



Cont.P.No.691 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 18.07.2023

CORAM:

THE HONOURABLE **MR.JUSTICE A.D.JAGADISH CHANDIRA**

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R.Baskaran

.. Petitioner

Vs.

1. Shankar Jiwal IPS

The Commissioner of Police,
No.132, Commissioner Office Building,
E.V.R.Sampath Road,
Vepery, Periyamet,
Chennai 600 007.

2. Blavasam,

The Inspector of Police (Crime Branch),
R-10, MGR Nagar Police Station,
K K Nagar, Chennai 600 083.

... Respondents

Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to initiate contempt proceedings against the respondents and to punish for having committed contempt of this court by disobeying its order dated 22.02.2022 passed by this Court in Crl.O.P.No.3949 of 2022.

For Petitioner : Mr.R.Tirumoorthy

For Respondents : Mr.S.Vinoth Kumar
Government Advocate (Crl. side)



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ORDER

This Contempt Petition is filed alleging willful disobedience of the order made in CrI.O.P.No.3949 of 2022, dated 22.02.2022.

2. The learned counsel for the petitioner would submit that this Court finding that there was an inordinate delay of six years in completing the investigation and filing final report, had by an order dated 22.02.2022 in CrI.O.P.No.3949 of 2022 directed the respondent Police to complete the investigation in Crime No.669 of 2016 within a period of six months from the date of receipt of a copy of the order and file the final report. However, despite the copy of the order being served on the 2nd respondent, the respondents have not completed investigation and filed final report within the time stipulated by this Court and thereby the respondents have committed Contempt of Court. Hence the petitioner seeks to punish the respondents.

3. The 2nd respondent, the then Inspector of Police is present before this Court and he has filed an affidavit.



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4. Mr.S.Vinoth Kumar, learned Government Advocate (Crl. side)

appearing for the respondents would submit that Mr.Palavesam was the Inspector of Police, during the relevant period of time. He would submit that the case was registered during the year 2016. The Inspector of Police Mr.K.Palavesam, had taken charge on 21.01.2022 and the order was passed by this Court on 22.02.2022. Subsequently, he had examined 181 persons who were members of Barathidasan Colony Owners Welfare Association. Based on the statement recorded from the witnesses, the Inspector of Police finding that there was no substance in the complaint had prepared a closure report referring the case as mistake of fact and he had also prepared the final report in R.C.S.No.07 of 2022 dated 10.08.2022. He would further submit that the said Inspector of Police was suffering from heart ailment and he was constantly taking treatment at Vijaya Heart Foundation, Vijaya Hospital and thereby he was unable to serve RCS notice within time. Later on 20.02.2023, he was transferred to Central Crime Branch, Chennai and Thiru.Velu, Inspector of Police took charge on 20.02.2023. After perusing the files, Thiru.Velu had served RCS Notice on the petitioner through Registered Post and thereafter filed the final report before the XXIII



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Metropolitan Magistrate, Saidapet, Chennai -15 on 24.03.2023 and the case has been taken on file and assigned F.R.C.No.10 of 2023 dated 24.03.2023.

5. The learned Government Advocate (Crl. side) would submit that though there had been some delay in filing the final report, the same is not deliberate and it is only on account of ill-health of the earlier Inspector Mr.K.Palavesam and the Inspector who had later taken charge, had filed final report. He would further submit that the officers seek pardon for the delay in filing the final report and would seek that their act of delay in filing the final report, may be condoned.

6. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl. side) appearing for the respondents and perused the materials available on record including the affidavit filed by Mr.Palavesam.

7. As per the affidavit filed by Mr.Palavesam, he had prepared the closure report as early as on 10.08.2022. However due to his ill-health and



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transfer, he was unable to file final report as directed by this Court. It is stated that the delay is not wilful and he has also sought for apology from this Court.

8. Having gone through the affidavit and other materials, this Court is satisfied that the delay is not intentional or deliberate. Taking into consideration the apology, the delay is condoned and the Contempt petition is closed.

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vum

Index: Yes/No

Speaking order / Non speaking order



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