

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 16.06.2015

Coram

THE HONOURABLE MR. JUSTICE B. RAJENDRAN

Criminal Revision Case No.578 of 2015
and
M.P.No.1 of 2015

S.Beer Maideen

.. Petitioner

Versus

1. The Inspector of Police
Central Crime Branch
Team-II, Vepery
Chennai 600 007.

2. Mohammed Ali Jinnah @ Raja ... Respondents

Criminal Revision Petition filed under Sections 397 and 401 of Cr.P.C. against the order dated 04.05.2015 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai-15 in CrI.M.P.No.1385 of 2015.

For Petitioner : Mr.K.Sivakumar

For Respondents : Mr.T.Arul
Government Advocate (CrI.side)
for R1

ORDER

The petitioner has filed the above Criminal Revision Case as against the order dated 04.05.2015 passed by the learned XI Metropolitan Magistrate, Saidapet, Chennai-15 in CrI.M.P.No.1385 of 2015 in allowing the petition filed by the accused to recall the Look Out Circular issued against the second respondent at Foreigner's Regional Registration Officer, Shastri Bhavan, Chennai-6.

2. According to the petitioner, he preferred a complaint as against the second respondent for cheating him to the tune of Rs.10 crores by promising to give real estate business. The respondent-police also issued the Look Out Circular at Foreigner's Regional Registration Officer, Shastri Bhavan, Chennai-6. Based on the same, the respondent-police arrested the second respondent on 04.12.2014 and he was in custody for a period of 26 days. Later on filing a bail petition, he was released on bail and the conditions imposed on him was also totally relaxed and that too when the criminal case is pending against him.

3. The only grievance of the petitioner is that even though the criminal case is pending against the second respondent, the Court below without even giving any opportunity to the respondent police to

submit their explanation allowed the petition filed by the accused to recall the Look Out Circular issued against him and if the said order is not set aside, there is every possibility of the accused flying away from India. Hence, the revision.

4. Heard both sides.

5. On a perusal of the order passed, it is seen that the Court below had stated that because of the Look Out Circular issued against the accused at Foreigner's Regional Registration Officer, Shastri Bhavan, Chennai-6, he is facing problems in taking care of his business and though sufficient time was granted to the respondent police, there was no reply them. Hence, the Court allowed the petition filed by the accused.

6. In view of the above, I do not find any reason to interfere with the order passed by the Court below. It is made clear that the accused would have given a bail bond at the time of his release, which would safe-guard the interest of the petitioner. Further, if the accused has to go out of the country, as per law, he should necessarily seek permission of the Court and then only can leave the country. Moreover, the respondent-police would also take precaution in keeping a tab on his movement as the second respondent-accused is only on bail. Therefore, the interest of the petitioner is doubly safe-guarded.

7. With the above observation, this Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

Sd/-
Asst.Registrar (CO)

/true copy/

Sub Asst. Registrar

vj2

To

1. The XI Metropolitan Magistrate, Saidapet,
Chennai-15

2. The Inspector of Police
Central Crime Branch
Team II, Vepery, Chennai-78

3. The Public Prosecutor,
High Court, Madras

1 cc to M/s.K.Sivakumar, Advocate, Sr. 29498

ALA (CO)

kk 1/7

<https://hcservices.ecourts.gov.in/hcservices/>

CrI RC No.578 of 2015