

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.21790 OF 2018

O R D E R

Aggrieved by the action of respondents in not removing the name of the petitioner from Look-Out-Circular (LOC), the present writ petition is filed.

As per the averments made in the affidavit filed in support of the writ petition, the case of the petitioner is that his wife lodged report against him, based on which, 4th respondent – Station House Officer, Police Station, Golconda, Hyderabad, registered a case in Crime No.165 of 2017, for the offences punishable under Sections 420, 468, 471 and 506 IPC, and consequently, LOC was issued against him. When he intended to travel abroad to go to Qatar to fix the marriage of his daughter, he was stopped at immigration check and detained at RIG Airport, Shamshabad on 05.08.2017 and handed over to 4th respondent. He was issued with notice under Section 41-A of Cr.P.C. and he submitted detailed explanation. Vide order dated 10.11.2017 in CrI.P.No.8201 of 2017, he was granted anticipatory bail, with certain conditions, and subsequently by order dated 23.02.2018, the said bail conditions were relaxed. He approached the 2nd respondent – Foreigners Regional Registration Officer, to permit him to travel abroad and he has also given an undertaking that he would appear before the court as and when required and would contest the criminal proceedings. As no action has been taken, the present writ petition is filed.

Learned counsel for the petitioner submits that when once the petitioner was granted anticipatory bail and the petitioner has given an

undertaking that he would appear before the court as and when required and would contest the proceedings, there is no justification on the part of the respondents in continuing the LOC against the petitioner.

Learned counsel further submits that in similar facts and circumstances in *ARUNKUMAR vs. THE DEPUTY COMMISSIONER OF POLICE*¹, where LOC was issued against the petitioner in pursuance of the report lodged by his wife under Sections 498-A, 406, 506(i) of IPC read with Section 4 of Dowry Prohibition Act, and the petitioner was granted anticipatory bail and he has given an undertaking to co-operate with the investigation of the case, a learned Single Judge of the High Court of Madras, directed for withdrawal of LOC and further directed the first respondent therein – Deputy Commissioner of Police (L & O), to communicate the order of lifting of travel restriction imposed against the petitioner in pursuance of LOC, to Immigration Officers. Relying on the said judgment of the High Court of Madras and the facts and circumstances of the case, learned counsel for the petitioner herein, seeks for a direction to revoke the LOC against the petitioner and to permit him to travel abroad.

Learned Assistant Government Pleader for Home, on instructions, submit that the wife of the petitioner made serious allegations and crime registered against the petitioner is under investigation and if the petitioner is permitted to leave abroad, securing his presence for the purpose of investigation, would be difficult and it would affect the case of the prosecution. He further submits that the LOC was issued against the petitioner on 05.08.2017 and the same would be in force till 04.08.2018, unless reviewed and renewed by the competent authority.

¹ W.P.(MD).NO.15320 OF 2017 DATED 28.08.2017

The Additional Director General of Police, CID, A.P., Hyderabad issued circular memo No.4771/C61/IP/2013 in the month of October, 2013, with regard to procedure for issuance of LOC and certain clarifications in that regard. As per the information to question No.6 in the said circular, at clause 10, it is clarified as under:

“As and when the bail is granted or trial etc., is completed and need for LOC is over, the SP/DCP shall send proposal for withdrawal of the LOC immediately. The responsibility lies on the Unit Officer and not on I.O.”

In the present case, as already noted above, petitioner was granted anticipatory bail and the conditions imposed, were also relaxed and the petitioner undertakes to appear before the court as and when required and would contest the case.

In view of the facts and circumstances of the case and having regard to the above circular, it is open for the petitioner to make representation to the competent authority. On such representation being received, the competent authority, taking the facts and circumstances of the case into consideration and the necessity to continue LOC, and further considering the judgment of the High Court of Madras and the above referred circular, shall consider the claim of the petitioner for deletion of his name from LOC and pass appropriate orders in accordance with law, within a period of one week from the date of receipt of such representation.

With the above direction, writ petition is disposed of.

Miscellaneous petitions pending, if any, shall stand closed. No costs.

A. RAJASHEKAR REDDY, J

DATE: 11—07—2018
AVS