



Cont.P.No.1050 of 2020

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2021

CORAM

THE HONOURABLE MR.JUSTICE P.RAJAMANICKAM

Cont.P.No.1050 of 2020

S.Sugumar,
No.1, Dr.Ambedkhar Street,
Tamilar Nagar,
Shenoy Nagar,
Chennai – 600 030

... Petitione

Vs.

P.Raja,
The Assistant Commissioner of Police,
Kilpauk Range,
Chennai 10.

... Respondent

Prayer: This Petition filed under Section 11 of the Contempt of Court Act, to issue summon and punish the respondent for his act of contempt of Court for deliberately disobeyed the order dated 13.12.2019 in Crl.O.P.No.33640 of 2019 by this Court.

For Petitioner : Mr.K.Balaji
For Defendant : Mr.Aari Arugmugam
Government Advocate (Crl.Side)

ORDER

This Contempt Petition has been filed by the petitioner stating that the respondent has not obeyed the order passed by this Court in

Crl.O.P.No.33640 of 2019 dated 13.12.2019. Subsequent to the passing



of the said order, the petitioner herein has filed Contempt Petition in Cont.P.No.641 of 2020. In the said petition, this Court by the order dated 31.08.2020 has observed that the respondent has passed an order on 28.08.2020 on the representation of the petitioner and hence, the respondent has not committed any contempt. Further, the respondent was directed to serve a copy of the order passed by the respondent on the representation of the petitioner forthwith. A liberty was also given to the petitioner to challenge the said order in the manner known to law, if so advised.

2. In the typed set of papers filed by the petitioner at Page No.43 the petitioner has enclosed a copy of the communication sent by the Assistant Commissioner of Police, Kilpauk, Chennai-10 to the petitioner dated 31.08.2020. In the said communication, the Assistant Commissioner of Police, Kilpauk, Chennai-10, has stated that the representation of the petitioner was considered and since number of cases are pending against the petitioner, his name cannot be deleted from the history sheet.



3. The learned counsel for the petitioner has submitted that this Court, by the order dated 13.12.2019 has directed the respondent to consider the representation of the petitioner dated 02.03.2019 in accordance with the guidelines issued by this Court in ***Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L & O) Range, Madurai and others*** reported in ***(2018) 4 MLJ (Crl) 584***, but the respondent has not followed the guidelines issued by this Court in the aforesaid judgment. He further submitted that when the Contempt Petition in Cont.P.No.641 of 2020 came up for hearing before this Court on 31.08.2020, the respondent submitted that the petitioner's representation was considered and the same was disposed of on 28.08.2020 itself but, in the communication sent by the respondent, the date has been mentioned as 31.08.2020 and hence, the submission made by the respondent before this Court on 31.08.2020 is false.

4. The letter dated 31.08.2020 is only a communication. In the said communication, it is not stated that when the order was passed on the petitioner's representation. It appears that the said communication was sent as per the directions of this Court dated 31.08.2020. Therefore, the contention of the learned counsel for the



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petitioner that the respondent has made a false representation before this Court that on 28.08.2020 itself the petitioner's representation was disposed of cannot be accepted.

5. As already pointed out that this Court while disposing of the Contempt Petition in Cont.P.No.641 of 2020 has categorically held that a liberty is given to the petitioner to challenge the order passed by the respondent in the manner known to law, if so advised. Therefore, if the petitioner feels that the respondent has not passed the order by following guidelines issued by this Court in ***Sabari @ Sabarigiri Vs. Assistant Commissioner of Police, Annanagar (L & O) Range, Madurai and others, (2018) 4 MLJ (Crl) 584***, it is open to the petitioner to challenge the same in the manner known to law. Therefore, this Contempt Petition is misconceived and accordingly dismissed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

dna

//Certified to be true copy//

Dated at Madras this the day of 2021.

COURT OFFICER(O.S.)

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GS/22/04/2021

To

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The Assistant Commissioner of Police,
Kilpauk Range,
Chennai 10.