

HONOURABLE SRI JUSTICE A.RAJASHEKER REDDY

WRIT PETITION No.30903 OF 2018

ORDER :

This writ petition is filed challenging the issuance and continuance of Lookout Circular in Loc.No.208/Loc/ccs.DD/HYD/17, dated 16.10.2017 pertaining to Cr.No.524/2017 for the offences under Section 498 A, 406 IPC and Section 3 of Dowry Prohibition Act.

Learned counsel for the petitioner submits that already Crime No.524/2018 was investigated into and charge sheet is also filed which is numbered as C.C.187/2018. He further submits that since petitioner appeared before the 5th respondent in pursuance to the notice issued under Section 41-A Cr.P.C., by the 5th respondent and since charge sheet is also filed in Crime No.524/2017, no purpose would be served in continuing the Look Out Circular. It is also stated that due to the Look Out Circular petitioner is not allowed to move outside the country and also he lost job opportunities abroad. In support of his contention he relied on the Judgments rendered by the Madras High Court in **S.Santhosh Kumar v. The Superintendent of Police (2017) Supreme (Mad) 1668;** and **Arvinth Narayanasamy v. The Deputy Commissioner of Police, Law and Order, Tiruchirapalli and others (2017) Supreme (Mad) 3017.**

On the other hand learned Assistant Government Pleader for Home submits that in similar circumstances this Court

disposed of WP.No.13532/2018 wherein it is observed that the petitioner can approach the Court below where trial is pending for recalling of Look-out Circular.

In **S.Santhosh Kumar v. The Superintendent of Police (2017) Supreme (Mad) 1668**, at para-12, it was held as follows;

“12. In the decision relied on by the learned senior counsel for the petitioner in (Arockia Jeyabalan v. The Regional Passport Officer, Mount jroad, Chennai and others) 2014 4 Law Weekly 841, this Court had an occasion to consider that validity of the lookout circular. In that case, based on the look out notice issued by the respondents therein, the petitioner therein was arrested and remanded to judicial custody. Thereafter, the petitioner therein was released on bail. Therefore, it was held that the object of the Look out Circular is to ensure the presence of a person for interrogation, trial or inquiry and when the purpose of such circular is served by interrogating the person, thereafter, such circular is non-east in the eye of law. Even in this case, the petitioner was subjected to enquiry at length by the fourth respondent and therefore, keeping the look out notice in force is impermissible.”

No doubt, in the present case also investigation is completed and charge sheet is also filed which is numbered as C.C.187/2018. In view of the same and in view of the aforesaid Judgment relied on by the learned counsel for the petitioner, the writ petition is disposed of directing the petitioner to make application for recalling of look-out circular before the concerned Court where CC.No.187/2018 is pending. Whenever such application is made, the concerned Court by taking into account the aforesaid facts and the aforesaid Judgment of the Madras High Court in **S.Santhosh Kumar's case**, shall dispose of the

said application as expeditiously as possible, preferably within a period of two weeks from the date of receipt of application from the petitioner, since petitioner has already lost his employment opportunities, abroad. No order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition, shall stand closed.

A.RAJASHEKER REDDY, J

07.09.2018

Note: Issue CC in three days.

B/o. t k.

