



WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 03.02.2017

CORAM

THE HON'BLE MR.JUSTICE G.CHOCKALINGAM

W.P. (MD) No.23994 of 2016

and

WMP (MD) No.17310 of 2016

S.Raja

:Petitioner

-vs-

1.The Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2.The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District

: Respondents

Prayer: Writ Petition filed under Article 226 of the Constitution of India to issue a writ of Mandamus, forbearing the respondent not to extend the lookout notice in RC No.G1/33294/2014, dated 07.01.2016 pending before the 2nd respondent.

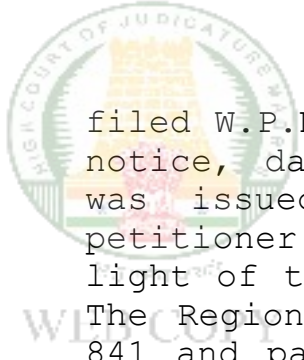
For Petitioner
For Respondents

: Mr.T.K.Gopalan
: Mr.K.P.Krishnadoss
(Government Advocate)

O R D E R

This petition is filed to forbear the respondents not to extend the lookout notice in RC No.G1/33294/2014, dated 07.01.2016 pending before the 2nd respondent.

2.The learned counsel appearing for the petitioner would submit that the petitioner is having Indian Passport and also having work permit in Malaysia and on the basis of the work permit, Malaysian Government issued visa 7 years back and that the petitioner is a sculpture and he got employment in Grocery shop by name PASAR MINI ANTERO at Malaysia and based on the complaint given by the petitioner wife Kavitha, a case in Crime No.5 of 2014 was registered against the petitioner under Sections 498A, 506(i) IPC and when he was returned to India on 25.01.2015, he was arrested by the Police at Trichy Airport on the same day and now, he is on bail and that in the meantime, the 2nd respondent police issued lookout circular against the petitioner and restrained him from leaving India to pursue his employment and that the petitioner filed a petition before the Judicial Magistrate, Pudukkottai, in Cr.M.P.No.4735 of 2015 seeking permission to go to Malaysia to renew his work permit, initially by taking tourist Visa and during the pending of the said petition, the petitioner



filed W.P.No.12218 of 2015 before this court to recall the lookout notice, dated 10.12.2014 and in that writ petition, a direction was issued to the respondent to consider the claim of the petitioner to recall the lookout notice, dated 10.12.2014 in the light of the decision of this court made in Arokiya Jeyabalan vs. The Regional Transport Officer, Chennai, reported in 2014(4) LW 841 and pass appropriate orders on merits and in accordance with law, after taking into consideration the outcome of the challenge said to be made to the order, dated 16.06.2015 passed by the learned Judicial Magistrate, Pudukottai, in CrI.M.P.No.4735 of 2015 and subsequently, the police extended the lookout notice on 07.01.2016 and subsequently, the petitioner obtained stay order in C.C.No.60 of 2015 on 21.02.2016 and also obtained interim stay in the charge sheet filed in Crime No.5 of 2014 and also interim stay of the Maintenance Case No.8 of 2014 filed by him. In view of the above circumstances, this petition is filed seeking the relief as stated above.

3.The learned Government Advocate appearing for the respondents would submit that in this case, already case is pending before the Judicial Magistrate, Pudukottai and if the lookout circular is not extended, the petitioner will leave India and the case will be kept in pending and hence, view of the same, the petition has to be dismissed.

4.This court has carefully heard the submissions made on either side and perused the materials available on record.

5.It is seen from the records that the Criminal case in C.C.No.60 of 2015 against the petitioner is pending before the Judicial Magistrate, Pudukkottai and that since, the petitioner is the accused in the above case, the presence of the petitioner is very much required for the conduct of the above case. If at all the lookout circular issued against the petitioner is not extended, there is every possibility to leave India by the petitioner and the above Calendar Case could not be proceeded with. In view of the above circumstances, this court is of the considered view that the petitioner is not entitled to get any relief as sought for in the writ petition.

6.In the result, this writ petition is dismissed. No costs. Consequently, connected Miscellaneous Petition is closed.

Sd/-

Assistant Registrar(CS-I)

/TRUE COPY/



To:

1.The Superintendent of Police,
Pudukkottai,
Pudukkottai District.

2.The Inspector of Police,
All Women Police Station,
Pudukkottai,
Pudukkottai District

+1 cc to MR.P.T.S.Narendravasan, ADVOCATE, SR NO: 6035
+1cc to M/S.THE SPECIAL GOVERNMENT PLEADER, SR NO: 6302

er
sva/mr/14.02.2017/3p/5c

W.P. (MD) No.23994 of 2016
and
WMP (MD) No.WMP (MD) No.17310 of 2016
03.02.2017