



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 24.02.2020

CORAM:

THE HONOURABLE MR.JUSTICE S.S. SUNDAR

Cont.P(MD).No.75 of 2020

R.Rahumathulla

.. Petitioner/Petitioner

Vs.

Mr.R.Anand,
The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road, Tiruchirappalli - 620 008. .. Respondent/Contemnor

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, to punish the Contemnor for his willful disobedience to the order passed by this Court in W.P.(MD).No.22603 of 2017, dated 11.07.2019.

Prayer in WP(MD). 22603/ 2017 :

Writ Petition filed under Article 226 of the Constitution of India, to issue a Writ of Certiorarified Mandamus to call for the records in File No.TR2070206298917 dated 28.06.2017 passed by the Respondent No.1 and quash the same as illegal consequently direct the Respondent No.1 to return the passport with booklet number P8450165 to the Petitioner.

For Petitioner : Mr.S.M.A.Jinnah

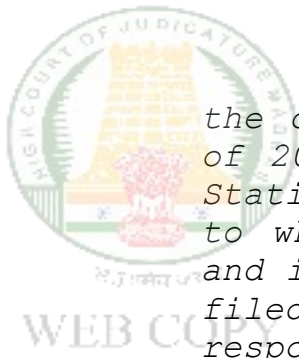
For Respondents : Mr.S.Jeyasing

ORDER

This contempt petition is filed alleging willful disobedience of the order passed by this Court in W.P.(MD).No.22603 of 2017, dated 11.07.2019.

2.This Court passed an order, dated 11.07.2019 in the following lines.

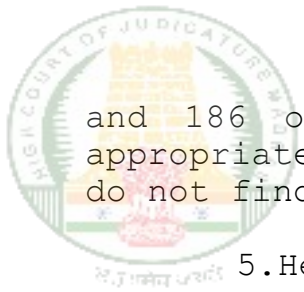
"The 2nd and 3rd respondents shall intimate the present status of the case pending under their jurisdiction and apart from that, the 1st respondent shall get report from



the concerned police officer in respect of crime No.1316 of 2015 on the file of the Chennai City Jambazar Police Station as to the Status of the pendency of such case as to whether charge sheet has been filed for those cases and if in all the three cases, charge sheet have not been filed and still pending at the FIR stage, the 1st respondent shall issue a notice to the petitioner and after getting explanation from the petitioner, if there is any suppression of pending of FIRs, the issue of returning back of the passport can be decided accordingly. However, if in any one of the three cases, charge sheet has already been filed and the same is ensured by way of report from the police authorities, which should be sought for by the 1st respondent, the 1st respondent, based on such input to be submitted by the police authorities, can take a decision relegating the petitioner to approach the competent criminal Court to get an appropriate order and based on which, a decision can be taken to return the passport. The aforesaid exercise of the 1st stage either to decide the stage of the cases or to relegate the competent criminal Court shall be made by the 1st respondent, within a period of 8 weeks from the date of receipt of a copy of this order and once, the petitioner is driven to go to the criminal Court to get an order, in case, if in any one of the case, charge sheet is filed, on production of such order, the same shall be decided by the 1st respondent, within a period of four weeks thereon."

3.The contempt petitioner in the petition has stated that the criminal complaint is pending and it cannot be taken cognizance as no final report was filed in time. It is only on the assumption that final report was not filed. On the last occasion, the learned counsel appearing for the petitioner stated that the only complaint which is pending against the petitioner cannot be a reason and that there is no scope for filing the final report after three years. This court do not accept the contention of the learned counsel appearing for the petitioner and observed that under Sections 473 of Criminal Procedure Code, the Court has power to take cognizance of the offence even after the expiry of the period of limitation, if the Court is satisfied with sufficient reasons for the delay in filing the charge sheet.

4.The learned counsel for the respondent produced before this Court the communication received from the Inspector of Police, Gandhi Market Police Station, Tiruchirappalli City, to the effect that the final report has been filed on 04.12.2019 and that the same was taken on file in C.C.No.338 of 2020 on the file of Judicial Magistrate No.V, Tiruchirappalli. The final report against the petitioner was for offences under Sections 153(A) (1), 153(B), 506(i)



and 186 of IPC. It is stated that the respondent will pass appropriate order if there is no objection from police. This Court do not find any wilful disobedience of order.

5.Hence, this contempt petition is closed. No costs.

WEB COPY

Sd/-

Assistant Registrar (AD-I)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM

To

Mr.R.Anand,
The Regional Passport Officer,
Regional Passport Office,
Tiruchirappalli Municipal Water Tank Building,
W.B.Road, Tiruchirappalli - 620 008.

+1 CC to Mr.S.JEYASINGH, Advocate (SR-8056[F] dated 25/02/2020)

+1 CC to Mr.S.M.A.JINNAH, Advocate (SR-8344[F] dated 26/02/2020)

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VB(16.03.2020) 3P 4C