



Cont.P(MD)No.97 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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Dated : 29.02.2024

CORAM :

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

AND

THE HONOURABLE Mr. JUSTICE C.KUMARAPPAN

**Cont P(MD)No.97 of 2024
in
W.P(MD)No.30949 of 2023
and
Sub.Aplcn(MD)No.16 of 2024**

Maruthambal

... Petitioner/Petitioner

Vs.

Jayabharathi
The Deputy Inspector General of Prisons
Trichy Range
Race Course Road,
Trichy-620 023.

... Contemnor/3rdRespondent

Prayer: Contempt Petition is filed under Section 11 of Contempt of Courts Act, to punish the contemnor for her wilful and deliberate disobedience of the order of this Court, dated 22.12.2023 made in W.P(MD)No.30949 of 2023 under Section 11 of the Contempt of Courts Act, 1971.



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the prison authorities, the request was not considered. Hence, the writ petition in W.P(MD)No.30949 of 2023 was filed on 19.12.2023. When the matter came up for hearing on 22.12.2023, Mr.A.Thiruvadikumar, learned Additional Public Prosecutor accepted notice for all the respondents and had submitted on instructions that the said representation is under consideration and two weeks from today will be reasonable/realistic time frame for the third respondent to take a decision on the said representation. Based on the said representation, the writ petition was disposed of with the following observations:

“7.In the light of the narrative thus far, main Writ Petition was taken up and heard out with the consent of both sides as there is no serious contestation or nothing very contentious in disposing of captioned WP by giving a simple directive to third respondent to consider the aforementioned said representation in accordance with said Rules bearing in mind the principles laid down by this Court in Selvam's case reported in Neutral Citation of this Court being 2023:MHC: 4258, Ishwariya's case being order dated 27.09.2023 in W.P.No. 28162 of 2023 and Ambikavathi's case being order dated 30.10.2023 made in W.P.(MD)No.21785 of 2023. To be noted, this Ishwariya's case, Selvam's case reported in 2023:MHC: 4258 (Neutral Citation of Madras High Court) and



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Ambikavathi's case inter alia turn on interpretation of Rule 35 of said Rules.”

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3.The grievance of the petitioner now is that, while the Court had passed an order on 22.12.2023 with a specific direction while considering the representation, the contemnor has passed the order rejecting the representation and had despatched the order of rejection subsequently. Hence, contended that a gross contempt has been committed.

4.The learned Additional Public Prosecutor submitted that there is no willful disobedience or gross violation by the contemnor as alleged. The report of the Additional Public Prosecutor was based on the instructions received the day before ie., on 21.12.2022. But the rejection order was passed and sent by the competent authority on 22.12.2023 and despatched through registered post on 27.12.2023 and the same has been received by the petitioner on the next day. The learned Additional Public Prosecutor would submit that there is no malafidness in the rejection order and it is always open to the petitioner to challenge that rejection order if he is aggrieved.



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5.After hearing the submissions made by the learned counsel for the petitioner and the Additional Public Prosecutor, this Court is of the view that there is no material to entertain the contempt petition, since the order of rejection has been passed on the day when this Court has passed the order, which is the basis for the contempt petition. The communication gap between the authorities who pass the order, and the counsel who represented the authority before the Court is always understandable and therefore, this Court directs the Deputy Inspector General of Prison, Trichy Range, to reconsider the representation of the petitioner, dated 09.12.2023, in the light of the order passed by this Court, vide order dated 22.12.2023 and pass orders on merits and in accordance with law, within a period of two weeks from the date of receipt of the copy of this order and communicated the same to the petitioner.

6.With the above direction, this Contempt Petition is disposed of. Consequently, connected Sub Application is also closed.

(G.J.J.) (C.K.J.)
29.02.2024

NCC:Yes/No
Index:Yes/No
Internet:Yes/No



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DR G. JAYACHANDRAN,J.
AND
C.KUMARAPPAN,J.
Ns

To

1.The Deputy Inspector General of Prisons
Trichy Range
Race Course Road,
Trichy-620 023.

2.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

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