

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 29.08.2019

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Contempt Pettion No.1158 of 2019

P.Ramadoss

... Petitioner

Vs.

Anna Durai
Inspector of Police,
Sathuvacheri Police Station
Vellore District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act 1971 , praying to punish the respondent under the provisions of Contempt of Court for Willful disobedience of the order of this Hon'ble Court in CrI.O.P No.126 of 2019 dated 04.01.2019.

For Petitioner : Mr.A.Edwin Prabakar

For Respondent : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

This contempt petition has been filed on the ground that the order passed by this Court on 04.01.2019 has not been complied with.

2. A counter affidavit has been filed by the respondent. The relevant portions in the counter affidavit is extracted

hereunder:

4. I submit that, based on the above complaint, a case was registered in Sathuvatcheri Police Station Crime No.334 of 2018, u/s.294(b), 323, 324 and 506(ii) against the Accused 17.08.2018 at about 6.00 a.m, by Tr.Ravichandran, the Sub Inspector of Police, Sathuvachari P.S and he has taken up the case for investigation.

5. It is submitted that during the course of investigation, I have went to the scene of occurrence drew rough sketch and observation mahazar in the presence of witnesses namely Tr.Hyed Batsha and Tr.Saravanan and also examined the following witnesses and recorded their statements.

(1) Tr.Ramadoss - Defacto Complainant / the petitioner herein.

(2) Tmt. Vanitha - Wife of the Defacto complainant

(3) Tmt.Valli - Daughter-in-law of the complainant

(4) Tr.Suresh Babu - Son of the complainant

(5) Tr.Venda - Neighbour of the complainant

Witnesses 1 to 5 corroborates the same version of the complaint.

6. It is submitted that after completion of elaborate and detailed investigation, on 5.12.2018, the Sub Inspector of Police, Sathuvachari P.S filed absconding charge sheet against A-1 Stanely George before the Judicial Magistrate Court No.V, Vellore and the same was taken on file vide C.C No.712 of 2018 by the said court on 14.12.2018.

7. I submit that the meantime, the petitioner / de-facto complainant filed a Direction Petition in CrI.O.P No.126 of 2019 before this Hon'ble High Court to transfer the investigation in FIR in Crime No.334 of 2019 dated 17.08.2018 pending on the file of the 2nd respondent police to Crime Branch Crime Investigation Dept. or to any other independent agency and to investigate the same.

Upon hearing both sides, on 04.01.2019, this Hon'ble High Court passed an order that "In the above facts and circumstances of the case, there shall be a direction to the 2nd respondent to continue with the investigation effectively and complete the same within a period of three months and file a final report".

8. I submit that as per the order of this Hon''ble Court, I have continued the investigation of this case, and went to the scene of occurrence and conducted the

examination of the witnesses and also recorded the following witnesses statements:

(1) Tr.Samuel, (2) Tr.Rathinam (3) Tr. Francis and

(4) Tr.Srinivasan - Neighbours of the Scene of occurrence and also the eye witnesses.

(5) Dr.Rishal Rahman - Asst. Physician, Dept. of Emergency Medicine, C.M.C Vellore, who gave Wound Certificate to the petitioner as grievous in nature.

Based on the above witnesses statement and material evidences, I have included Sudhakar and Pugalenthil as accused (A2) & (A3) in this case and altered the section of this case into u/s.294(b), 326, 506(ii) IPC r/w 4 of Women Harassment Act" against A-1 to A-3 and filed further charge sheet on 29.03.2019 against the accused persons before the Judicial Magistrate Court No.V, Vellore in C.C No.712 of 2018.

9. I submit that on 28.06.2019, I have relieved from the Sathuvacherry P.S and joined as Inspector of Police, Arakkonam Taluk P.S Vellore District.

10. I submit that as per the order of this Hon'ble High Court dated 4.1.2019, I have conducted further investigation of this case and investigated and as per the investigation included the accused persons (A-2 &

A3) in this case and filed Further charge sheet against [A-1 to A-3] before the competent court on 29.03.2019 within the time stipulated by this Hon'ble High Court.

3. In view of the above development, no further orders can be passed in this contempt petition and there shall be a direction to the Judicial Magistrate No.V, Vellore to immediately take the further report on file and issue summons to the accused persons. The proceedings shall be completed within a period of six months from the date of receipt of copy of this order.

4. In the result, this Contempt Petition is closed.

SD/-

ASSISTANT REGISTRAR (COMM.CASES)

UMA

//Certified to be true copy//

Dated at Madras this the day of 2019.

COURT OFFICER(O.S.)

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Smi/23/09/2019

To

1. Inspector of Police,
Sathuvacheri Police Station
Vellore District.
2. The Public Prosecutor
High Court of Madras.
3. The Judicial Magistrate No.V,
Vellore.
4. The Principal District Judge,
Vellore.