

THE HON'BLE SRI JUSTICE A.RAJASHEKER REDDY

W.P.NO.17800 of 2019

ORDER

Aggrieved by the action of respondents in issuing the Look-out Circular (LOC) against the proceedings in C.C.No.625 of 2018 on the file of Judicial Magistrate of First Class at Alair, the present writ petition is filed.

As per the averments made in the affidavit filed in support of the writ petition, the case of the petitioner is that basing on the complaint filed by 6th respondent, who is his wife, a case in Crime No.15 of 2018 for the offences punishable under Sections 498-A, 324 IPC and Sections 3 and 4 of Dowry Prohibition Act was registered against him and others. After completion of investigation, the police filed charge sheet against A-2 to A-8 and showing the petitioner (A-1) as absconding and since he is in USA, he did not aware of said case and consequently, LOC was issued against him. When the petitioner returned from USA and landed in India at Airport, Bangalore on 28-05-2019, he was detained by Immigration authorities and handed over to 4th respondent and petitioner's passport was also seized and was produced before the concerned Court on 29-08-2019 along with charge sheet and the same was numbered as CC.No.625 of 2018. Thereafter, the petitioner was granted bail on 01-06-2019 vide CrI.MP.No.1233 of 2019 directing the petitioner not to leave the State without the permission of the Court and he shall not change his address frequently and shall seek permission of the Court for changing his address and he shall attend before the Court regularly without any

bail and shall furnish his full address to the Court. It is also stated that the petitioner filed petition before the trial Court for return of passport also and same was allowed on condition that the petitioner shall give an undertaking that he would cooperate during the trial and he shall deposit the passport before the Court as and when directed. But due to issuance of LOC, the petitioner is facing hardship. As such, the present writ petition is filed.

Learned counsel for the petitioner submits that in similar circumstances, this Court disposed of WP.No.3213 of 2015 by its order dated 06-03-2015 and the operative portion of said order reads as under:

“ I respectfully agree with the aforesaid decisions. Since no purpose would be served by directing the petitioner to approach the Superintendent of Police for the purpose of withdrawal of LOC, this writ petition is disposed of permitting the petitioner to move the Court of Special Judicial Magistrate of First Class, Prohibition & Excise, Guntur, where C.C.No.570 of 2014 is pending and to make appropriate application seeking withdrawal of LOC. The petitioner is also at liberty to set out the reasons for making the said request including that he has already surrendered and has been abiding with the directions issued from time to time by the Court. If such an application is made by the petitioner, the learned Special Judicial Magistrate of First Class shall consider the same in accordance with law and pass appropriate orders expeditiously.”

In view of the same, for the reasons alike in the aforesaid order, this writ petition is also disposed of permitting the petitioner to move an application seeking withdrawal of LOC before the trial Court where C.C.No.625 of 2018 is pending and on such application, the trial is directed to consider the same in accordance with law within a period of one week from the date of such

application and pass appropriate orders. As a sequel, miscellaneous petitions pending, if any, shall stand closed. No costs.

A.RAJASHEKER REDDY,J

09-09-2019
Nvl

