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Contempt Petition No.884 of 2021

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 30.07.2021

CORAM

THE HONOURABLE Mr.JUSTICE P.N.PRAKASH
AND
THE HONOURABLE Mr.JUSTICE R.PONGIAPPAN

Contempt Petition No.884 of 2021

R.Mullainathan,
No.2/25, Mariamman Kovil Theru,
Thirumullaivasal, Sirkali Taluk 609 113,
Mayiladuthurai District

.. Petitioner

Vs.

1.Yogapriya
Deputy Superintendent of Police
Sirkali Sub Division
Nagapattinam District

2.Ramamurthi
Inspector of Police
Sirkali Police Station
Nagapattinam District 609 110
Now Mayiladuthurai District

.. Respondent

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971 to initiate contempt proceeding against the respondents for having wilfully committed contempt of this Hon'ble Court order dated 22.04.2021 in H.C.P.No.629 of 2021 and punish the respondents.

For Petitioner : R.Kalaiyarasi

For Respondents : Mr.R.Muniyapparaj

Government Advocate (Crl. Side)



ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

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It is the case of the petitioner that the respondents herein have violated the order dated 22.04.2021 in H.C.P.No.629/2021 that has been passed by this Court, inasmuch as they are very lethargic in investigating the case in Sirkali P.S.Crime No.267/2021.

2. To appreciate the contention of the petitioner, it may be necessary to extract the relevant portion of the order dated 22.04.2021 passed by this Court in H.C.P.No.629/2021 :

“Recording the same, this habeas corpus petition is closed with a direction to the Deputy Superintendent of Police, Sirkali Sub-Division, to monitor the investigation in Sirkali Police Station Crime No.267 of 2021 and keep the petitioner informed of the developments, if any. As and when the detinue *viz.*, Jayasri, aged about 48 years, is secured, she shall be produced before the Judicial Magistrate Court, Sirkali, under intimation to the petitioner. On such production, the learned Magistrate shall pass appropriate orders with regard to the custody in accordance with law.”

A reading of the above shows that this Court has not issued any positive direction to the respondents, but, we have only stated that the Deputy Superintendent of Police shall monitor the investigation in Sirkali P.S.Crime No.267/2021 and as and when the detinue is secured, she may be produced before the Judicial Magistrate, Sirkali.



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3. It is trite that the Court cannot direct the Investigating Officer, as to how he should conduct the investigation of the case and also fix the upper time limit for completing the investigation, unless the situation so warrants. In the case in hand, this Court can neither give positive direction nor fix any upper time limit for securing the detainee. Under such circumstances, this Contempt Petition is misconceived and the same is accordingly dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

gya

//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/13/08/2021

To

1.The Deputy Superintendent of Police
Sirkali Sub Division
Nagapattinam District

2.The Inspector of Police
Sirkali Police Station
Nagapattinam District 609 110
Now Mayiladuthurai District