

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPEAL NO.120 OF 2016
(Arising out of SLP (Crl.) No.3210 of 2012)

S.BALAMURUGAN

APPELLANT

VERSUS

SENTHIL MARAN & ANR.

RESPONDENTS

WITH

CRIMINAL APPEAL NO.121 OF 2016
(Arising out of SLP (Crl.) No.4072 of 2012)

S.BALAMURUGAN

APPELLANT

VERSUS

RAGUNATHAN & ORS.

RESPONDENTS

O R D E R

Crl.A. No.120 OF 2016
(@ SLP (Crl.) No.3210 of 2012)

Heard the learned counsel for the parties and perused the impugned order.

Leave granted.

The High Court vide order dated 31.08.2010 directed respondent No.1 to complete the investigation and file a charge sheet within a period of four weeks from the date of receipt of copy of that order. On the allegation that the said order was not complied with, a Contempt Petition was filed bearing

Contempt Petition (MD)No.2/2011 which was dismissed as not maintainable as per the impugned order dated 21.02.2012. The High Court has not gone into the merits and has dismissed the petition by holding that non-obedience of the order amounts to a criminal contempt and, therefore, in absence of consent of the Advocate General the contempt petition is not maintainable.

Section 2(b) and Section 2(c) of the Contempt of Courts Act respectively define civil contempt and criminal contempt. In the present case, the petitioner approached the High Court in respect of an alleged willful disobedience of an order passed by the High Court. Hence, it is clear that the petitioner sought an action for a civil contempt and not criminal.

In any event, the High Court was expected to find out whether its orders have been complied with or not and in case of non-compliance, it is generally expected that the Court shall initiate Suo-Motu contempt to ensure execution so that the authorities do not treat the orders of the Court to be of no significance.

In the facts and circumstances of the case, the impugned order is set aside. The appeal is allowed to that extent. The matter stands remitted to the High Court for considering the contempt on its own merits in accordance with law. We make it clear that we have not gone into the merits of the case which shall be determined by the High court.

Crl.A. No.121 OF 2016
(@ SLP (Crl.) No.4072 of 2012)

In view of the order passed in Criminal Appeal No.120 of 2016 arising out of SLP (Crl.) No.3210/2012, the order impugned in Criminal Appeal No. 121/2016 arising out of SLP (Crl.) No.4072/2012 is also set aside for fresh decision by the High Court keeping in view the order passed in Criminal Appeal No.120 of 2016. The appeal is allowed to that extent.

.....J.
[SHIVA KIRTI SINGH]

.....J.
[ROHINTON FALI NARIMAN]

NEW DELHI;
FEBRUARY 12, 2016

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 3210/2012

(Arising out of impugned final judgment and order dated 21/02/2012
in CP No. 2/2011 passed by the High Court of Madras at Madurai)

S.BALAMURUGAN

Petitioner(s)

VERSUS

SENTHIL MARAN & ANR.

Respondent(s)

(with office report)

WITH

SLP(Crl) No. 4072/2012

(With appln.(s) for exemption from filing O.T. and Office Report)

Date : 12/02/2016 These petitions were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE SHIVA KIRTI SINGH

HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN

For Petitioner(s) Mr. G.Sivabalamurugan, Adv.
Ms. Vandana, Adv.
Mr. L. K. Pandey, Adv.

For Respondent(s) Mr. S. Mahendran, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Leave granted.

The appeals are allowed in terms of the signed order.

All pending application(s) shall stand disposed of.

(Rajni Mukhi)
Sr. P.A.(Renu Diwan)
Court Master

(Signed order is placed on the file)