

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 22.01.2018

CORAM:

THE HONOURABLE MR. JUSTICE M.S.RAMESH

Crl.O.P.No.24232 of 2017

Kaja Mohideen

... Petitioner/Accused 2

Vs

The State of Tamil Nadu
Rep. by Inspector of Police,
F4-Thousand Lights Police Station,
Thousand Lights,
Chennai.

... Respondent/Complainant

PRAYER: Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the respondent to recall the Look Out Notice issued against the petitioner in Crime No.1203 of 2016 which has now been registered as C.C.No.5482 of 2017 on the file of XIV Metropolitan Magistrate Court, Allikulam, Chennai by giving proper written instructions to the immigration authorities at the Chennai Airport.

For Petitioner : Mr.Amar K.Panwar
for M/s.Chennai Law Associates

For respondent : Mrs.P.Kritika Kamal
Government Advocate (Crl.Side)

ORDER

The prayer sought for in the present petition is to direct the respondent to recall the Look Out Notice issued against the petitioner in Crime No.1203 of 2016 which has now been registered as C.C.No.5482 of 2017 on the file of XIV Metropolitan Magistrate Court, Allikulam, Chennai by giving proper written instructions to the immigration authorities at the Chennai Airport in the interest.

2. Based on the Look Out Circular (LOC) issued in Crime No.1203 of 2016, the petitioner seems to have been interrogated by the respondent police.

3. In the order of this Court made in Crl.O.P.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."

4. 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 respondent shall not prevent him from moving in and out of the country by referring to the earlier LOC issued 28.07.2016 in Crime No.1203 of 2016.

5. With above observations, the Criminal Original Petition stands allowed.

Sd/-
Assistant Registrar(CO)

//True copy//

Sub Assistant Registrar

nmm

To

- 1.The XIV Metropolitan Magistrate,
Allikulam, Chennai.
- 2.Do-Thro The Chief Metropolitan Magistrate,
Egmore, Chennai-8.
- 3.The Inspector of Police,
F4-Thousand Lights Police Station,
Thousand Lights,
Chennai.

4.The Public Prosecutor,
High Court, Madras.

+2cc to Mr.Chennai Law Associates, Advocate SR.No.5213

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CA(CO)
GN(05/02/2018)



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