



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 31.01.2020

CORAM:

THE HONOURABLE MR. JUSTICE A.D. JAGADISH CHANDIRA

CONT.P.(MD).No. 62 of 2020

in Crl. O.P.(MD) No. 5210 of 2019

WEB COPY

G. Sivaraman

...Petitioner/Petitioner

Vs.

Paul Yesudoss,
Inspector of Police,
Srivilliputhur Town Police Station,
Srivilliputhur,
Virudhunagar District.

... Contemnor/Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Court Act, 1971, to punish the contemnor/respondent for his willful disobedience of the order passed by this Court dated 05.04.2019 in Crl.O.P(MD)No. 5210 of 2019.

Prayer in CRL OP(MD). 5210/ 2019 :

Criminal Original Petition is filed under Section 482 of Cr.P.C., to direct the respondents 1 and 2 to execute the NBW against the 3rd respondent issued by the Judicial Fast Track Magistrate, Srivilliputhur in CC.No.19 of 2018 dated 26.12.2018 within the time framed fixed by this Honble Court.

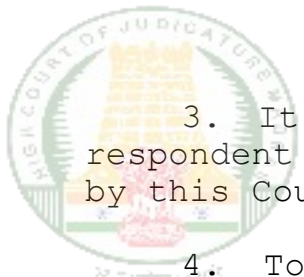
For Petitioner : Mr.S.M. Anantha Murugan

For Respondent : Mr.S. Chandrasekar
Additional Public Prosecutor

O R D E R

The contempt petition has been filed alleging disobedience of the order made in Crl.O.P(MD)No. 5210 of 2019, dated 05.04.2019 by the contemnor/respondent.

2. The Crl.O.P.(MD) No. 5210 of 2019 was filed seeking to direct the respondents-1 & 2 to execute the Non-bailable warrant, dated 26.12.2018 issued by the learned Judicial Fast Track Magistrate, Srivilliputhur in C.C. No. 19 of 2018 to secure the third respondent, namely, Prakash Kumar, Proprietor of M/s. Sri Kamatchi Traders, within a time frame fixed by this Court. This Court by order dated, 05.04.2019 directed the second respondent to secure the custody of the third respondent as expeditiously as possible.



3. It is the contention of the petitioner that the second respondent had not taken any steps to comply with the order passed by this Court, dated 05.04.2019.

4. Today, when the matter is taken up for hearing, the contemnor/respondent is present before this Court. He has filed a report stating that the accused Prakash Kumar was running a business at Coimbatore in the name of Kamatchi Traders. Based on a Non-Bailable warrant issued by the learned Judicial Fast Track Magistrate, Srivilliputhur, he had deputed Mr.Thudiyandi, H.C-1131 on special duty. On 18.02.2019 enquiry was conducted and it was found that the accused had vacated the premises and gone away and thereafter, they have enquired the elder brother of the said Prakash Kumar, one Ramesh kumar and he was also not aware whereabouts of the brother of the accused and thereafter, he has enquired the other remaining places. Again, on 23.09.2019, Mr. Thudiyandi, HC-1131 was deputed to secure the accused and he has conducted enquiry and the Village Administrative Officer of Kumarapalayam, Peroor Taluk has issued a certificate stating that the accused Prakashkumar is not available in the address. After obtaining the certificate of VAO, the Non-bailable warrant, dated 26.12.2018 was duly returned to the learned Judicial Fast Track Magistrate, Srivilliputhur.

5. The contemnor/respondent would submit that he has only complied with the order passed by this Court, however since the accused is not available at the given address he is unable to secure the accused and the Non-bailable warrant has been returned to the concerned Jurisdictional Court.

6. In view of the same, the Contempt Petition stands closed.

Sd/-

Assistant Registrar (CS-II)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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To

The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1 CC to M/s.S.M.ANANTHA MURUGAN, Advocate (SR-4228[F] dated
31/01/2020)

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in CrI. O.P.(MD) No. 5210 of 2019
31.01.2020

JMN(25.02.2020) 2P : 3C

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