

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR. JUSTICE P.N.PRAKASH

Cont.P.No.735 of 2019

S.Siva
S/o.K.Sellamy

... Petitioner

Vs.

Vijayalakshmi
Head Clerk
Judicial Magistrate Court
Alandur, Chennai-16.

... Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971, praying to punish the respondent for disobeying the orders dated 08.11.2016 passed by this Court in Cr1.OP.No.24171/2016.

For Petitioner : Mr.S.Siva
Party-in-Person

ORDER

This Contempt Petition is filed by complaining that the order dated 08.11.2016 passed by this Court in Cr1.OP.No.24171 of 2016 has not been complied with.

2. Siva, petitioner-in-person, filed Cr1.OP.No.24171 of 2016 under Section 482 Cr.P.C with the following prayer:

"To issue the suitable direction to the Judicial Magistrate Court at Alandur, Chennai-16 to take the Copy Application No.15318 of 2016 in C.C.No.916 of 2007 and further proceed as per law pending on his file."

3. During the course of arguments in CrI.OP.No.24171 of 2016, Siva, Party-in-Person produced an order dated 15.09.2009 purported to have been passed by the Judicial Magistrate, Alandur, discharging him from the prosecution in C.C.No.916 of 2007. This Court entertained a doubt about the genuineness of the order produced by Siva. Therefore, this Court called for a report from the Judicial Magistrate, Alandur about the genuineness of the said order. The Judicial Magistrate, Alandur, sent a report stating that the said order was a fabricated one and therefore, this Court, by order dated 18.11.2016, in CrI.OP.No.24171 of 2016, directed the Judicial Magistrate, Alandur, to give a complaint to the Central Crime Branch, Chennai, against Siva for fabricating a Court order. Accordingly, Vijayalakshmi, who is working as Head clerk in the Court of the Judicial Magistrate, Alandur, lodged a complaint, based on which, a case in Crime No.171 of 2016

was registered on 28.12.2016 and after completing the investigation, the police have filed a final report in C.C.No.1275 of 2017 before the Judicial Magistrate, Alandur, against Siva for the offences under Sections 420, 465, 466, 467, 468 and 477 IPC. Charges were framed against Siva and he pleaded "not guilty". The trial commenced with the examination of Vijayalakshmi as P.W.1. So far, the prosecution have examined three witnesses viz., Vijayalakshmi (P.W.1), Murugan (P.W.2) and Ramanathan (P.W.3), the then Judicial Magistrate, Alandur. While so, Siva has filed the present contempt petition alleging that Vijayalakshmi had stated in her cross-examination that she is not a hearsay witness.

4. Heard Siva, Petitioner-in-Person.

5. During the course of arguments, Siva took this Court through the evidence of Vijayalakshmi and in the cross-examination, to the suggestion put to her, Vijayalakshmi has stated that she is not a hearsay witness. Siva contended that Vijayalakshmi should not have stated like that in her cross-examination and therefore, contempt action should be taken against her.

6. In the opinion of this Court, this contempt petition is outrightly a frivolous one intended to terrorise the Court officials, who have deposed against Siva in the trial. Siva brought to the notice of this Court the answers given by Mr.Ramanathan (P.W.3) the then Judicial Maigstrate, Alandur, in the cross-examination, and submitted that from the answers given by him, Vijayalakshmi should be hauled up for contempt. The above said submission of Siva deserves to be stated only to be rejected.

7. In the result, this contempt petition is dismissed as being devoid of merits.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

mk

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER (O.S.)

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Smi/26/09/2019