

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.12.2018

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THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P.No.5654 of 2018

P.Christal Jeyaraj

... Petitioner

Versus

1. The Chief Immigration Officer,
Bureau of Immigration,
Ministry of Home Affairs,
Government of India,
Shastri Bhavan, Haddows Road,
Chennai:600 006.
2. The Regional Passport Officer,
4th Floor, Royola Towers,
No.2&3, Mount Road,
Chennai:600 002.
3. Inspector of Police,
Team V,
Central Crime Branch,
Chennai:600008.

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying for the issue of Writ of Mandamus, to direct the third respondent to submit his part of memorandum about the acquittal of the petitioner in C.C.No.6500/2016 in the court of CCB & CBCID MM, Egmore, Chennai to first and second respondents and further direct the first and second respondents to consider the same to remove the entries made in the records and computers of Airport Authorities and in 1st and 2nd respondent's records that is reflecting RED ALERT or any other remark prohibiting the smooth departure, arrival of the petitioner at the Airport, thereby enabling the petitioner to have the departure and arrival renewal of visa like the other regular passenger without any obstruction whatsoever.

For Petitioner : Mr.J.Arokhiaraj
For Respondents : Mr.V.Shanmugasundar (R3)
Special Government Pleader
Mr.T.L.Thirumalaisamy (R1 and R2)
CGSC

O R D E R

The petitioner, aggrieved by the look-out notice, has filed this writ petition seeking for a direction to the third respondent to submit his part of memorandum about the acquittal of the petitioner in C.C.No.6500/2016 in the court of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai to first and second respondents and further direct the first and second respondents to consider the same to remove the entries made in the records and computers of Airport Authorities and in 1st and 2nd respondent's records that is reflecting as RED ALERT or any other remark prohibiting the smooth departure, arrival of the petitioner at the Airport, thereby enabling the petitioner to have the departure and arrival renewal of visa like the other regular passenger without any obstruction whatsoever.

2. The case of the petitioner is that on 16.06.2010, the petitioner got arrested for the alleged offence under Section 420 IPC and Sections 10 and 24 (g) of Immigration Act 1983 and a case was registered in CCB No.278/2010 and taken on file by the learned III Metropolitan Magistrate, George Town in C.C.No.3232 of 2012 for trial and the same was transferred and renumbered as C.C.No.6500 of 2016 in the Court of CCB & CBCID Metropolitan Magistrate, Egmore, Chennai. After trial, the petitioner was acquitted by vide order dated 31.10.2017. It is stated that because of the pendency of the criminal case, his passport was marked as 'Red Alert'. As the petitioner was already acquitted, the petitioner prays for the withdrawal of the 'Red Alert', so as to enable him to have free travel to other countries.

3. The learned Special Government Pleader appearing for the third respondent has produced a letter dated 15.12.2018 passed by the third respondent, wherein it is stated that as the criminal case was ended in acquittal as early as on 31.10.2017, the Lookout notice if any is withdrawn.

4. The learned counsel for the respondents 1 and 2 also takes notice of the same.

5. Considering the aforesaid facts and circumstances of the case, and also the proceedings of the third respondent, this Court is of the view that as there is no Lookout notice, based

on the criminal case, the 'Red Alert' reflecting on the passport of the petitioner has to be withdrawn. Accordingly the same is hereby withdrawn.

6. Accordingly, this Writ Petition is disposed of. No costs.

Sd/-
Assistant Registrar(CS V)

//True Copy//

Sub Assistant Registrar

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To

1. The Chief Immigration Officer,
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Ministry of Home Affairs,
Government of India,
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Chennai:600 006.

2. The Regional Passport Officer,
4th Floor, Royola Towers,
No.2&3, Mount Road,
Chennai:600 002.

3. Inspector of Police,
Team V,
Central Crime Branch,
Chennai:600008.

+1cc to Mr.J.Arokhiaraj, Advocate sr.no.87327
+1cc to Mr.T.L.Thirumalaisamy, Advocate sr.no.87624
+1cc to Government Pleader sr.no.88946

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nr 21/01/2019