

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 06.11.2014

CORAM:

THE HONOURABLE MR.JUSTICE B. RAJENDRAN

Cont.P.No.2925 of 2014

Hasan Mohammed Jinnah .. Petitioner
Vs.

1. Mr.K.Ramanujam, I.P.S.,
The Director General of Police
Kamarajar Salai
Chennai-600 004.

2. Mr.S.George, I.P.S.,
The Commissioner of Police
Office of the Commissioner of Police
Egmore
Chennai-600 008.

.. Respondents

Contempt Petition filed under Section 11 of the
Contempt of Courts Act to punish the respondents for
committing contempt of the order of this Court dated
01.07.2014 passed in W.P.No.7185 of 2014.

For Petitioner : Mr.S.Haja Mohideen Gisthi

For Respondents: Mr.P.H.Aravindh Pandian
Additional Advocate General
Assisted by Mr.S.Gunasekaran
Government Advocate

ORDER

The Contempt Petition is filed seeking to punish the
respondents for the alleged disobedience of the order
passed by this Court in W.P.No.7185 of 2014, dated
01.07.2014 .

According to the petitioner, he being a former
Additional Public Prosecutor (Co-ordination), who has

appeared in sensitive cases earlier, has been put to serious threat to his life. Hence, the petitioner filed W.P.No.7185 of 2014 seeking to issue a direction to the respondents to give police protection to him and his family members so as to enable him to live peacefully and perform social services assigned to the petitioner. The said Writ Petition was partly allowed by this Court on 01.07.2014, wherein, the respondents were directed to give necessary and adequate police protection to the petitioner on need basis whenever he attends any public demonstrations, meetings or undertakes travel to other Districts. Now, the grievance of the petitioner is that inspite of such direction issued by this Court on 01.07.2014 and inspite of his oral and written request made to the Commissioner of Police to give adequate security and police protection on earlier occasions either for his travelling to other Districts or otherwise, in none of the earlier occasions, he was given police protection and therefore, alleging that the order of this Court, dated 01.07.2014, has not been complied with and the threat to his life continues, he has filed the Contempt Petition.

3. Based on the contempt filed, Mr.S.Gunasekaran, learned Government Advocate, who appeared for the respondents/ Contemnors before this Court on 17.10.2014 was directed to get instructions and to file a status report.

4. Today, when the matter is taken up, Mr.P.H.Aravindh

Pandian, learned Additional Advocate General, has filed a status report. In the status report, the Additional Commissioner of Police, Head Quarters, Greater Chennai Police, in paragraph No.6 has stated that of course on earlier three occasions the request was made by the petitioner to give police protection, but, that request for police protection was made only at the eleventh hour and in fact, on one occasion, the request has been made on the day when he was supposed to leave outside the District, therefore, due to paucity of time, it was not feasible for the respondents to provide police protection. The Additional Commissioner of Police has further averred that the respondents will provide necessary police protection to the petitioner whenever the need or requirement arise, but, he has added that the request should be made in advance to the respondents atleast giving them three days time.

5. Today, Mr.S.Haja Mohideen Gisthi, learned counsel appearing for the petitioner, brought to the notice of this Court that even on 05.11.2014, there is a police complaint made by the petitioner, which was assigned C.S.R. Number and in fact, in that complaint, even the vehicle number, which has followed the petitioner has been mentioned, but, no action has been taken. He would further add that even for the request made on the earlier occasions, police protection has not been granted. He

would further point out that of course, he cannot be expected to make the request well in advance, because, he has to be given the police protection whenever the need or requirement arise, which means, the need may spontaneously arise and this factor also has to be taken into consideration.

6. The learned Additional Advocate General pointed out one difficulty insofar as giving police protection is concerned, as it requires Armed Protection also, for which, the Commissioner has to grant prior permission for the Armed Guard, therefore, he needs some time, which factor also has to be taken note of. He would add that respondents will see to that the order in W.P.No. 7185 of 2014, dated 01.07.2014, is complied with in letter and spirit.

7. In view of the undertaking given by the learned Additional Advocate General and also taking into consideration the plea made by the Additional Commissioner of Police in the status report that the petitioner has to be given Armed Protection, for which, necessarily the respondents have to be given some time well in advance, it is hereby made clear that whenever the petitioner wants to go outside the District, he is expected to make request atleast giving 24 hours notice in advance and in case of any emergency, on need basis for the visits or meetings or demonstrations within City, the petitioner shall approach the Assistant Commissioner of Police, Royapettah, who will

be the concerned officer, in whose jurisdiction the petitioner resides immediately, to take immediate steps to give necessary police protection to the petitioner in accordance with the earlier order and the undertaking now given in the Court. Since, the petitioner apprehends danger to his life, it will be the endeavour of police to give such protection for his safety.

8. The undertaking given by the Additional Commissioner of Police, Head Quarters, Greater Chennai Police, in paragraph No.6 of the status report, thereby, agreeing to give police protection to the petitioner on need basis by complying with the order dated 01.07.2014 in letter and spirit is recorded. The Contempt Petition is closed for the present with liberty to approach this Court as and when required. After the petitioner fulfilling the formalities as observed above also, if his request to give police protection in case of threat to his life is not given, he is always at liberty to approach this Court, if required.

Paa

SD/-

DEPUTY REGISTRAR(OS)

//Certified to be true copy//

Dated at Madras this the day of 2014.

COURT OFFICER(O.S.)

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SS/CO/19/11/2014

One CC to Government Pleader, SR.12949