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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.02.2021

CORAM

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

Cont.Petn.No.1217 of 2012

N.Srinivasan,
No.24, Shivaji Street,
T.Nagar, Chennai - 17

... Petitioner

Vs.

Mr.Pitchaiya,
The Inspector of Police (crime),
R1 Mambalam Police Station,
T.Nagar, Chennai.

... Respondent

PRAYER: Contempt Petition is filed under Section 11 of Contempt of Courts Act to punish the respondent for his deliberate and willful disobedience of the order passed in CrI.MP.No.1 of 2010 in CrI.OP.No.26183 of 2010 on 01.04.2011.

For Petitioner : No appearance.

For Respondent : No appearance.

ORDER

(The case has been heard through video conference)

This contempt petition is filed to punish the respondent for his deliberate and willful disobedience of the order passed in CrI.MP.No.1 of 2010 in CrI.OP.No.26183 of 2010 dated 01.04.2011.



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2. CrI.MP.No.1 of 2010 in CrI.OP.No.26183 of 2010 was filed to cancel the anticipatory bail granted to the first respondent/D.Ramadoss on 15.11.2010.

3. This Court while disposing the petition for cancellation of bail had given a finding that there was no ground to cancel the anticipatory bail. However, a direction was issued to the respondent to expedite the investigation and to file a final report within a period of eight weeks from the date of receipt of a copy the order. Since, the respondent has not complied with the order. The present petition has been filed seeking to punish the contemnor.

4. Counter affidavit has been filed by Mr.Pitchai, Inspector of Police, N1 Royapuram Traffic investigation who is the then Investigating officer in Cr.No.2183 of 2010 on the file of the R1 Mambalam (Crime) Police Station. The counter filed by the contemnor is taken on record.

5. It is relevant to refer to Paragraphs 5 to 12 of the counter filed by the respondent/Contemnor.

“5. I respectfully submit that on 14.04.2011 I received the copy of the order Passed by this Hon’ble High Court, Madras, dated 01.04.2011 made in CrI. M.P, No.1 of 2010 in CrI. O.P. No.

26183 / 2010, directing me to complete the investigation in



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Cr.No.2183/10 and file final report within a period of 8 weeks.

6. I respectfully submit that on 14.4.2011, I received this Hon'ble High Court order to complete the investigation within the period of 8 weeks by a Registered Tapal sent by the Petitioner's counsel. On perusal of the case file, I came to know that the complaint copy only was given by the petitioner to the Police. Sale agreement copy acknowledgement of advance payment and other related documents were not given by the petitioner. The petitioner mentioned that he first gave Rs. 5,00,000/- as advance payment on 7.2.2007. and paid further advances/ payments on 1.9.2007 Rs.2,00,000/-, on 5.9.2007 Rs.2,00,000/-, on 13.9.2007 Rs.2,25,000/- supporting document for their transactions also not furnished by the petitioner. I submit that on several occasions our Police Party went to the Petitioner's address which is nearest to the Mambalam Police Station to enquire him in person, but all efforts proved futile, since he was not available. As my visit that on 22.04.2011 and 20.05.2011 Mrs. Radha, the Office in charge told that her owner is one of the big coffee merchant in the state and he rarely came to Chennai and informed me that she will ask her owner to come over to the Police Station as and when he comes down to Chennai.

7. I respectfully submit that, during the course of



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investigation it reveals that the accused has not only cheated the petitioner, also he was involved in many cases, which are investigated by Central Crime Branch and pending trial in Tambaram JM. I Court in CC.No.465/07, 272/07, 434/07, 268/07, 264/07 35/08. I submit that his wife Mrs. Savithiry also a co-accused in all this case and they have absconded with their family. I submit that all sincere efforts were taken to trace the accused by us, but we could not trace him.

8. I respectfully submit that within 11 months of my tenure in R1 Mambalam Police Station Crime, I have attended the Assembly General election, Corporation election, bandobust duties and Ramzan, Deepawali, Christmas festival bandobust duties at T.Nagar, which is a big commercial area. I submit that sincere efforts were taken by me to obey this Hon'ble Court order, but unable to complete the investigation within the period as directed by this Hon'ble Court.

9. I respectfully submit that I got transfer from R1 Mambalam Crime to N1 Royapuram Traffic Investigation on 2.01.2012 and was relieved on 04.01.2012. I state that while I am working in Royapuram Traffic Investigation, I received a contempt Notice by registered tapal sent by the Petitioner's Counsel, immediately I contacted the counsel over phone and



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explained about my transfer from R1 Mambalam Crime Police Station.

10. I respectfully submit that only due to the non co-operation on the side of the petitioner in not appearing before us and non submission of relevant documents, I was unable to complete the investigation and file final report as directed by this Hon'ble Court. I submit that the following steps were taken by me to complete the investigation by sending my Police Party as follows.

