

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE N.ANAND VENKATESH

Cont. Pet.No.912 of 2020

R.Vembu

... Petitioner

Vs.

1. Mr. Srinivasan
Superintendent of Police,
Ariyalur District.

2. Mr.Anbuselvan
Inspector of Police,
Thirumanur Police Station,
Ariyalur District.

...Respondents

Prayer: This Contempt Petition filed under Section 11 of Contempt of Court, to punish the respondents for their willful disobedience of the order dated 13.11.2019 made in Crl.OP.No.27411 of 2019 passed by this Hon'ble Court.

For Petitioner : Mr.R.Prabhakar

For Respondents : Mr.M.Mohamed Riyaz
Additional Public Prosecutor

ORDER

The first respondent has filed a counter affidavit. The relevant portions in the counter affidavit are extracted hereunder:

<https://hcservices.ecourts.gov.in/hcservices/>

“5.I humbly submit that I received the copy of the order

on 05.02.2020. I also received a notice with regard to contempt on 03.02.2020. As the said order was time bound i.e. 1 week, I immediately took steps by issuing proceedings vide C.No.C2/1427/20 dated 10.02.2020, transferring the investigation to another officer. I have nominated one Mrs.Malarkodi, Inspector of Police, Keelapalur Circle, Ariyalur sub Division as the Investigation Officer to investigate the both the criminal cases and also instructed the Inspector of Police, Thirumanur Police Station, 2nd Respondent herein to handover the CD files of both the cases to the newly nominated Investigation Officer. I also instructed the Deputy Superintendent of Police, Ariyalur Sub-Division to supervise the investigation personally and report compliance within 3 days.

6.I humbly submit that after issuance of the proceedings of the Investigation officer and while instructing the previous investigation officer to handover the files to the new investigation officer while perusing the CD files of cases and connected records, I found out that the investigation was already completed and final reports of both cases were filed before the Judicial Magistrate Court No.II, Ariyalur and taken on file and pending for trial.

7.I humbly submit that the grievances of the petitioner is that the investigation in Crime No.97/2019 on the file of the Thirumanur Police Station was not properly done by the Second Respondent and one of the accused by name Thirunavukarasu being a VAO is influencing the Second Respondent and to that

effect, the representation dated 23.09.2019 was sent to the Office of the Superintendent of Police, Ariyalur.

8.I humbly submit that on perusal of the CD file, I have noted that totally 18 accused were named in the FIR, wherein the said Truinavukarasu was figured as A-10. In the final report, the Second Respondent has charged 12 accused and names of the 6 accused were dropped. However, no notice was given to the defacto complainant / petitioner herein with regard to the dropping of those 6 accused, including Thirunavukarasu / A-10.

9.I humbly submit that in order to ventilate the grievance of the petitioner, a further investigation is required to be conducted in both cases i.e. Crime Nos.96/2019 and 97/2019 on the file of Thirumanur Police Station, Ariyalur District by nominating a Responsible Officer.”

2. The Superintendent of Police, Ariyalur District, was present before this Court at the time of hearing through video conferencing.

3. The learned Additional Public Prosecutor, on instructions, submitted that there is a case in counter which has been registered in Crime No.96 of 2019 by the second respondent. The learned Additional Public Prosecutor submitted that the investigation has been completed and final report has also been filed in Crime

Magistrate, Ariyalur in CC NO.195 of 2019. The learned Additional Public Prosecutor further submitted that a final report has been filed even in Crime No.97 of 2019 and the same has also been taken cognizance by the learned Judicial Magistrate, Ariyalur and subsequently, transferred to the learned Additional Mahila Court (Judicial Magistrate Level), Ariyalur and numbered as CC.No.166 of 2020.

4. It is seen from the counter affidavit that the first respondent is prepared to nominate a responsible officer to conduct further investigation in both the case and counter case and he requires the permissions of this Court since the final reports have already been filed in both the cases.

5. Taking into consideration the facts and circumstances of the case and the counter affidavit filed by the first respondent, there shall be a direction to the first respondent to nominate an officer in the rank of Deputy Superintendent of Police to conduct further investigation in Crime Nos.96 & 97 of 2019 within a period of two weeks from the date of receipt of a copy of this order.

6. The officer, who is nominated by the first respondent, shall file a formal application before the concerned Court by bringing to the notice of the court, the order passed in this contempt petition and seek for further investigation and the same shall be allowed by the concerned Court. The further investigation shall be

completed within a period of eight weeks thereafter and a further report shall be filed before the concerned Courts. Thereafter, both the cases shall be transferred and heard by the learned Additional Mahila Court (Magistraterial Level), Ariyalur District.

7. This Contempt Petition is disposed of with the above directions.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

rli

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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IM/16/02/2021

To

1. The Superintendent of Police,
Ariyalur District.

2. The Inspector of Police,
Thirumanur Police Station,
Ariyalur District.

3. The Public Prosecutor,
High Court of Madras.

<https://hcservices.hcservices.gov.in/hcservices>

4. The Presiding Officer,
Additional Mahila Court(Magisterial Level),
Ariyalur District.

5. The Judicial Magistrate,
Ariyalur, Ariyalur District.

6. The Chief Judicial Magistrate,
Ariyalur District.



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