



Sub Apic (MD)No.66 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 20.03.2023

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Sub Apic.(MD)No.66 of 2023

in

Cont.P.(MD)No.2001 of 2021

P.Maheshwari

... Petitioner

Vs.

Gowri,
Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

... Respondent

Prayer: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to reopen the contempt petition (MD)No.2001 of 2021 closed on 11.04.2022.

For Petitioner : Mr.R.S.Sivaram

For Respondent : Mr.B.Thanga Aravindh
Government Advocate (Crl.side)



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ORDER

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Contending that the direction given by this Court in Crl.O.P. (MD)No.14087 of 2021 was breached, the petitioner filed Contempt Petition (MD)No.2001 of 2021. The said contempt petition was closed by recording the status report of the Superintendent of Police, Pudukkottai. The order dated 11.04.2022 reads as follows:-

“3.Today status report has been filed. The Superintendent of Police has stated that she is personally monitoring the case. Mobile phones in question have been seized and sent for expert opinion to the forensic department. The Superintendent of Police states that immediately after the receipt of the same, police report will be filed before the concerned Magistrate without any delay. I am satisfied that investigation is proceeding on the right lines.”

The petitioner has filed the said application for re-opening the contempt petition primarily on two grounds.

(i) the statement of the petitioner recorded under Section 164 of Cr.P.C was not forwarded to the Court concerned.

(ii) Even without obtaining forensic opinion, the final report was re-presented and the case had already been taken on file.



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2. The learned Government Advocate (crl.side) on behalf of the respondents informs the Court that 164 statement had already been filed before the Judicial Magistrate, Thirumayam. The learned Government Advocate states that the case has now been taken on file as C.C.No.87 of 2022 on the file of the Judicial Magistrate, Thirumayam. It is specifically stated that forensic opinion has already been sought and based on the report of the laboratory, if necessary, additional final report will be filed. Direction is given to the learned Jurisdictional Magistrate to frame additional charges based on the report of the Forensic Science Department, Chennai. It is also open to the petitioner herein to file any private complaint if she is not satisfied with the police report.

3. The Sub Application is closed.

20.03.2023

Index: Yes/No
Internet: Yes/No
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G.R.SWAMINATHAN, J.

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To

Inspector of Police,
Thirumayam Police Station,
Pudukkottai District.

ORDER MADE IN

Sub Apic.(MD)No.66 of 2023

in

Cont.P.(MD)No.2001 of 2021

20.03.2023