



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **20.12.2019**

CORAM:

THE HONOURABLE MR.JUSTICE **A.D.JAGADISH CHANDIRA**

**Crl.O.P. [MD] .No.18689 of 2019**  
**and**  
**Crl.M.P. (MD)No.10966 of 2019**

Sundaravel Ramesh

: Petitioner

Vs.

1.The Superintendent of Police,  
Thanjavur District, Thanjavur.

2.The Inspector of Police,  
West Police Station,  
Thanjavur, Thanjavur District.  
(Crime No.40 of 2014)

3.The Foreigners Regional Registration Officer,  
Bureau of Immigration,  
Chennai-600 006.

4.Senthilkumar

: Respondents

[4<sup>th</sup> respondent impleaded vide order  
dated 20.12.2019 in Crl.M.P. (MD)No.11357 of 2019]

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C. to direct the first respondent to withdraw the lookout Circular, dated 26.06.2019, in connection with the case in Crime No.40 of 2014, pending on the file of the second respondent issued against the petitioner and pass order on the application to be filed by the petitioner for return of passport within the time stipulated by this Court.

For Petitioner : Mr.N.Sathish Babu

For R1 and R2 : Mr.S.Chandrasekar  
Additional Public Prosecutor

For R3 : Mrs.S.Ragaventhre

For R4 : Mr.C.Ramachandran



**ORDER**

This Criminal Original Petition has been filed seeking to direct the first respondent to withdraw the Lookout Circular, dated 26.06.2019, in connection with the case in Crime No.40 of 2014, pending on the file of the second respondent issued against the petitioner and pass order on the application to be filed by the petitioner for return of passport within the time stipulated by this Court.

2.The learned counsel for the petitioner would submit that petitioner is an Indian citizen with a permanent residence status at Singapore. He would further submit that the second respondent had registered a case against the petitioner in Crime No.40 of 2014, for the offences under Sections 294(b), 324 and 506(ii) of IPC. The respondent police have filed a final report and the case was later transferred and pending trial on the file of the learned Judicial Magistrate No.I, Pudukottai. He would further submit that due to emergency call by his employer, the petitioner had to rush back to Singapore and in the meanwhile, based on the request of the second respondent, the first respondent had issued a Lookout Circular to be executed through the third respondent. He would further submit that the petitioner is prepared to return to India surrender before the Court and commit himself to abide any condition imposed by the Court for speedy trial. He would further submit that the petitioner has taken ticket for return back to India on 07.01.2020 and he will be reaching Trichy Airport on 07.01.2020 by flight No.6E52 from Singapore, thereby, he would pray that a direction may be issued to the respondent police to withdraw the Lookout Circular.

3.The learned counsel for the fourth respondent would submit that the petitioner has antecedents of violating orders of the court and the Lookout Circular issued against him earlier was recalled and thereby, he had come back to India and thereafter, he had filed a petition seeking to travel abroad and the learned Chief Judicial Magistrate had dismissed the petition for going abroad. Whereas, the petitioner without permission of the Court, left to Singapore warranting the respondents to issue Lookout Circular against the petitioner. He would further submit that any stringent condition may be imposed on the petitioner and that he may be directed to surrender passport before the concerned Court and a direction may be issued to conclude the trial at the earliest.

4.The learned Additional Public Prosecutor would submit that if the interest of the petitioner is to come back India and surrender passport, necessary instructions will be issued to the first respondent to recall the Lookout Circular for a limited period. He would further submit that the earlier Lookout Circular issued against the petitioner was withdrawn and thereafter, in violation of the orders of the learned Chief Judicial Magistrate, he had left the shores of India warranting the petitioner to issue fresh Lookout



5.The learned counsel for the petitioner would submit that the first respondent has issued lookout circular and further steps have also been taken by the third respondent for impounding the passport of the petitioner and on instructions of the Government of India, proceedings have been initiated for impounding the passport of the petitioner and if the petitioner reaches the shores of India, his passport will be automatically impounded and he may not be able to leave India.

6.Since the petitioner has expressed his willingness to return to India and submit himself before the Courts for speedy trial, this Court is of the opinion that the lookout circular issued to the petitioner may be withdrawn on imposition of conditions.

7.In view of the same, a direction is issued to the first respondent to withdraw the lookout circular, dated 26.06.2019 issued against the petitioner in connection with case in Crime No.40 of 2014, on the file of the second respondent.

(i)The petitioner shall arrive on 07.01.2020 and surrender his passport to the immigration authorities;

(ii)Thereafter, he shall surrender before the learned Judicial Magistrate No.I, Pudukottai on or before 22.01.2020 and execute a bond for a sum of Rs.50,000/- (Rupees Fifty Thousand Only) with two sureties, of whom, one should be a blood relative, each for a like sum to the satisfaction of the above said Court.

(iii) the sureties shall affix their photographs and Left Thumb Impression in the surety bond and the learned Trial Judge may obtain a copy of their Aadhar Card or Bank Pass Book to ensure their identity.

(iv) The petitioner shall file an affidavit of undertaking that he will not leave India till the disposal of the criminal cases and he will co-operate for the progress of trial and he will also undertake that the prosecution witnesses will be cross-examined on the same day of their examination in chief. In the event of non co-operation, the trial Court shall take steps in accordance with law laid down by the Honourable Supreme Court of India in the case of State of Uttar Pradesh Vs. Shambunath Singh, reported in (2001)4 SCC 667.

8.The learned Judicial Magistrate No.I, Pudukottai shall take steps to complete the trial in C.C.No.21 of 2019, as expeditiously as possible, preferably within a period of four months from the date of surrender.



9. Accordingly, the Criminal Original Petition stands disposed of. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar (AD-I)

/ True Copy /

Sub Assistant Registrar (CS-I)

To

1. The Judicial Magistrate No.I, Pudukottai.
2. The Superintendent of Police,  
Thanjavur District, Thanjavur.
3. The Inspector of Police,  
West Police Station,  
Thanjavur, Thanjavur District.
4. The Foreigners Regional Registration Officer,  
Bureau of Immigration,  
Chennai-600 006.
5. The Additional Public Prosecutor,  
Madurai Bench of Madras High Court,  
Madurai.

+1 CC to M/s.N.SATHISHBABU, Advocate (SR-106375[F] dated 20/12/2019)

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20.12.2019

SJI/SKN  
ES/SAR 1/02.01.2020/4P/7C