

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.01.2017

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THE HONOURABLE MR. JUSTICE R.MAHADEVAN

Crl.O.P.No.8566 of 2016

A & A International Trading Pvt. Ltd.,
rep. By its Managing Director
M.Saikumar

... Petitioner

Vs

The Deputy Commissioner of Police,
Office of the Deputy Commissioner
of Police,
Arunachala Street, Chintadripet,
Chennai-2.

... Respondent

Criminal Original Petition filed under Section 482 Cr.P.C. to direct the respondent police to issue a Look Out Circular as against the said Mohideen Syed Ibrahim, S/o.Mohideen Abdul Cader (date of birth - 6.1.1986) within a stipulated time in all International as well as Domestic Airports in India so as to apprehend the accused.

For Petitioner : Mr.Ralph V.Manohar
For respondent : Mr.C.Emalias,
Addl. Public Prosecutor

ORDER

The present criminal original petition has been filed seeking a direction to the respondent police to issue a Look Out Circular as against the one Mohideen Syed Ibrahim, S/o.Mohideen Abdul Cader (date of birth - 6.1.1986) within a stipulated time in all International as well as Domestic Airports in India so as to apprehend the accused.

2. It is the case of the petitioner that it is a private limited company and he had supplied and delivered coal to one M/s.Far East Coal Resources (P) Ltd. to the tune of Rs.44,40,000/-. For the said amount, the said company, through its Managing Directors S.Syed Ibrahim and Mohideen Syed Ibrahim had issued cheques in favour of the petitioner company. The cheques, on presentation, were dishonoured for the reason "insufficient funds". In spite of the statutory notice, the said company did not come forward to settle the amounts due

under the cheques. Thereafter, two criminal proceedings in C.C.Nos.5203 and 5204 of 2011 for the offence under Section 138 of the Negotiable Instruments Act against the accused persons were initiated and the same are pending before the learned Metropolitan Magistrate, Fast Track Court No.I, Egmore, Chennai. In the said case, since the third accused viz., Mohideen Syed Ibrahim, the Director of M/s.Far East Coal Resources (P) Ltd, has not appeared before the Court from 25.6.2012, non bailable warrant was issued against him on 25.6.2012 and the same is still pending. Since the said Mohideen Syed Ibrahim was concealing himself and evading arrest, the petitioner filed two petitions in Crl.O.P.No.4789 and 4790 of 2015 before this Court seeking a direction to the respondent police to execute the non bailable warrant pending against the said Mohideen Syed Ibrahim and this Court, by order dated 27.4.2015, observed that the petitioner may file a petition under Section 82 Cr.P.C., to declare the said Mohideen Syed Ibrahim as a proclaimed offender. As such, the petitioner filed appropriate petition under Section 82 Cr.P.C., before the Fast Track Court No.I, Metropolitan Magistrate Court, Egmore, Chennai, and the learned Magistrate, by order dated 12.1.2016, passed an order proclaiming the said Mohideen Syed Ibrahim as a proclaimed offender. Thereafter, the petitioner made a representation dated 30.1.2016 to the respondent police requesting them to issue a Look Out Notice in all major International Airports as against the said Mohideen Syed Ibrahim. But, no action was taken on behalf of the respondent on the said representation. Hence, the petition.

3. Today, when the matter was taken up for consideration, learned Additional Public Prosecutor submitted that despite the issuance of NBW as well as the proclamation order, the whereabouts of the said Mohideen Syed Ibrahim are not known to the respondent police.

4. Considering the facts and circumstances of the case and in view of the said submission made by the learned Additional Public Prosecutor, this Court directs the respondent police to issue a Look Out Circular as against the said Mohideen Syed Ibrahim, S/o.Mohideen Abdul Cader (date of birth - 6.1.1986) in all the International as well as Domestic Airports in India, within a period of four weeks from the date of receipt of a copy of this order, so as to apprehend him and proceed further in accordance with law. The criminal original petition is ordered accordingly.

Sd/-
Asst.Registrar(J)

/true copy/

Sub Asst. Registrar

sbi
To

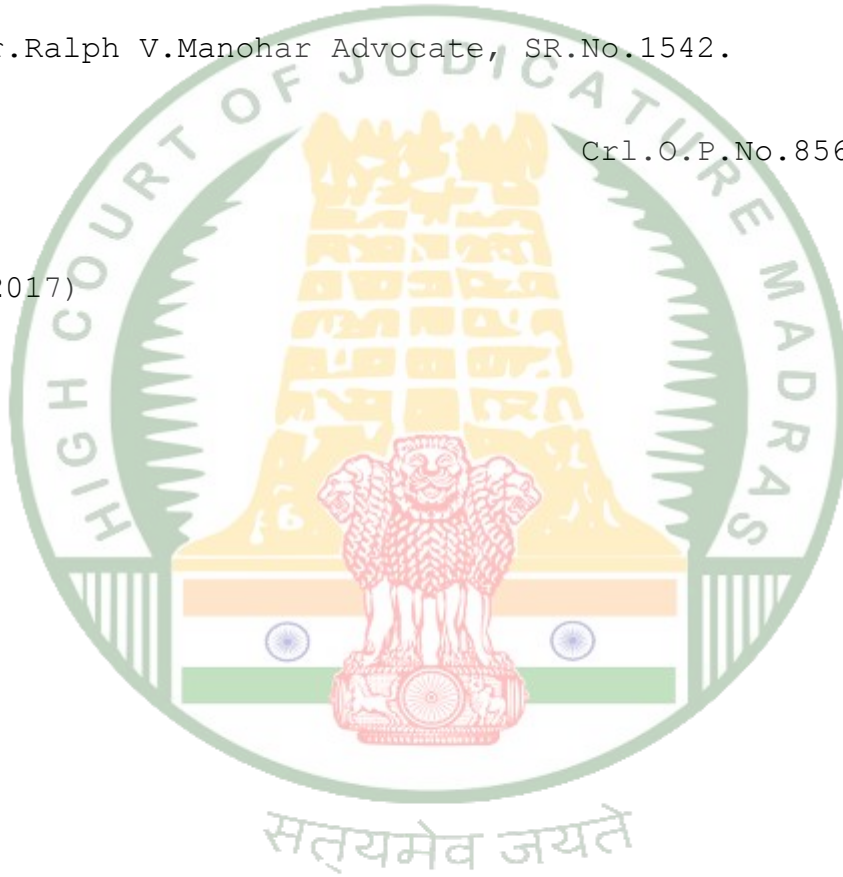
1.The Deputy Commissioner of Police,
Office of the Deputy Commissioner
of Police,
Arunachala Street, Chintadripet,
Chennai-2.

2.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Ralph V.Manohar Advocate, SR.No.1542.

Crl.O.P.No.8566 of 2016

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