



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2016

CORAM

THE HON'BLE MR.JUSTICE P.N.PRAKASH

WEB COPY

W.P. (MD) No.5130 of 2016

and

Crl.O.P. (MD) No.22185 of 2015

and

M.P. (MD) Nos.1 and 2 of 2015

W.P. (MD) No.5130 of 2016

P.Annadurai

.. Petitioner

-vs-

- 1.The Chief Immigration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhavan, Chennai.
- 2.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 3.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

.. Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India for issuance of a writ of Mandamus, directing the first respondent to withdraw the Look Out circular issued vide R.C.No.C1/20310/2015 dated 01.07.2015 against the petitioner and directing the respondents No.1 to 3 not to prevent the petitioner from travelling abroad on the basis of his representation dated 29.02.2016.

For Petitioner	: Mr.C.Arul Vadivel Sekar
For Respondents	: Mr.D.Muruganandam,
R2 & R3	Addl. Govt. Pleader
For R1	: R.Nandakumar,
	SR.Panel counsel
	Central Government.

Crl.O.P. (MD) No.22185 of 2015

P.Annadurai

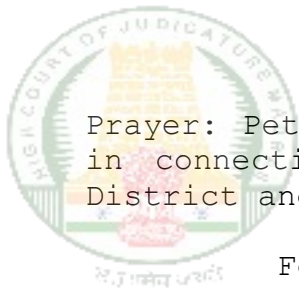
... Petitioner/Accused No.14

-vs-

- 1.The State represented by
The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.

... Respondent/Complainant

... Respondent/Defacto complainant



Prayer: Petition filed under Section 482 Cr.P.C. to call for the records in connection with P.R.C.No.41 of 2000 on the file of II Additional District and Sessions Judge (PCR), Thanjavur and quash the same.

For Petitioner : Mr.S.Ramakrishnan

WEB COPY

For Respondents : Mrs.S.Prabha
Government Advocate(Crl.Side)
for R.1

COMMON ORDER

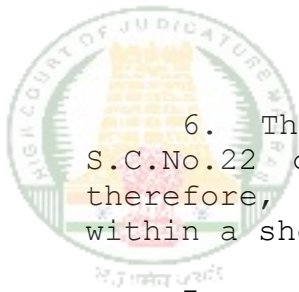
Heard both sides.

2. It is seen that a communal clash took place between two communities on 07.05.1993, in connection with which, the third respondent registered a case in Cr.No.122 of 1993 and after completing the investigation, filed final report on 31.12.1995, in which this petitioner was shown as accused No.14. In the meantime, this petitioner had got a job in Singapore and had settled there. The case against the petitioner was split up and the trial was conducted as against the available accused in S.C.No.22 of 2000 and all the accused were acquitted on 31.01.2001. In the split up case as against this petitioner, Non-Bailable Warrant was pending in P.R.C.No.41 of 2000. Pursuant to the NBW, a look out circular was issued for apprehending this petitioner through the Bureau of Immigration on 01.07.2015. When the petitioner came to India and when he was about to depart on 17.09.2015, he was intercepted at the Trichy Airport and was arrested and remanded to judicial custody and was granted bail on 21.09.2015.

3. It is the contention of the petitioner that the occurrence took place in the year 1993 and most of the accused have been acquitted and therefore, the trial against this petitioner will be futile exercise. He has also filed a petition in Crl.O.P.(MD)No.22185 of 2015 relying upon certain judgments of this Court wherein this Court was pleased to quash the proceedings as against the absconding accused on the ground that the co-accused have been acquitted.

4. I am unable to persuade myself with these rulings inasmuch as the said rulings did not lay down an inexorable rule of law that when once other accused are acquitted, the final report against the absconding accused should also be quashed, nor those judgments are stare decises for the court to follow. The Honourable Supreme Court, in **Niranjan Singh Vs. Prabhakar Rajaram** reported in **AIR 1989 SC 785**, has held that the absconder cannot claim the privilege of law. Therefore, this Court bound by the judgment of the Honourable Supreme Court and not by the judgments passed by the Single Judges of this Court.

5. In the light of the fact that the co-accused have been acquitted and this petitioner had been arrested and released on bail, it will serve interest of justice, if the trial Court is directed to take up the trial as against this accused and examine the witnesses who are available and expeditiously complete the trial and pass final judgment within a period of two months.



6. The learned Counsel for the petitioner submitted that in S.C.No.22 of 2000, the prosecution examined only five witnesses and therefore, it will be possible for the trial Court to complete the trial within a short time.

7. Recording the said submission made by the learned Counsel for the petitioner, the trial Court is directed to expeditiously complete the trial and pass final judgment within a period of two months from the date of receipt of a copy of this order, provided the accused cooperates with the Court.

8. With the above directions, both the Writ Petition and the Criminal Original Petition are disposed of. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-

Assistant Registrar(Co.Dept.)

/True copy/

Sub Assistant Registrar

To:

- 1.The II Additional District and Sessions Judge,
(PCR) Thanjavur.
- 2.The Chief Immigration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhavan, Chennai.
- 3.The Superintendent of Police,
Thanjavur District,
Thanjavur.
- 4.The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
5. The Inspector of Police,
Vattathikottai Police Station,
Thanjavur District.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.

+1cc to M/s.C.Arul Vadivel @ Sekar, Advocate SR.No.14511/16

+1cc to special Government Pleader SR.No.16930/16

sm:SKS-RR:29.3.2016:3P/9c

W.P.(MD) No.5130 of 2016
and

Cr1.O.P.(MD) No.22185 of 2015
and

M.P.(MD) Nos.1 and 2 of 2015
15.03.2016