

THE HON'BLE Dr. JUSTICE SHAMEEM AKTHER

WRIT PETITION No.7341 of 2019

ORDER:

This Writ Petition, under Article 226 of the Constitution of India, is filed by the petitioner, seeking a Writ of Mandamus to declare the action of the respondents 3 to 5 in renewing the Look Out Circular (LOC), vide C.No.08/LOC/CCS/DD/Hyd/2018, dated 29.01.2018, in Crime No 626 of 2017 pending on the file of the XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, against the Petitioner instead of revoking the same, in spite of the directions of this Court in W.P.No.1636 of 2019 as illegal, arbitrary and consequently quash the said Look Out Circular issued against Petitioner.

2. Heard the learned counsel for the petitioner, the learned Assistant Government Pleader for Home appearing for respondents 1 to 4, the learned Standing Counsel for Central Government appearing for 5th respondent and perused the record.

3. The learned counsel for the petitioner would submit that the petitioner is an accused in Crime No.626 of 2017 of Women Police Station, DD, Hyderabad, registered for the offences punishable under Sections 498A of IPC and Sections 3 and 4 of the Dowry Prohibition Act, 1961. The petitioner was granted anticipatory bail, vide order, dated 16.11.2018, passed in Crl.M.P.No.3354 of 2018 on the file of V Additional Metropolitan Sessions Judge, Hyderabad, and accordingly, he surrendered

before the trial Court and furnished the sureties. However, a Look Out Circular, vide C.No.08/LOC/CCS/DD/Hyd/2018, dated 29.01.2018, against the petitioner, is in existence. The petitioner is working in Canada. He is ready to appear before the Court as and when required. The subject Look Out Circular has become an impediment for the petitioner to go to Canada to resume his employment.

4. There is no denial by the respondents that the petitioner was granted bail under Section 438 Cr.P.C. by the Court of V Additional Metropolitan Sessions Judge (Mahila Court), Hyderabad, vide order, dated 16.11.2018, passed in CrI.M.P.No.3354 of 2018, in Crime No.626 of 2017 of Women Police Station, DD, Hyderabad, and he was released on furnishing sureties before the trial Court. In the said bail order, there is no condition that the petitioner shall not leave the country. Furthermore, when the petitioner intends to go to Canada to resume his employment, pendency of the subject Criminal Case should not come in his way in eking out his livelihood. There is also no denial about the existence of the subject Look Out Circular against the petitioner.

5. Under these circumstances, the respondents 1 to 5 are directed to recall the Look Out Circular, vide C.No.08/LOC/CCS/DD/Hyd/2018, dated 29.01.2018, in Crime No.626 of 2017 pending on the file of the XIII Additional Chief Metropolitan Magistrate, Mahila Court, Hyderabad, issued against the Petitioner, forthwith.

6. Accordingly, the Writ Petition is allowed. No costs.

Miscellaneous petitions, if any, pending in this Writ Petition, shall stand closed.

Dr. SHAMEEM AKTHER, J

01st May, 2019
Bvv

