

**Jo Augustine vs Sivasankaran P.**

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**SooperKanoon Citation :** [sooperkanoon.com/1283539](https://sooperkanoon.com/1283539)

**Court :** Kerala

**Decided On :** Jan-16-2025

**Judge :** Honourable Mr. Justice Gopinath P.

**Appeal No. :** Con.Case(C)/3045/2024

**Appellant :** Jo Augustine

**Respondent :** Sivasankaran P.

**Judgement :**

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE GOPINATH P.  
THURSDAY, THE 16TH DAY OF JANUARY 2025 / 26TH POUSHA,  
1946 AGAINST THE ORDER/JUDGMENT DATED IN CrI.MC NO.10318  
OF 2023 OF HIGH COURT OF KERALA PETITIONER/S: JO  
AUGUSTINE AGED 53 YEARS SON OF V.V. AUGUSTIN,  
VALAVANATHURUTHEL VEEDU, THACHAMPARA POST OFFICE,  
MANNARKKKAD TALUK, THACHAMPARA VILLAGE, PALAKKAD  
DISTRICT, KERALA STATE., PIN - 678593 BY ADVS. SHIBIN K.F.  
SEBY JOSEPH RESPONDENT/S:

SIVASANKARAN P. (PERSONAL ADDRESS NOT KNOWN TO THE  
PETITIONER) THE STATION HOUSE OFFICER AND SUB-

INSPECTOR OF POLICE, THE KALLADIKODE POLICE STATION, KALLADIKODE POST OFFICE, PALAKKAD DISTRICT., PIN - 678596 BY ADV ADVOCATE GENERAL OFFICE KERALA SRI. SREEJITH V.S., GP THIS CONTEMPT OF COURT CASE (CIVIL) HAVING COME UP FOR ADMISSION ON 16.01.2025, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

## **JUDGMENT**

This contempt of court case has been filed alleging that in violation of interim order of stay granted by this Court in CrI.MC No.10318/2023, the respondent had proceeded to file a final report in crime No.968/2023 of Kalladikode Police Station, Palakkad District on 31.01.2024.

2. The Public Prosecutor submits that this Court had

initially granted a stay on 30.11.2023 in CrI.MA No.1/2023 in CrI.MC No.10318/2023 for a period of two months and that period expired on 30.01.2024. It is submitted that thereafter the stay was extended for a further period of 4 months on 01.02.2024. It is submitted that the final report was filed on 31.01.2024. It is submitted that while it could be alleged that some haste was shown in filing the final report, technically no contempt was committed as on 31.01.2024, there was no stay in force.

3. The learned counsel appearing for the petitioner vehemently contends that when the interim order was granted

**for a period of two months on 30.11.2024, the interim order**

would continue till 31.01.2024 and would not expire on 30.01.2024 as is contended by the learned Public Prosecutor. It is submitted that in such circumstances, the respondent has clearly committed contempt of court.

4. Having heard the learned counsel for the petitioner and

the learned Public Prosecutor, I am of the view that the contention of the learned Public Prosecutor is only to be accepted. The interim order admittedly was granted on Crl.MA No.1/2023 in Crl.MC No.10318/2023 for a period of two months from 30.11.2023. As it is a normal practice in this Court it is understood that the interim order would thus expire on 30.01.2024 and not on 31.01.2024 as is contended by the learned counsel for the petitioner. Therefore, technically there is no contempt as there is no violation of any stay order in the filing of the final report on 31.01.2024. The matter can be viewed from a different perspective. The filing of the final report does not prejudice the petitioner in any manner and it is still open to him to seek quashing of the first information report if there are grounds to do so. This is settled by the decision of the Supreme Court in A.M.Mohan v. State represented by SHO & Another; 2024 SCC Online SC 339 . In that view of the matter, I do not deem it necessary to initiate any Contempt

nd proceedings against the 2 respondent. The contempt of court case is therefore closed, as I find

no willful disobedience of the order of this Court in Crl.MA No.1/2023 in Crl.MC No.10318/2023. As observed and on the basis of the law laid down by the Supreme Court in A.M.Mohan (supra), it is still open to the petitioner to seek quashing of the FIR in Crl.MC No.10318/2023. The contempt of court case will stand closed with the above observations.

sd/- GOPINATH P. JUDGE Nsd APPENDIX OF CON.CASE(C) 3045/2024 PETITIONER ANNEXURES Annexure-A1 A TRUE COPY OF THE CRL. M. APPL. NO.1/2023, DATED 25-11-2023, IN CRL.MC NO. OF KERALA Annexure-A3 A TRUE COPY OF THE CRL.MC NO. 10318/2023, DATED 25-11-2023, WITHOUT ANNEXURES ON THE FILES OF THE HIGH COURT OF KERALA Annexure-A5 A TRUE COPY OF THE FINAL REPORT, DATED 31-

01-2024 AND WITHOUT STATEMENT OF WITNESSES, IN FIR NO. 968/2023 IN THE RECORDS OF THE KALLADIKODE POLICE STATION Annexure-A6 THE COMPUTER-GENERATED PRINTOUT OF THE CASE PROCEEDINGS IN CC NO. 270/2024 ON 10- 06-2024 ON THE FILES OF THE JUDICIAL FIRST-CLASS MAGISTRATE COURT, MANNARKKAD Annexure-A7 THE COMPUTER-

GENERATED PRINTOUT OF THE CASE PROCEEDINGS IN CC NO. 270/2024 ON 10-09-2024 ON THE FILES OF THE JUDICIAL FIRST-CLASS MAGISTRATE COURT, MANNARKKAD Annexure-A8 THE COMPUTER-GENERATED PRINT-OUT OF THE JUDICIAL PROCEEDINGS, DATED 11-05-2024, IN CRL.MC NO. 10318/2023 ON THE FILES OF THE HIGH COURT OF KERALA

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