

THE HON'BLE SRI JUSTICE N.BALAYOGI

Criminal Revision Case No.2203 of 2018

ORDER :

This revision is filed by the petitioner/accused No.5 against the order, dated 28.06.2018 passed in CrI.M.P.No.750 of 2018 in C.C. No.90 of 2014 on the file of the XV Additional Chief Metropolitan Magistrate-cum-Special Court for the trial of Video Piracy Cases, Hyderabad, whereby the Trial Court dismissed the petition filed to cancel the Look Out Circular.

2. The contention of the petitioner is that the Trial Court, without considering and properly appreciating the facts in issue, dismissed the petition.

3. *Per contra*, the learned Public Prosecutor contended that C.C. No.90 of 2014 is pending for trial and if Look Out Circular is recalled, it will be difficult to secure the presence of the petitioner.

The facts in brief are that the petitioner/A5 and some others are facing trial in C.C. No.90 of 2014 for the offence under Sections 498-A and 406 I.P.C. & Sections 4 and 6 of the Dowry Prohibition Act. Basing on the complaint filed by the wife, case is registered against the petitioner and others and after investigation, charge-sheet was filed. The petitioner is on anticipatory bail. Prior to filing the application in CrI.M.P.No.750 of 2018, he filed W.P.No.7481 of 2018 for cancellation of Look Out Circular. While disposing of the Writ Petition, this Court directed the petitioner to file the petition

before the trial Court. In pursuance of the said orders, Crl.M.P. No.750 of 2018 was filed.

4. Generally, Look Out Circular will be issued in a given proforma which has identification parameters of criminals so as to help police to catch absconding criminals and stopping them from crossing the borders. The Office Memorandum, dated 27.12.2000 of MHA specifies the steps required to be taken for opening a Look Out Circular in respect of an Indian citizen. It has been mentioned in the said Office Memorandum that the request for opening an LOC in respect of an Indian Citizen is required to be made to all the Immigration Check Posts in the country in a prescribed proforma.

5. The Office Memorandum dated 27.12.2000 of MHA further requires that an LOC issued is valid for a period of one year from the date of issue and name of the subject shall be automatically removed from the Look Out Circular thereafter, unless the concerned agency requests for its renewal within a period of one year.

6. It is contended by the learned counsel for the petitioner that even though one year is elapsed after issuing of Look Out Circular, Look Out Circular is still available with the concerned authorities, which is embarrassing the petitioner while going to abroad.

7. The order and petition get-together shows that the petitioner clearly stated in the petition that he was falsely implicated as an accused and he was issued NBWs and he has obtained anticipatory

bail and attending the Court regularly. Those are the facts basing on which the petitioner sought to recall the Look Out Circular. The order of the Trial Court is untenable.

8. In the facts and circumstances discussed above, I am of the considered view that the petitioner is already on bail; that he has been attending the Court regularly; that he used to work in USA as software engineer and now he is in India; and that as per the oral submission of the counsel for the petitioner, name of the subject was automatically removed from the Look Out Circular after lapse of one year period, as there is no request from the authorities concerned to renew the same, therefore, the Look Out Circular issued against the petitioner is hereby recalled.

9. Accordingly, the Criminal Revision Case is allowed while setting aside the order, dated 28.06.2018 passed in CrI.M.P.No.750 of 2018 in C.C. No.90 of 2014 on the file of the XV Additional Chief Metropolitan Magistrate-cum-Special Court for the trial of Video Piracy Cases, Hyderabad.

10. Miscellaneous petitions pending, if any, shall stand closed.

JUSTICE N.BALAYOGI

14th August, 2018

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