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Cont.P.No.1485 of 2016

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 02.11.2021

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THE HONOURABLE MR.JUSTICE T.RAJA
and
THE HONOURABLE MR.JUSTICE BHARATHA CHAKRAVARTHY

Contempt Petition No.1485 of 2016

Dr.R.Radhakrishnan

... Petitioner

-vs-

A.Muraleetharan,
Special Judge,
Special Court under Prevention of
Corruption Act,
Coimbatore.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act to punish the respondent for his willful disobedience to comply with the orders of this Court dated 24.11.2015 made in W.A.No.589 of 2014.

For Petitioner : Dr.R.Radhakrishnan,
Party-in-person

For Respondent : Mr.Karthik Ranganathan



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ORDER

(Order of the Court was made by **T.RAJA.J**)

The petitioner has filed this Contempt Petition against the Special Judge, Special Court under the Prevention of Corruption Act, Coimbatore, for the willful disobedience and non-compliance of the order passed by this Court in W.A.No.589/2014.

2. The grievance of the petitioner shows that when this Court in W.A.No.589/2014 has passed a direction to take up the Special C.C.No.10/12 for trial and to give a final disposal after hearing the parties and recording the evidences of the witnesses to be produced by them and also after hearing the arguments within a period of six months, in spite of the said direction to dispose of the said case within six months time, an application for extension of time was moved by the concerned Special Judge and again 3 months time was granted to him to complete the trial. Even after the grant of 3 months time, the previous Judge Mr.A.Muraleetharan was transferred from Coimbatore to Tiruppur and his successor Mr.Madhurasekar, Chief Judicial Magistrate, also was unable to meet the deadline given by this Court. Therefore, he has taken further three months time and finally, the Spl.C.C.No.10/2012 was disposed of on 05.11.2016 by finding the petitioner guilty under Sections 7 and 13 (2) r/w 13(1)(d)



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of the Prevention of Corruption Act, 1988, finally, he was convicted and sentenced to undergo rigorous imprisonment for one year and to pay a fine of Rs.10,000/-, in default, to undergo simple imprisonment for 3 months for the offence under Section 7 of the Prevention of Corruption Act and also sentenced to undergo rigorous imprisonment for 5 years and to pay a fine of Rs.1,00,000/-, in default, to undergo simple imprisonment for one year for the offence under Section 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. Aggrieved thereby, Crl.A.No.771/2016 was filed before this Court and the same was also dismissed by judgment dated 04.12.2017, thereby confirming the judgment of the Special Court under the Prevention of Corruption Act. Once again aggrieved, the petitioner has taken up the matter to the Apex Court and the same is still pending for consideration.

3. The further grievance of the petitioner shows that when there was a specific direction issued by this Court to the lower court to complete the trial within a specified time limit, in the first instance, Mr.A.Muraleedharan, Special Judge, repeatedly sought for time. Even after the repeated extension of time, his successor Mr.Madhurasekar also took time and finally, by judgment dated 05.11.2016, the matter came to an end. In view of the delay, the petitioner was put to great prejudice as he was unable to sleep and



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take part in any of his relatives family functions and finally, he was passing a nightmare all through. Therefore, according to the petitioner, if the Special Judge complied with the direction given by this Court to dispose of the case in Spl.C.C.10.2012 within six months or even within the second extension of time, the petitioner and his wife would not have undergone mental illness and cruelty. Hence, he pleaded for the unnecessary delay caused by the Special Judge, action has to be taken against him.

4. In reply, learned Counsel for the respondent submitted that the argument advanced by the petitioner/party-in-person has not got any justification or merits and the submission made by the petitioner that there was a willful and deliberate disobedience caused by the Special Judge, as a result, he and his wife were put to face mental cruelty is far from acceptance. The reason being that when the Special Judge Mr.A.Muraleetharan was finding it very difficult to proceed with the matter due to the non-co-operation from the petitioner and the prosecution side, at one point of time for the non-co-operation of the petitioner and his wife to proceed with the matter, Non-Bailable Warrant was issued. Against the issuance of the NBW, the petitioner has approached this Court in CrI.O.P.No.26289/2016 and obtained an order of stay stopping the trial. Finally, the said



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Criminal Original Petition was dismissed by an order dated 17.03.2017. Therefore, during that period, when there is no any justifiable reason for the petitioner's non-co-operation and by virtue of the order of stay granted by this Court in the Criminal Original Petition, the hands of the Special Judge were also tied, therefore, it is unfair on the part of the petitioner to complain that the Special Court has willfully and deliberately failed to comply with the order of this Court. In any event, when both Mr.A.Muraleetharan and his Successor Madhurasekar had suffered the administrative difficulties, they sought for extension of time and this Court sitting on the judicial side has accepted the reasons for grant of extension of time, therefore, the question of disobedience or non-compliance of the order does not arise.

5. We are also able to find some merits on the submissions of the learned counsel for the respondent. When this Court, while disposing of the W.A.No.589/2014 has given six months time to Mr.A.Muraleetharan, learned Judge, who was in charge of the Special Court to dispose of the Spl.C.C.No.10/2012, has sought for further extension of time citing some reasons. We had gone through the reasons and that was also accepted by this Court by granting further three months extension of time. Thereafter, it appears that one



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Mr.Madhurasekar was transferred to the Special Court, Coimbatore and after taking charge, he has also sought for time and that was also considered by this Court on the judicial side. Hence, it is obvious that in order to complete the exercise, this Court has also entertained the requests for further extension of time. At this stage, it is pertinent to mention that the petitioner also obtained an order of stay of the proceedings before the trial court in CrI.O.P.No.26289/2016. When he has also contributed the delay from his side, we do not find any merit in this petition. That apart, it also appears that the Criminal Appeal filed by the petitioner herein in CrI.A.No.771/2016 was dismissed by judgment dated 04.12.2017, thereby confirming the conviction and sentence passed by the Special Judge, Special Court for Cases under Prevention of Corruption Act, Coimbatore. As against which the petitioner has taken up the matter before the Apex Court and the same is also still pending. In view of all the above, we are unable to find any merit in this Contempt Petition.

6. In the result, the Contempt Petition is dismissed.

(T.R.J.,)

(D.B.C.J.,)

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Note : Issue order copy on 01.12.2021
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**T. RAJA, J.
AND
D.BHARATHA CHAKRAVARTHY, J.**

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