

HON'BLE Dr. JUSTICE B. SIVA SANKARA RAO

CRIMINAL PETITION No.11574 of 2018

ORDER :

The petitioner is A.1 among seven accused in C.C.No.3115 of 2017 on the file of the I Additional Judicial First Class Magistrate, Warangal, for the offences punishable under Sections 498-A and 506 IPC and Sections 3 and 4 of the Dowry Prohibition Act, which is outcome of the report of the 2nd respondent/*de facto* complainant in registration of Crime No.126 of 2017, dated 22.08.2017 for the offences supra, no other than the wife of A.1 and from the police investigation filed the final report that was taken cognizance.

2. A perusal of the record shows A.1 to A.7 were served notice under Section 41-A Cr.P.C., for none of the offences are punishable above seven years. Once the petitioner/A.1 from the final report complied with the service of notice under Section 41-A Cr.P.C. without arrest, the earlier pending investigation look-out notice issued against the petitioner no way can be allowed to continue. It is the sum and substance of the prayer in the criminal petition to cancel or re-call the said look out notice, the same was returned by the learned Magistrate on 23.10.2018 as to under what provision and how maintainable. The petition no doubt filed under Section 6(2)(f) of the Indian Passport Act, 1967. The said provision contemplates with reference to the Ministry of external affairs Circular No.726 of the year 1993, for any person facing accusation in India if at all to leave

the country has to obtain the permission of the learned Magistrate in whose jurisdiction the crime is pending. Same is different from the look-out notice. It is not even a case that petitioner filed any petition permitting to leave the country by obtaining transit permission or visa pursuant to having passport. Thus liberty is given to the petitioner to approach the learned Magistrate with proper prayer under Section 6(2)(f) of the Indian Passport Act, if at all he wants to leave the country in seeking permission to leave the country for a limited period subject to his filing application under Section 205 Cr.P.C. to represent through Special Vakalat holder without hampering hearing before charges and if at all charges framed, for trial including for any examination on the charges, the Special Vakalat holder rather than personal examination of the petitioner with necessary conditions by obtaining necessary bond for a sum of Rs.2,00,000/- (Rupees two lakhs only) in such permission and if at all failed to comply with the bond conditions to forfeit that amount or any part of it as penalty under Section 53 IPC and as per the expression in **Abdul Gaffar Khan v. State of Telangana**¹, the learned Magistrate is directed, by virtue of this order, if at all that look-out notice purpose served to direct the police to cancel the look-out notice rather than re-call.

3. With the above observations, the criminal petition is disposed of.

¹ 2014 (2) ALD (Crl.)807

Miscellaneous petitions pending, if any, shall stand closed.

Dr. B. SIVA SANKARA RAO, J

22nd November 2018.

Note :

Issue C.C. in two days.

(b/o)

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