No.	DATE	RANK & NAME	INVESTIGATIONS
A.	20.04.2011	H.C. 9620 Tr. Kanalagan H.C. 15131 Tr. Sethuraman	Went to the Accused address and enquired Mrs. Thilagam W/o. Ramesh who presently reside there to enquire the, whereabouts of the Accused
B.	22.04.2011	M. Pitchiah, Inspector of Police	Went to the Complainants address and enquired Mrs. H.C. 15131 Tr. Sethuraman Radha, a office staff of the _ Complainant. Who was available at that time.
C.	20.05.2011	M.Pitchiah, Inspector of Police H.C. 15131 Tr. Sethuraman	Went to the complainants address and enquired Mrs.Radha,a office staff of the complainant who was available at that time



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No.	DATE	RANK & NAME	INVESTIGATIONS
D	27.05.2011	SSI Tr. Kanalagan H.C. 22971 Kangaraj	Went to Maraimalai Nagar Kuduvanchari to enquire the where about of the accused
E	16.06.2011	SSI Tr. Kanalagan H.C. 22971 Kangaraj	Went to accused address at Chrompet, at that time accused is not available, accused relative Ramesh was examined
F	19.07.2011	S.S.I Tr. Kanalagan S.S.I Tr. A.D. Raja	Went to Perugulatur, Muduchure, Otteri, Villivakkam, to enquire the where about of the Accused
G	13.08.2011	S.I Tr. Ebnesar S.S.I Jayselan	Went to the Accused address and enquired Mrs. Thilagam W/o. Ramesh who presently reside there to enquire the where about of the Accused
H	15.09.2011	S.I Tr. Ebnesar S.S.I Jayselan	Went to the Accused address and enquired Mrs. Thilagam W/o. Ramesh who presently reside there to enquire the, where about of the Accused
I	02.10.2011	S.I.Tr.Guruswamy HC 15131 Tr.Sethuraman	Went to the Accused address. and enquired Mrs. Thilagam W/o. Ramesh who presently reside there to enquire the where about of the Accused.
J	22.10.2011	S.I.Tr.Guruswamy S.S.I Tr. A.D. Raja	Went to Katangulattur, Lakshmipuram, Muduchure to enquire the where about of the Accused



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No.	DATE	RANK & NAME	INVESTIGATIONS
K	25.11.2011	S.I.Tr.Guruswamy S.S.I Tr.Raja	Went to Katangulattur, Lakshmipuram, Muduchure to enquire the where about of the Accused
L	21.12.2011	S.I.Tr.Guruswamy S.S.I. Tr.Kanalagan	Went to Thambaram & Sellaiyur to enquire about the where about of the Accused

11. I respectfully submit that the respected Govt. Advocate (Criminal side), already sent several messages to the present Inspector of Police, R1 Mambalam (Crime) and gave instruction in person about this contempt petition, Since this contempt petition is pending before this Hon'ble Court, no further action has been initiated by the present Inspector of police.

12. I submit that there is no deliberate or willful omission on my part in completing the investigation in obedience with the orders passed by this Hon'ble Court. I submit that only due to the bonafide reasons stated above, investigation would not be completed and final report was not filed by me as per the orders of this Hon'ble Court. I humbly submit that throughout my carrier, I have never violated any of the order passed by Hon'ble Courts. I further submit that, I once again tender my unconditional apology before this Hon'blie court for any wrong doing on the



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part of the respondent. I respectfully submit that I am having highest regard for this Hon'ble High Court and orders passed by this Hon'ble Court."

6. The learned Additional Public Prosecutor would submit that though the order has been passed on 01.04.2011, the respondent had taken necessary and effective steps and that since there was non-cooperation on the part of the complainant and since complainant did not appear and submit the relevant documents, the respondent/contemnor was unable to complete the investigation and to file the final report as directed by this Court. Later, there was transfer of investigating officers and that was also one of the reason for delay. Further, he would submit that as on date the investigation is completed and the case has been referred as mistake of fact and the RCS notice was served on the petitioner and the same was also acknowledged by him.

7. There is no representation on behalf of the petitioner. Perused the available records.

8. The learned Additional Public Prosecutor would submit that the respondent/contemnor has expressed unconditional apology and prayed that his apology may be accepted and respondent may be purged from the contempt proceedings.



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9. The counter affidavit filed by the respondent/contemnor is taken on record and the unconditional apology is accepted. Though there has been delay, the delay is attributed to non-cooperation of the petitioner also. Now the final report has been filed.

10. In view of the above, the contempt petition stands closed. No costs.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

tsh

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

from 25th day of September 2008 the Registry is issuing Certified copies of the Orders/Judgments/Decrees in this format.

GS/20/07/2021

To

1. The Inspector of Police (crime),

R1 Mambalam Police Station,
T.Nagar, Chennai.

2. The Public Prosecutor,
High Court, Madras.