

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 10.01.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

CrI.O.P.No.930 of 2019

Komethagavel

...Petitioner

Vs.

1. The Under Secretary (Legal) IS-II,
Ministry of Home Affairs,
NDCC-II Building,
Jai Singh Road,
New Delhi - 110 001.
2. The Foreigners Regional Registration
Officer (FRRO),
Shastribhawan Annexe Building,
No.26, Haddous Road,
Nungambakkam,
Chennai-600 006.
3. The Superintendent of Police,
CBCID,
Electronic SIDCO Complex,
Guindy, Chennai-600 022.
4. The Deputy Superintendent of Police,
P.N.Palayam,
Sub Division,
Coimbatore District.
5. State Rep. by
The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District,
Crime No.70 of 2013.

...Respondents

Prayer: Criminal Original Petition filed under Section 482 of the Cr.P.C., to direct the fourth respondent to withdraw the lookout notice issued as against the petitioner dated 29.01.2014 in connection with the case in Crime No.70 of 2013 on the file of the fifth respondent police and consequently, direct the 5th respondent to intimidated the same to first and second respondent and concerned immigration officer.

For Petitioner : Mr.A.Thiyagarajan

For Respondents : Mr. A.Mohamed Riyaz for R3 to
R5

Additional Public Prosecutor

O R D E R

This petition has been filed seeking for a direction to the 4th respondent to withdraw the lookout notice issued against the petitioner in Crime No.70 of 2013.

2. The respondents 1 to 3 are unnecessary parties in this petition and hence, they are deleted.

3. It seen from records that the petitioner is facing trial in CC. No.27 of 2014 before the learned Judicial Magistrate Additional Mahila Court, Coimbatore, for an offence under Section 498-A and 506(ii) of IPC. This petitioner has been ranked as Accused No.1 in the proceedings. The 4th respondent, by his letter dated 29.01.2014, had written to the Immigration Office for the purpose of issuing a lookout notice against this petitioner. Pursuant to the same, there is a lookout notice pending against the petitioner.

4. The learned counsel for the petitioner would submit that the petitioner has filed a petition under Section 205 Cr.P.C. before the Court below and the Court below by an order dated 21.11.2015, allowed the petition and passed the following order:

"In the result, this petition is allowed on condition the petitioner should appear before this Court to receive the final report and other relevant documents under Section 207 of Cr.P.C. for the purpose of answering the charges and at the time of examination under Section 313 Cr.P.C. and at the time of pronouncing judgment and when this Court feels that the appearance of petitioner is necessary. Except on the above hearing dates the appearance of the petitioner before this Court is dispensed with. Accordingly, this petition is allowed."

5. The learned counsel for the petitioner pointing out to the above order would submit that since the petition filed under Section 205 Cr.P.C. has been allowed by imposing conditions, the lookout notice that has been issued by the 4th respondent should be recalled. The learned counsel would further submit that this lookout notice has been in force from the year 2014 onwards and therefore, the petitioner is not even

able to enter into India.

6. In view of the fact that the Court below has allowed the petition filed by the petitioner under Section 205 Cr.P.C. This Court does not find any reason to keep the lookout notice pending against the petitioner. The conditions have been imposed by the Court below and if, in case, the petitioner does not comply with the conditions, it is always open to the 4th respondent to initiate fresh proceedings to issue the lookout notice to the petitioner. Till that contingency arises, there is no reason to keep the lookout notice as against the petitioner pending in force.

7. In view of the above, the 4th respondent is directed to immediately take steps to withdraw the lookout notice issued against the petitioner in connection with Crime No.70 of 2015. This process shall be completed by the 4th respondent within a period of four weeks from the date of receipt of a copy of this order. Accordingly, this Criminal Original Petition is disposed of.

s/d-
Assistant Registrar (CS VIII)

True Copy

Sub-Assistant Registrar

rli/rka
To

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2. The Foreigners Regional Registration
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4. The Deputy Superintendent of Police,
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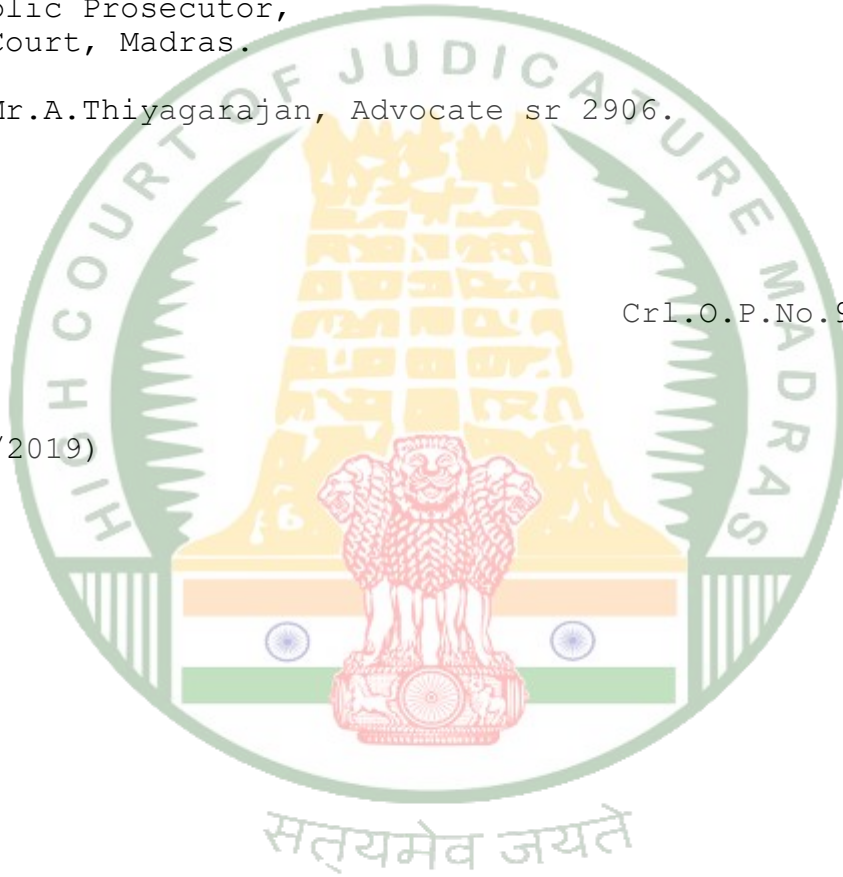
5. The Inspector of Police,
All Women Police Station,
Thudiyalur,
Coimbatore District.
Crime No.70 of 2013.

6. The Public Prosecutor,
High Court, Madras.

+1 CC to Mr.A.Thiyagarajan, Advocate sr 2906.

Crl.O.P.No.930 of 2019

RK(CO)
SP(05/02/2019)



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