



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 10.02.2020

CORAM

THE HONOURABLE MR. JUSTICE **A.D.JAGADISH CHANDIRA**

Cont.P(MD)No.1845 of 2019
in
Crl.O.P(MD) No.15401 of 2018

Meharnisha

.. Petitioner / Petitioner

Vs.

Senthamarai
The Inspector of Police
All Women Police Station
Uthamapalayam
Theni District

.. Respondent / 2nd Respondent

Prayer : This petition is filed under Section 11 of Contempt of Court Act to punish the respondent herein for disobeying the orders dated 30.08.2018 made in Crl.O.P(MD) No.15401 of 2018 on the file of the Honourable Court, Madurai Bench by securing arrest of the first accused and produce him in C.C.No.393 of 2011 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District to commence the trial.

Prayer in CRL OP(MD) . 15401/ 2018 :

To direct the 2nd respondent to execute the non bailable warrant pending against the accused no.1 in C.C.No.393 of 2011 on the file of the Judicial Magistrate, Uthamapalayam, Theni District pertaining to Cr.No.10 of 2011.

For Petitioner : Mr.K.Appadurai

For Respondent : Mr.S.Chandrasekar
Additional Public Prosecutor

ORDER

This Contempt petition has been filed to punish the respondent herein for disobeying the orders dated 30.08.2018 made in Crl.O.P(MD) No.15401 of 2018 on the file of the Honourable Court, Madurai Bench by securing arrest of the first accused and produce him in C.C.No.393 of 2011 on the file of the learned Judicial Magistrate, Uthamapalayam, Theni District to commence the trial.



2. The learned counsel for the petitioner would submit that the petitioner is the defacto complainant and her complaint was registered by the respondent in Crime No.10 of 2011. After completion of investigation the case has been taken on file in C.C.No.393 of 2011 against one Rajamohamed and seven others. Rajamohamed/A1 was shown as absconding accused in C.C.No.393 of 2011 and for other accused the case is pending in C.C.No.431 of 2013. Since Rajamohamed/A1 was absconding non bailable warrant was issued him. Thereafter the petitioner approached this Court in CrI.O.P(MD) No.15401 of 2018 and this Court directed the respondent to execute Non Bailable Warrant within a period of four weeks. Since it has not been executed the present petition has been filed.

3. The respondent has filed a status report before this Court stating that the accused has been shown as absconding from the year 2011 itself and based on the complaint given by the petitioner a case in Crime No.166 of 2017 has been registered under the caption 'Man Missing' on the file of the Cumbum North Police Station. The respondent police are taking steps to secure the absconding accused. The petitioner had given a information that the said Rajamohamed/A1 was working in a snake farm at Chennai and based on the information given by the petitioner the respondent along with Spl Sub Inspector Dharmaraj, Head Constable 1484 Nagaraj along with the defacto complainant went to the Snake farm at Chennai on 18.01.2020 and met the executive Chairman namely Dr.S.Paulraj and enquired about the accused by showing his photos, but he is not working in the snake farm and no fruitful information was gathered. Further the respondent police visited the Sister's house of the accused at Rayapuram, Chennai and enquired the sister of the accused. Further the respondent police also visited Rayapuram Police Station and met the Inspector of Police, Rayapuram police and enquired about the accused by showing his photograph and also requested to intimate if they receive any information about the accused. He would also submit that they are taking continuous steps to secure the accused.

4. Taking into consideration the steps taken by the respondent/contemnor, this Court is of the opinion that no contempt has been committed by the respondent/contemnor.

5. Hence this Contempt petition is closed. However, it is made clear that the respondent shall continue with the investigation and search the accused person.

Sd/-

Assistant Registrar (P & A)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)



To

Senthamarai
The Inspector of Police
All Women Police Station
Uthamapalayam
Theni District.

+1 CC to M/s.K.APPADURAI, Advocate (SR-5689[F] dated 11/02/2020)

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SDS (26.02.2020) 3P-3C