



WEB COPY



Cont P.No.1819 of 2023

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 14.09.2023

CORAM

THE HONOURABLE MR.JUSTICE M.SUNDAR
and

THE HONOURABLE MR.JUSTICE R.SAKTHIVEL

Cont P.No.1819 of 2023

M.Singaravel
S/o.Murugesan

... Petitioner

.Vs.

Baskar
Inspector of Police
Thalaivasal Police Station
Thalaivasal
Salem District.

... Respondent

Contempt Petition filed under Section 10 of the Contempt of Courts Act 1971, praying to punish the respondent herein for the deliberate and willful disobedience of the order dated 16.11.2022 in giving effect to the direction of the learned Judicial Magistrate-II, Attur.

For Petitioner	:	Mr.S.T.Bharath Gowtham
For Respondent	:	Mr.E.Raj Thilak Additional Public Prosecutor

Page Nos.1/5



Cont P.No.1819 of 2023

ORDER

[Order of the Court was made by M.SUNDAR, J.,]

This order will now dispose of the captioned Contempt Petition.

2. Today, Mr.S.T.Bharath Gowtham, learned counsel for petitioner and Mr.E.Raj Thilak, learned State Additional Public Prosecutor for respondent are before us.

3. This order has to be read in conjunction with and in continuation of earlier proceedings made in the previous listing on 23.08.2023 which reads as follows:

*'When the matter was taken up, Mr.S.T.Bharath Gowtham, learned counsel who is before us wanted time to produce the judgment in **Sugesan Transport Private Limited Vs. The Inspector of Police** reported in **2016 (5) CTC 577**, as the principle there is one on which captioned contempt petition hinges is learned counsel's say. Request of learned counsel is acceded to.*

2. List on 07.09.2023. '



Cont P.No.1819 of 2023

4. Adverting to the aforementioned earlier proceedings made in the previous listing on 23.08.2023, learned Additional Public Prosecutor submits that 'First Information Report' ['FIR'] has since been registered vide FIR No.270 of 2023 dated 06.09.2023 on the file of Thalavaisal Police Station in Salem District. Learned Prosecutor, on instructions from Mr.N.Kumar, Sub-Inspector of Police, Thalavasal Police Station, submits that report will also be filed in the Court of jurisdictional Magistrate within a fortnight from today i.e., by 27.09.2023. This submission is recorded.

5. Be that as it may, as regards ***Sugesan Transport*** case [***Sugesan Transport Private Limited Vs. The Inspector of Police*** reported in **2016 (5) CTC 577**], learned counsel for petitioner submits that the principle that a petition under Section 482 of 'The Code of Criminal Procedure, 1973 (2 of 1974)' [hereinafter 'Cr.PC' for the sake of brevity and clarity] has to be filed in this Court qua Section 156(3) Cr.PC legal drill before the jurisdictional Magistrate may need an elucidation by way of an extension of the proposition to say that it may be open to the parties concerned to invoke Section 10 of Contempt of Courts Act, 1971 also. As we are dropping the



Cont P.No.1819 of 2023

curtains on the captioned contempt, we refrain ourselves from embarking upon this legal drill in the case on hand but we make it clear that this question is left open for being considered in another matter where a legal contest becomes inevitable.

6. In the light of the narrative thus far, with the aforementioned observation, captioned Contempt Petition is disposed of as closed. Though obvious, we make it clear that the lone respondent in contempt petition will now stand purged of the alleged contempt.

(M.S.,J.)

(R.S.V.,J.)

14.09.2023

Index : Yes

Speaking

Neutral Citation : Yes

mk



WEB COPY



Cont P.No.1819 of 2023

M.SUNDAR, J.,
and
R.SAKTHIVEL, J.,

mk

Cont P.No.1819 of 2023

14.09.2023

Page Nos.5/5