



Cont.P(MD)No.1118 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: 20.06.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

Cont.P(MD)No.1118 of 2022
in
CrI.O.P(MD)No.13415 of 2021

Thirumalaiaimmal

...Contempt Petitioner /
Petitioner

Vs.

R.Krishnaraj, I.P.S.,
Superintendent of Police,
Tenkasi District,
Tenkasi.

... Contemnor/
3rd Respondent

PRAYER: Petition filed under Section 11 of the Contempt of Courts Act, to punish the condemnor / 3rd respondent for their deliberate and willful disobedience of the order passed in CrI.O.P(MD).No.13415 of 2021 dated 01.02.2022 by this Court under the Contempt of Courts Act 1971.

For Petitioner : Mr.Aayiram.K.Selvakumar

For Respondent : Mr.T.Senthil Kumar
Additional Public Prosecutor



WEB COPY



Cont.P(MD)No.1118 of 2022

ORDER

Heard both sides.

2.The petitioner is the defacto complainant in Crime No.118 of 2021 registered on the file of Courtallam Police Station. The case of the petitioner is that her jewellery weighing around 501 grams was stolen. FIR was registered on 13.03.2021. The grievance of the petitioner is that recovery was not effected in this case. Hence, the petitioner filed CrI.O.P(MD)No.13415 of 2021 seeking transfer of investigation. The Criminal Original Petition was disposed of by me on 01.02.2022 in the following terms:

“Heard the learned counsel appearing for the petitioner and the learned Additional Public Prosecutor appearing for the respondents.

2. The petitioner is the defacto complainant in Crime No.118 of 2021 registered on the file of Courtallam Police Station. The petitioner is a victim of a major theft. Some 501 grams of gold belonging to the petitioner worth around Rs.28 Lakhs has been stolen. It appears that the fourth respondent has been able to identify the accused



Cont.P(MD)No.1118 of 2022

based on the lead provided by the petitioner. But then, there has been virtually no recovery at all. In these circumstances, the petitioner has filed this Criminal Original Petition seeking transfer of investigation. The accused was arrested while the second accused surrendered before the Court. I find considerable force in the contention of the petitioner's counsel that the fourth respondent appears to be rather indifferent to the plight of the petitioner herein. A case for transfer of investigation has been made out. It is not necessary to entrust that investigation to the CBCID. I am confident that the Superintendent of Police, Tenkasi, will choose a competent Officer to take over the investigation.

3. Therefore, the investigation is transferred from the file of the fourth respondent. The third respondent will appoint a competent officer in the rank of a Deputy Superintendent of Police to conduct investigation in the matter. It is open to the Deputy Superintendent of Police to form his own special team, so that, effective steps are taken to recover the jewels stolen from the petitioner also. I would expect the new team to crack the entire case within a period of three months from the date of receipt of copy of this order. This Criminal Original Petition is allowed on these terms."



Cont.P(MD)No.1118 of 2022

Contending that no fruitful result is forthcoming, the present contempt petition came to be filed.

3.After hearing the learned Additional Public Prosecutor appearing for the respondent, I am satisfied that pursuing the contempt petition will not yield any result. The case has already been charge sheeted. It was taken on file in C.C.No.272 of 2023 on the file of the learned Judicial Magistrate, Shenkottai.

4.I therefore dispose of this contempt petition by directing the learned Judicial Magistrate, Shenkottai to advance the case from 03.03.2025. It is stated that there are four accused in this case. All of them are family members. The next hearing date will be 15.07.2024. The jurisdictional District Superintendent of Police will assume the responsibility for effecting summons on the accused. The accused shall be present before the learned trial Magistrate on 15.07.2024. The trial Magistrate will grant a maximum of 30 days to the accused and inform them that charges will be framed and questioning will be done in the last week of August 2024. Subject to the accused obtaining any interim order of stay in quash proceedings or in revision proceedings, the trial will be



Cont.P(MD)No.1118 of 2022

taken up and concluded within within six months thereafter. It is open to the learned trial Magistrate to issue appropriate directions for restoration of property to the defacto complainant. Such direction is given considering the special facts and circumstances of this case. I make it clear that issuance of these directions will not cast any cloud on the defence of the accused.

5.This Contempt Petition is closed accordingly.

20.06.2024

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

Note: Registry is directed to mark a copy of this order to the learned Judicial Magistrate, Shenkottai and the District Superintendent of Police, Tenkasi Town.

To

The Superintendent of Police,
Tenkasi District,
Tenkasi.



WEB COPY



Cont.P(MD)No.1118 of 2022

G.R.SWAMINATHAN, J.

MGA

Cont.P(MD)No.1118 of 2022
in
CrI.O.P(MD)No.13415 of 2021

20.06.2024