



Sub Appln.(OS).No.228 of 2024

Sub Application (OS).No.228 of 2024
in Contempt Petition No.2134 of 2023

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Dr.G.JAYACHANDRAN, J.

Sub Application in Contempt Petition is filed stating that the petitioner being aggrieved by failure of the respondent police in not completing the investigation and filing final report in Crime No.161 of 2022 came to this Court with an application under Section 482 of Cr.P.C., in CrI.O.P.No.5550 of 2023 for a direction to the respondent police to complete the investigation and file final report.

2. This Court earlier, on considering the submissions of the Learned Counsel for the petitioner and the Learned Government Advocate (CrI.Side) for the respondent, directed the respondent police to complete the investigation and file final report within a period of three months, from the date of receipt of copy of this order. This order was passed on 10.03.2023, however, final report was not filed within three months period. Hence, the petitioner filed Contempt Petition in Cont.P.No.2134 of 2023. On 29.11.2023, it was reported by the Learned Government Advocate (CrI.Side) that, through e-filing, final report has been filed and e-filing number was also provided to the Court. Recording the same, the Contempt Petition was closed.



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3. However, when the petitioner made an application to get a copy of the final report, the application was returned with an endorsement final report not filed. In the said circumstances, Sub Application was filed in the Contempt Petition stating that the respondent had mislead this Court stating that he has filed the final report and thereby, had committed wilful contempt besides not filing final report within a period of three months as per the direction passed by this Court earlier in CrI.O.P.No.5550 of 2023.

4. Since, this Court found that there is a *prima facie* case of contempt, statutory notice was issued to the contemnor who is present today. The CD file produced by the contemnor reveals that Referred Charge Sheet was filed before the Judicial Magistrate on 01.05.2024, same has been taken on file by the Judicial Magistrate in CrI.M.P.No.2447 of 2024 and notice issued to the complainant by the Judicial Magistrate No.I, Ulundurpet to appear on 10.07.2024 to consider their objections.

5. The Learned Counsel for the petitioner submits that he has no instruction from his client regarding the notice sent by the Judicial Magistrate No.I, Ulundurpet in CrI.M.P.No.2447 of 2024, for appearance on 10.07.2024.



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6. From the record, it is clear that the contemnor had failed to file final report within a period of three months as per the direction of this Court in its order dated 10.03.2023. He has filed the report only on 01.05.2024. The Contempt Petition was filed before the Contemnor filed the Referred Charge Sheet. After receipt of the pre-contempt notice and filing of contempt petition, he has filed the final report and therefore, undoubtedly there is disobedience of the Court order.

7. That apart when the Contempt Petition No.2134 of 2023 came for consideration on 29.11.2023, the petitioner provided e-filing number and reported to this Court that he has filed final report through e-filing. Recording his statement, the Contempt Petition was closed.

8. Today i.e., 30.09.2024, it is reported by the Contemnor that final report which he filed earlier on 28.11.2023 through e-filing was returned and he represented it only on 01.05.2024. Therefore, it is clear case of disobedience of this Court order which attracts contempt proceedings.

9. However, taking note of the fact that for the dereliction of duty, suitable departmental action against the contemnor will be more appropriate

instead of action under the Contempt of Courts Act.



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10. Hence, the Sub Application is closed. Purging the contemnor from contempt and in alternate recommending for departmental action.

30.09.2024

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