



Cont.P(MD).No.1812 of 2023

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 03.01.2024

CORAM:

THE HONOURABLE MR.JUSTICE G.ILANGO VAN

Cont.P(MD)No.1812 of 2023

R.Manikandan

.. Petitioner/Party-in-person
/ Sole Accused

Vs.

Balakrishnan,
The Inspector of Police,
Puliyangudi Police Station,
Puliyangudi,
Tenkasi District.
(In Crime No.91 of 2023)

.. Contemnor/1st Respondent/
Complainant

PRAYER: Contempt Petition filed under Section 11 of the Contempt of Courts Act, 1971, to punish the Contemnor/respondent for his wilful disobedience of the order dated 08.06.2023 passed by this Court in Crl.O.P(MD)No.9952 of 2023.

For Petitioner : Mr.R.Manikandan
Party-in-person



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ORDER

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The report is called for from the trial Court as to the date of presentation of the final report. The report states that it was presented on 08.06.2023 before the learned District Munsif cum Judicial Magistrate, Sivagiri and the final report was taken on file on 09.06.2023 as C.C.No. 155 of 2023.

2. The learned counsel for the petitioner submitted that on the date of the passing the interim order, ie., on 08.06.2023, it was presented before the trial Court. But the party-in-person would submit that on 08.06.2023, the interim order was passed by this Court taking into account the representation made by the learned Additional Public Prosecutor. At the time, the learned Additional Public Prosecutor has submitted that the final report was made ready but not presented before the concerned Court. Recording the submission made by the learned Additional Public Prosecutor, it was adjourned to 05.07.2023 directing the respondent herein to keep the final report pending.



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3. Perusal of the records shows that the order was not marked to the District Munsif cum Judicial Magistrate, Sivagiri. The copy of the order was marked only to the Inspector of Police/respondent herein and the Additional Public Prosecutor. Hence, without knowing about the order, it appears that the final report was presented and the same was taken cognizance. Eventhough there is a mistake on the part of the respondent, but equally mistake was committed by the Registry also by not marking the copy of the order to the concerned trial Court.

4. In view of the above facts, this Court finds that no reason to punish the respondent herein and hence, this contempt petition is closed with liberty to the petitioner to challenge the final report in the manner known to law.

03.01.2024

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

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G.ILANGO VAN, J.

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