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CONT.P.(MD)NO.1744 OF 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 19.09.2023

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CONT.P.(MD)No.1744 of 2023 in
CRL.O.P.(MD)No.20404 of 2021

J.Jayaprakash

... Petitioner / Petitioner

Vs.

Mary Jemitha,
Inspector of Police,
Eral police station,
Tuticorin.

... Contemnor / 1st Respondent

Prayer: Contempt petition filed under Section 11 of the Contempt of Courts Act 1971, to punish the contemnor / respondent herein for her willful and wanton disobedience of the order passed by this Court in Crl.O.P.(MD)No.20404 of 2021 dated 21.12.2021.

For Petitioner : Mr.J.Jayaprakash,
Party-in-Person.

For Respondents : Mr.A.Albert James,
Government Advocate.

* * *

**ORDER**

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Heard the learned counsel on either side.

2. The petitioner is the defacto complainant in Crime No.125 of 2019 on the file of Eral police station, Tuticorin District. The petitioner sought transfer of investigation. Crl.O.P.(MD)No.20404 of 2021 was disposed of with the following directions:-

“ 3. The petitioner seeks transfer of investigation on the ground that the persons named by him have been deliberately omitted by the first respondent and the first respondent is also putting pressure on the petitioner to withdraw the complaint.

4.This allegation made by the petitioner is of course denied by the learned Government Advocate (Crl. Side). Be that as it may, the first respondent shall ensure that the case registered at the instance of the petitioner diligently prosecuted.

5.Even if the objections lodged by the petitioner do not find favour with the committal



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Magistrate, still after recording the evidence of the petitioner, the trial Court can always invoke its power under Section 319 of CrPC for proceeding against any person if they have been erroneously left out in the final report. The committal proceedings shall be concluded on or before the end of March, 2022. The trial itself shall be concluded on merits and in accordance with law within a period of eight months thereafter.”

3. Contending that the order passed by this Court has not been complied with, the present writ petition came to be filed.

4. As rightly pointed out by the learned Government Advocate, the contempt petition is not maintainable. This is because, final report was filed as early as on 09.11.2019. There was delay on the part of the Court in taking the case on file. P.R.C.No.56 of 2022 was committed to the file of the Sessions Court on 29.04.2022 and the case is presently pending as S.C.No.219 of 2022 on the file of the Sub Court,



Srivaikundam. Even though the direction was given that the trial should be over within a period of eight months, I do not know as to why the case is still pending. The learned counsel stated that the case was posted today for examination of witnesses and it has been adjourned. On the next hearing date, the list witnesses shall be examined. Jayaprakash is shown as LW1. The learned counsel informed the Court that the case has been adjourned to 17.10.2023. The petitioner undertakes to appear before the learned trial Judge on the next hearing date. Based on the testimony of the petitioner herein, it is for the learned trial Judge to take a call by bearing in mind the order dated 21.12.2021 made in CrI.O.P.(MD) No.20404 of 2021. This contempt petition is closed.

5. The trial should have been concluded long back. However, I do not know the position prevailing in the Sub Court, Srivaikundam. Therefore, it is directed that the entire proceedings shall be concluded within a period of twelve weeks from the next hearing date.

19.09.2023

NCC : Yes / No
Index : Yes / No



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Internet : Yes / No
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To:

The Inspector of Police,
Eral police station,
Tuticorin.



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G.R.SWAMINATHAN,J.

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