



Cont.P.No.1284 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.06.2024

CORAM:

THE HON'BLE MR.JUSTICE M.NIRMAL KUMAR

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Abraham

... Petitioner

vs.

Govindaraj,
Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar,
Chengalpet District.

... Respondent

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the respondent for willfully disobedience of the order of the High Court in CrI.O.P.No.8256 of 2021, dated 30.04.2021 to secure the ends of justice.

For Petitioner : Mr.P.Surendran

For Respondent : Mr.L.Baskaran,
Government Advocate (Crl. Side)

ORDER

This Contempt Petition has been filed to punish the respondent for willful disobedience of the order, dated 30.04.2021 in CrI.O.P.No.8256 of 2021.



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2.The learned counsel for the petitioner submitted that though the petitioner earlier lodged a complaint before the respondent Police on 31.08.2018 for death of his son in a road accident and FIR registered in Crime No.495 of 2018, the respondent Police has not taken any steps as required to conduct investigation. At the time of accident, the petitioner's son was aged about 21 years and studying in college. The petitioner who is a daily wager had been put to irreparable loss and suffering due to inaction of the respondent Police. He further submitted that identification of the accused and completion of investigation are very much necessary for the petitioner to file a claim petition before the Motor Accident Claim Tribunal and the petitioner is unable to apply seeking Chief Minister Relief Fund. Having no other option, the petitioner filed Crl.O.P.No.8256 of 2021 wherein this Court by order, dated 30.04.2021 directed the respondent Police to file a final report within a period of three months from the date of receipt of that order copy. The order communicated to the respondent Police, but failed to take any action. Thereafter, pre-contempt notice was issued on 16.02.2024, but the



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petitioner could not get justice. Hence, he filed the present contempt petition.

3.The learned Government Advocate (Crl. Side) appearing for the respondent Police filed status report of Mr.A.Govindaraj, Inspector of Police, Law and Order, T-9 Maraimalai Nagar, Police Station stating that after the direction of this Court, the accused who caused accident identified as Eastar Prabhakaran, Driver of Scorpio car bearing Reg.No.TN-09-BQ-2849 and he was arrested. The vehicle produced before the Motor Vehicle Inspector for inspection, the statement of the petitioner and eye witnesses to the accident recorded, Observation Mahazar, Rough Sketch prepared in presence of witnesses, the statement of other witnesses who got injured in the accident also recorded, the statement of the Doctor who treated the injured and who conducted Postmortem recorded. On receipt of Postmortem Certificate, wound certificate and Motor Vehicle Inspection report, the respondent Police filed charge sheet before the learned Judicial Magistrate No.II, Chengalpet citing sixteen witnesses and documents *vide* CC-LTN-



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4.Considering the submissions and on perusal of the materials, it is seen that now the investigation completed and charge sheet filed before the learned Judicial Magistrate No.II, Chengalpet. The copy of the charge sheet produced. It is to be noted that the accident is of the year 2018 and charge sheet filed after six years. The delay in investigation amounts to denial of speedy justice. Now, the charge sheet is yet to be numbered and taken on file.

5.Finding that fundamental right of speedy justice cannot be denied to the petitioner, this Court directs the learned Judicial Magistrate No.II, Chengalpet to take the charge sheet on file if it is otherwise in order. If any corrections/defects found, the same to be rectified and charge sheet to be numbered within a period of two weeks. Thereafter, the learned Judicial Magistrate No.II, Chengalpet to proceed with the trial and complete the same within a period of three months from the date of taking cognizance of the case.



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6. With the above directions, this Contempt Petition is disposed of
as closed. No costs.

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Index: Yes/No

Internet: Yes/No

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To

1. The Inspector of Police,
Maraimalai Nagar Police Station,
Maraimalai Nagar,
Chengalpet District.

2. The Public Prosecutor,
High Court, Madras.

Copy To:

The Judicial Magistrate No.II,
Chengalpet.



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M.NIRMAL KUMAR, J.

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