

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED 17.11.2017

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THE HONOURABLE Mr.JUSTICE M.S.RAMESH

W.P.No.29643 of 2017

Aravindh Narayanasamy

.. Petitioner

Vs

1.The Deputy Commissioner of Police,
Law and Order,
Tiruchirapalli City.

2.The Immigration Officer,
International Airport,
Chennai.

3.The Sub-Inspector of Police,
Srirangam All Women Police Station,
Trichy District.

.. Respondents

Writ Petition filed under Article 226 of the Constitution of India, praying to issue a writ of Mandamus to direct the first respondent to withdraw lookout notice issued against the petitioner by the second respondent for the case in Crime No.2/2016 on the file of third respondent to enable the petitioner to join duty at Germany.

For Petitioner : Mr.S.Muthukrishnan
For Respondents : Mr.S.Babu,
Government Advocate 1 & 3
: Mr.B.Rabu Manohar
SCGSC for R2

O R D E R

This petition is filed to direct the first respondent to withdraw lookout notice issued against the petitioner by the second respondent for the case in Crime No.2/2016 on the file of third respondent to enable the petitioner to join duty at Germany.

2. When the investigation in Crime No.2 of 2016 was pending on the file of the third respondent herein, Look Out Circulars (LOC) came to be issued against the petitioner on 19.07.2016. Pursuant to the LOC, the petitioner was apprehended at the Chennai International Airport on 05.11.2017 by the second

respondent herein based on the LOC and handed him over to the Chennai Airport Police Station. Consequently the petitioner was produced before the third respondent police station and he had also appeared before the Additional Mahila Court, Trichy on 08.11.2017 at which point of time charge sheet in C.C.No.69 of 2017 was served on him.

3. The learned counsel for the petitioner submitted that in view of the further action taken by the respondents pursuant to the LOC by securing the petitioner and making him to appear before the Additional Mahila Court, Trichy the LOC has lapsed and therefore he seeks for withdrawal of the LOC notice issued against the petitioner.

4. In an identical circumstance, I had an occasion to deal with this issue holding that the LOC's will get lapsed on two contingencies; (a) When a period of one year has expired and the LOC was not extended by the concerned authority, the LOC automatically lapses; and (b) Whenever the purpose for which the LOC is issued is met by securing the accused by producing him before the concerned authority, thereafter, the LOC lapses.

5. In the order of this Court made in CrI.OP. No. 16924 of 2017 dated 13.11.2017 (Kathirava Moorthy Vs. The Inspector of Police, W-2 All Women Police Station, Madipakkam, Chennai and 3 others) the following observations were made:

" 5. There is nothing on record to show that the LOC was extended and even assuming that the LOC is extended, it is seen that pursuant to the LOC, when the petitioner had landed in India he was detained on the strength of the LOC and handed over to the Investigating Officer. The purpose of the LOC is for securing the accused who has absconded for the purpose of investigation. In the present case the purpose for which the LOC was issued has been met. In view of the fact that the petitioner was detained and handed over to the Investigating officer and when the purpose is achieved it can be said that the LOC has abated.

6. The above position is akin to situations where bailable or non-bailable warrants are issued. Once when the accused is secured on the strength of such warrants and produced before the Court, the warrant lapses, since the purpose for which it was issued had been served. Similar is the situation, in case of LOCs. If at all the presence of accused is required thereafter, it would give a fresh cause of action and hence a fresh LOC is required to secure the accused. I had an occasion to deal with a similar propositions in a judgement in S.Santhosh Kumar Vs The Superintendent of Police passed in WP.No.17873 of 2017 and

Crl.OP.No.13774 of 2017 dated 31.08.2017. In the said order the following observations were made:-

"In the decision relied on by the learned senior counsel for the petitioner in (Arockia Jeyabalan vs. The Regional Passport Officer, Mount Road, Chennai and others) 2014 4 Law Weekly 841 this Court had an occasion to consider that validity of the lookout circular. In that case, based on the look out notice issued by the respondents therein, the petitioner therein was arrested and remanded to judicial custody. Thereafter, the petitioner therein was released on bail. Therefore, it was held that the object of the Look out Circular is to ensure the presence of a person for interrogation, trial or inquiry and when the purpose of such circular is served by interrogating the person, thereafter, such circular is non-est in the eye of law. Even in this case, the petitioner was subjected to enquiry at length by the fourth respondent and therefore, keeping the look out notice in force is impermissible. In the light of the above, the writ petition is allowed. No costs. The respondents are directed not to prevent the petitioner from proceeding to London to continue her studies and the Look Out Circular issued by the second respondent need not be enforced against the petitioner. However, the petitioner is directed to furnish the details such as address where she stays abroad, contact address for communication, mobile number, e-mail id, period of stay, her probable date of return etc., to the third and fourth respondents before leaving India. Consequently, connected WMP No.6877 of 2016 is closed."

7. The above observation is self explanatory. Even assuming that the LOC has been renewed and still pending, in view of the fact that the petitioner was secured and produced before the Investigating Officer, the LOC thereafter becomes non-est in the eye of law.

8. Since the LOC against the petitioner has lapsed, no further orders are required. It is needless to mention here that since there is no LOC pending against the petitioner as on date it would be open to him to travel in and out of the country without reference to the LOC dated 04.11.2011."

6. The above observation is self explanatory. In view of the fact that the petitioner has been secured pursuant to the issuance of the LOC, it would amount to the LOC having abated. Consequently, the petitioner would be free to travel in and out of the country and the respondents shall not prevent him from

moving in and out of the country by referring to the earlier LOC DATED 19.07.2016.

With the above observations, the Writ Petition is allowed.
No costs.

Sd/-
Assistant Registrar(CS IV)

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To
Sub Assistant Registrar

- 1.The Deputy Commissioner of Police,
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Tiruchirapalli City.
- 2.The Immigration Officer,
International Airport,
Chennai.
- 3.The Sub-Inspector of Police,
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Trichy District.

+2 C.C. to M/S.S.SRIDHR Advocate SR.No. 81829

+1 C.C. to M/S.RABU MONOHAR, Advocate SR.No. 81865

सत्यमेव जयते

W.P.No.29643 of 2017

GMR (CO)
T.R (17/11/2017)

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