



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED:16.12.2019

CORAM:

THE HONOURABLE MRS.JUSTICE PUSHPA SATHYANARAYANA

W.P(MD)No.22614 of 2019

and

W.M.P. (MD) .No.19370 of 2019

S.Jailani

... Petitioner

Vs.

1.The Immigration Officer,
Trichy Airport,
No.1, Williams Road,
Cantonment,
Trichy City-620 001.

2.The Superintendent of Police,
Southern Zone, CBCID Head Office,
Pantheon Road, Egmore,
Chennai-08.

3.The Inspector of Police,
CBCID,
District Collectorate Campus,
Ramanathapuram District.

4.The Inspector of Police,
CBCID Madurai Town,
(Kenikarai Police Station,
Ramanathapuram)
Crime No.500/10

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India to issue a Writ of Mandamus, forbearing the respondent No.1 from preventing the petitioner to travel abroad on the ground of mere pendency of the Criminal Appeal in CrI.A.No.423 of 2019 is pending before this Court within the time stipulated by this Court.

For Petitioner	: Mr.I.Pinaygash
For R1	: Mrs.Deepa Central Government Standing Counsel
For R2 to R4	: Mrs.J.Padmavathi Devi Special Government Pleader



ORDER

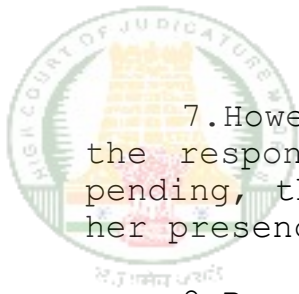
Heard Mr.I.Pinaygash, learned counsel appearing for the petitioner, Mrs.Deepa, learned Central Government Standing Counsel appearing for the first respondent and Mrs.J.Padmavathi Devi, learned Special Government Pleader appearing for the respondent Nos.2 to 4.

3.This Writ petition has been filed by the petitioner praying for issuance of a Writ of Mandamus, forbearing the first respondent from preventing the petitioner to travel abroad on the ground of mere pendency of the Criminal Appeal in CrI.A.No.423 of 2019, which is pending before this Court.

4.In the affidavit filed in support of the petition, it is stated that a criminal case has been registered against the petitioner and others, in Crime No.500 of 2010 on the file of the fourth respondent petitioner and the same was taken on file in S.C.No.137 of 2015 before the Sessions Judge, Fast Track Mahila Court, Ramanathapuram District and subsequently, the petitioner was acquitted in S.C.No.137 of 2015. Further, it is stated that while the petitioner has decided to travel to Malaysia to meet her relatives, he was restricted by the first respondent on the ground that a criminal appeal in CrI.A.No.423 of 2019 is pending before this Court. Therefore, without obtaining No Objection Certificate from the respondents, the petitioner was not allowed to travel from India to Malaysia. Further, it is stated that the petitioner has possessed a valid passport and also a valid Visa to Malaysia. When the petitioner approached the first respondent for allowing him to go to Malaysia, the first respondent instructed the petitioner to get No Objection Certificate from the respondent Nos.2 and 3. Hence, the petitioner approached the respondent Nos.2 and 3 and requested for issuance of No Objection Certificate, but, they refused to provide the same. Further, it is stated that there was look out circular issued on 28.12.2018, which was produced by the learned counsel appearing for the respondent Nos.2 and 3.

5.The learned Special Government Pleader appearing for the respondent Nos.2 to 4 submits that the look out circular is only valid for one year and the same comes to an end on 31.12.2019 and the respondents 2 to 4 also do not propose to issue look out circular to be initiated against the petitioner.

6.According to the first respondent, when there is look out circular issued, the Immigration Authorities only are bound to act on the look out circular and the requests made by various law enforcement agencies. As the other law enforcement agencies viz., the respondents No.2 to 4 states that no further No Objection Certificate was issued against the petitioner, it may not be impediment for the petitioner to travel abroad, after 31.12.2019.



7.However, the learned Special Government Pleader appearing for the respondent Nos.2 to 4 submitted that as the appeal is still pending, the petitioner has to give an undertaking that as and when her presence is required, she has to return to the Country.

8.Recording the submission made by the learned Special Government Pleader, this Writ Petition stands disposed of. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CO)

// True Copy //

Sub Assistant Registrar(CS)

Ns

To:

1.The Immigration Officer,
Trichy Airport, No.1, Williams Road,
Cantonment, Trichy City-620 001.

2.The Superintendent of Police,
Southern Zone, CBCID Head Office,
Pantheon Road, Egmore, Chennai-08.

3.The Inspector of Police,
CBCID, District Collectorate Campus,
Ramanathapuram District.

4.The Inspector of Police,
CBCID Madurai Town,
(Kenikarai Police Station,
Ramanathapuram)

+1 CC to M/s.I.PINAYGASH, Advocate (SR-105265[F] dated 17/12/2019)

+1 CC to M/s.SPL.GP (SR-105330[F] dated 17/12/2019)

+1 CC to M/s.B.DEEPA, Advocate (SR-105665[F] dated 18/12/2019)

W.P(MD)No.22614 of 2019

and

W.M.P. (MD) .No.19370 of 2019

16.12.2019

ns (CO)

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