

HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.13532 of 2018

ORDER:

This writ petition is filed challenging the look-out circular issued against the petitioner by respondents 2 to 4 in connection with F.I.R.No.426 of 2017 on the file of Machavaram Police Station, Vijayawada City.

Learned counsel for the petitioner submits that though the petitioner is cooperating, the charge sheet is not filed and impugned look-out circular was issued on 06-09-2017. Due to issuance of the said circular, the petitioner is unable to travel abroad on his official duty from the Deloitte Company. Learned counsel further submits that the petitioner will provide necessary security along with necessary documents to show that he will attend the business work at abroad and to come back to India, if look-out notice is recalled.

Learned Assistant Government Pleader for Home produced written instructions stating that investigation is in progress and statements of Lws 1 to 5 were also recorded. It is also stated that in the event of look-out circular is recalled, the petitioner will not be available at the time of requiring his presence in the concerned Court.

Learned counsel appearing for the 5th respondent submits that serious charges are leveled against the petitioner and there is every possibility that the petitioner will not return to India, if he is allowed to leave the Country by recalling look-out notice.

In this case in the writ affidavit, it is stated that the petitioner wanted to leave abroad on his employer's business work in the month of May, 2018 itself, but that period is over. It is to be seen that the petitioner can always make application before the concerned Court, which is having jurisdiction to try the case and this Court in WP.No.3213 of 2015 by following the judgments of Madras High Court *SMARTIN v. DEPUTY COMMISSIONER OF POLICE AND OTHERS*¹ and Delhi High Court in *SUMER SINGH SALKAN; COURT ON ITS OWN MOTION RE v. ASSISTANT DIRECTOR AND OTHERS; STATE v. GURNEK SINGH ETC.*² held that the petitioner is permitted to move the concerned Court for withdrawal of look-out circular by stating the above facts.

With the above observations, the writ petition is disposed of directing the petitioner to move the concerned Court for recalling of look-out circular by stating the above facts and whenever such application is made, the concerned Court is directed to consider and dispose of the same as expeditiously as possibly by taking the above facts into account while deciding the application. As a sequel to the disposal of this petition, miscellaneous petitions, if any, pending shall stand closed.

A.RAJASHEKER REDDY,J

05-06-2018

Note:
Issue CC by 08-06-2018
B/o
Nvl

¹ 2014 Law Suit(Madras) 250

² 2010 Law Suit (Delhi) 1628



