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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated: 21/02/2023

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The Hon'ble Mr.Justice **G.ILANGO VAN**

Cont. P(MD)No.1156 of 2022

M.Jeyalakshmi : Petitioner/Petitioner

Vs.

Mrs.Maheswari,
The Inspector of Police,
Karaikudi,
Sivagangai District. : Respondent/Contemnor

Prayer:- This Contempt Petition has been filed under section 11 of the Contempt of Court Act, to punish the contemnor/respondent herein for willfully and deliberately committing contempt of court by willfully disobeying the order of this court passed in Cr1.OP(MD)No.17313 of 2019, dated 25/11/2019 and pass such other order and orders.

For Petitioner : Mr.J.Gunaseelan Muthiah
For Respondent : Mr.A.Nambiselvan
Additional Public Prosecutor

**ORDER**

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This contempt petition is filed for the alleged violation of the direction passed by this court in CrI.OP(MD)No.17313 of 2019, dated 25/11/2019.

2.The facts in brief:-

It is a matrimonial issue between the de-facto complainant and the first accused namely Muthukaruppan. The case was taken cognizance in CC No.433 of 2010 on the file of the Judicial Magistrate, Karaikudi. The first accused was absconding. So warrant was issued against him for appearing and executing the warrant through the Ministry of Home Affairs, Government of India, New Delhi.

3.The above said Criminal Original Petition was filed by the wife. At that time, it was informed to the court that now the first accused is living in Malaysia and the case against him was split up by the trial court in CC No.435 of 2020 and because of the non-execution of the warrant, it is pending for more than 10 years. He absconded after getting the anticipatory bail and he did not comply the condition without executing the surety. On the basis of the lengthy of delay, the criminal petition has been filed and direction was issued by this court directing the first respondent therein to take appropriate steps to execute the warrant through the Ministry of Home Affairs, Government of India, within a period of 12 weeks from the date of receipt of the order.



Stating that there is a gross violation of the above said order, this contempt petition has been filed.

4.The respondent/contemner also present before this court. He has stated that look-out notice was issued against A1. Later, that was addressed by the respondent to the under Secretary, Ministry of Home Affairs, Government of India by the letter, dated 22/11/2022, which was also produced in the form of typed set of papers.

5.When the matter was taken up for hearing, it was informed by the learned Additional Public Prosecutor that Muthu Karuppan obtained Malaysian citizenship and he is living in Malaysia and his Indian Passport also got expired and thereafter, it was not renewed and his whereabouts is also not known. On that ground, the petitioner was asked to share the information available with the respondent, so that proper steps may be taken by the respondent since it was submitted by the learned counsel appearing for the petitioner that when C number is available with him. On the basis of the C number, the authorities can easily locate whereabouts of the accused and they can also be secured. The steps taken by the respondent is also produced, wherein we find that the Government of India, Ministry of Home Affairs requested the respondent to initiate action for extradition.



6.The respondent would also submit that she will take further steps as per the communication that has been received from the Ministry of Home Affairs, since extradition proceedings is a lengthy one and in pursuance of the letter, dated 06th September 2022 by the Ministry of Home Affairs, Government of India, the prescribed format has also been submitted by the respondent as noted above.

7.As mentioned earlier, extradition process will take a longer time and since steps have been taken by the respondent, it cannot be construed as willful default of the order of this court. So the petitioner has to wait till the above process is over. As on date, this contempt itself is not maintainable and accordingly, it is liable to be dismissed.

8.In the result, this contempt petition is **dismissed**. But however, there shall be a direction to the respondent to expedite the process of extradition.

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