an order. This Court does not find any intentional disobedience on the part of the respondent and he had filed the final report by mistake. It is also relevant to note that the final report filed by the respondent has already become a subject matter of challenge before this Court in CrI.O.P.No.14972 of 2019 and this Court has stayed further proceedings in this case.

5. Accepting the counter affidavit filed by the respondent and the unconditional apology tendered by him, the present contempt petition is closed.

ssr

SD/-
ASSISTANT REGISTRAR (COMM.CASES)

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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Mv/18/07/2019

To

The Public Prosecutor,

<https://hcservices.sirgudhgo.in/hcservices> Madras, Madras.