



Cont.P.No.27 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 09.08.2024

CORAM :

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM

AND

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

Cont.P.No.27 of 2024

Subash Chandra Bose

... Petitioner

Vs.

1.Shankar Jiwal, I.P.S.,
The Director General of Police,
Government of Tamil Nadu.

2.Sandeep Rai Rathore,
The Commissioner of Police,
Greater Chennai.

(R1 and R2 are given up by the petitioner and the
same recorded in the order of this Court
made in Cont.P.No.27/2024, dated 13.02.2024)

3.K.Settu,
Inspector of Police [L&O],
F3 Nungambakkam Police Station,
Chennai-600 034.

4.N.Ravi,
Sub-Inspector of Police [Crime],
F3 Nungambakkam Police Station.

...Respondents



Cont.P.No.27 of 2024

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Court Act 1971, seeking to punish the respondents herein for contempt of Court committed by all of them by wilfully disobeying the judgement and guidelines of the Hon'ble Supreme Court of India, in the case of "ARNESH KUMAR -//VERSUS//-STATE OF BIHAR [2014] 8 S.C.R. 128 in Criminal Appeal No.1277 of 2014 dated 02.07.2014.

For Petitioners : Mr.D.Percivul

For Respondents : Mr.E.Raj Thilak
Additional Public Prosecutor
assisted by Aravind.C

ORDER

(Order of the Court was made by *S.M.SUBRAMANIAM, J.*)

Any violation of guidelines or procedure by the police cannot be construed as an offence, warranting an action under the Contempt Proceedings Courts Act, 1971. The scope of Contempt of Courts Act cannot be expanded, so as to punish the officials on certain procedural violations, which has not been committed intentionally. Even in case of intentional violation, if any, to be established before the Court concerned, where the



Cont.P.No.27 of 2024

criminal cases are pending for trial. However, the High Court cannot invoke the contempt jurisdiction in such nature of cases, where the allegations of procedural lapses are brought to the notice of the Court.

2.The Contempt of Court is a special jurisdiction to be exercised sparingly and with caution, whenever an act adversely affects the administration of justice or which tends to impede its course or tends to shake public confidence in the judicial institutions. This jurisdiction may also be exercised when the act complained of adversely affects the majesty of law or dignity of the Courts. The purpose of contempt jurisdiction is to uphold the majesty and dignity of the Courts of law. The contempt proceedings should not be initiated lightly. The said observations are made by Hon'ble Supreme Court in the case of ***Dr. Prodip Kumar Biswas vs. Subrata Das & Ors*** reported in [2004 (4) SCC 533].

3.In the present case, the learned counsel for the petitioner would submit that, the requirement under Section 41A of Cr.P.C has not been followed by the Investigating Officer. In this context, the understanding of



Cont.P.No.27 of 2024

the police officer with reference to the facts of the case is to be taken into consideration and mere pleading that a notice under Section 41A of Cr.P.C has not been issued cannot be a ground to invoke the Contempt jurisdiction. Therefore, we are not inclined to entertain the present Contempt Petition.

4. Accordingly, the Contempt Petition stands dismissed.

[S.M.S., J.]

[V.S.G., J.]

09.08.2024

Index: Yes/No

Internet: Yes/No

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Cont.P.No.27 of 2024

S.M.SUBRAMANIAM, J.
AND
V.SIVAGNANAM, J.

gd

Cont.P.No.27 of 2024

09.08.2024