

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.03.2022

Coram

The Honourable Mr. Justice **P.N.PRAKASH**

and

The Honourable Mr. Justice **A.A.NAKKIRAN**

Suo Motu Crl. Contempt Petition No.1574 of 2021

The Registrar General,
High Court, Madras - 104.

... Petitioner

Vs.

Jayakumar,
Inspector of Police,
Kangeyam Police Station,
Tiruppur District.

... Respondent

Suo motu criminal contempt proceedings initiated against the
contemnor as per note order dated 19.11.2021 made in RoC
No.4182/2021/RG/B3 (complaint cell).

For Petitioner : Mr.Karthik Ranganathan

For Respondent : Mr.G.Rajagopalan,
Sr. Counsel
for Mr.Niranjan Rajagopalan
for M/s.G.R. Associates

ORDER

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

The respondent was the investigating officer in Kangeyam police
station Crime No.1049 of 2021 for the offence under Sections 341, 364A,
506(ii), 212 and 414 IPC. It is alleged that the respondent behaved rudely
with the Bench Clerk of the Court when he was asked to sign certain papers
while submitting the seized properties in the Court of Judicial Magistrate,

Kangeyam. Coming to know of this, the learned Judicial Magistrate, Kangeyam sent a report to the Principal District Judge, Tiruppur on 27.08.2021 and the same was forwarded by the Principal District Judge, Tiruppur to this Court on 02.09.2021 with a request to take appropriate action against the respondent.

2. In the above circumstances, suo motu contempt proceedings were initiated and statutory notice was issued to the respondent. The respondent appeared before us in person and has filed an affidavit of apology wherein it is stated that he also filed an affidavit of apology before the Judicial Magistrate, Kangeyam and Principal District Judge, Tiruppur on 14.03.2022 and prayed for leniency. It may be relevant to extract paragraphs 4, 5 and 6 of the affidavit dated 20.03.2022 that has been filed by the respondent before this Court.

4. I respectfully submit that pursuant to the proceedings before this Hon'ble Court in the previous hearing, I have filed an affidavit tendering my unconditional apology, withdrawing the statements I have made. I initially filed the affidavit before the Hon'ble Judicial Magistrate, Kangeyam on 14.03.2022, however at first instance it was refused and I was directed to approach the Hon'ble Principal District Judge, Tiruppur. On approaching the Hon'ble Principal District Judge regarding the same, I was again directed to approach the Hon'ble Judicial

Magistrate, Kangeyam. Subsequently on 14.03.2022, my unconditional apology was accepted. Consequently, the apology affidavit was filed before the Hon'ble Principal District Judge, Tiruppur as well as the Hon'ble Judicial Magistrate, Kangeyam. I further submit that I have endorsed my signatures on the four photographs appended to Form 91 and completed the pending processes before the Hon'ble Judicial Magistrate, Kangeyam.

5.I respectfully submit that the operative part of the affidavits filed before the Hon'ble Judicial Magistrate, Kangeyam and Hon'ble Principal District Judge, Tiruppur are as follows:-

"4.In relation to the incident that occurred on 26.08.2021, wherein I had made certain statements to the Court Officer, I hereby render my unconditional apology. The said statements were made out of work related stress and my inability to attend the said work due to pressure of investigation work. I regret any displeasure that is caused owing to my actions and words and of any disrespect to the majesty of the Judicial System. I assure my cooperation in every respect in the administration of justice, and I hereby withdraw the statements I have made.

5.In the circumstances, it is prayed that this Affidavit of Apology may be taken on record and any proceedings against me, be dropped and thus

render justice."

I respectfully submit that the receipt of the same on the file of the Hon'ble Judicial Magistrate, Kangeyam was acknowledged by the Assistant Public Prosecutor, JMC, Kangeyam and for the Hon'ble Principal District Judge, Tiruppur District, it was acknowledged by the Public Prosecutor of Tiruppur District. Copy is enclosed in the typed set of papers.

6.I respectfully submit that as per the usual practice, it is from the police official who is part of the investigation and present in Court to submit the documents, will acknowledge the receipt of the respective forms, it was not the inspector alone who had to sign in all cases. However, without standing on the said submission, I have now submitted an apology affidavit and signed, wherever I was required to."

3. In view of the above, further proceedings are dropped. Accordingly, the suo motu contempt petition stands closed.

SD/-

ASSISTANT REGISTRAR(COMM.CASES)

mmi

//Certified to be true copy//

Dated at Madras this the day of 2022.

COURT OFFICER(O.S.)

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GS/01/04/2022

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