IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 21.09.2020

CORAM:

THE HON'BLE MR.JUSTICE G.K.ILANTHIRAIYAN

CRL.O.P.No.5558 of 2020

S.Narayani
D/o.K.Sornalingam ...Petitioner

Vs.

1. The Bureau of Immigration,
   Represented by
   Foreigner Regional Registration Officer,
   Shasthri Bhavan Annex Building,
   No.26, Haddows Road,
   Nungambakkam,
   Chennai-600 006.

2. The Deputy Commissioner of Police,
   St.Thomas Mount District,
   Chennai-16.

3. The Assistant Commissioner of Police,
   Muthu Rangan Street,
   Tambaram
   Chennai-45.

4. The Inspector of Police,
   All Women Police Station,
   Tambaram, Chennai.
5. Velmurugan ...Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, to direct the fourth respondent to issue fresh look out notice in Crime No.32 of 2016 in C.C.No.23 of 2017.

For Petitioner : Mr.G.Mutharasu

For Respondents: Mr.S.Karthikeyan
for R1 to R4Additional Public Prosecutor

For R5 : Mrs.D.Kamachi

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O R D E R

This Criminal Original Petition has been filed to direct the fourth respondent to issue fresh look out notice in Crime No.32 of 2016 in C.C.No.23 of 2017.

2. The petitioner is the wife of the fifth respondent and the marriage between the petitioner and the fifth respondent was solemnized on 13.11.2011 and thereafter, the fifth respondent, at the instigation of the other accused, tortured her and therefore, the petitioner gave a compliant on 15.07.2016 and the FIR was registered in Crime No.32 of 2016 against Velmurugan. Thereafter, the petitioner filed Criminal Original Petitions before this Court and this Court directed the trial Court to complete the trial within six months from the date of receipt of copy of the order, but the Inspector did not serve summon to the accused. Thus, the trial in the above cases may not be completed within the time frame stipulated by this Court.

3.The learned counsel for the petitioner submitted that the fifth respondent is now settled in Austrelia. Though, the fourth respondent filed a report and the same has been taken cognizance in C.C.No.23 of 2017, the fifth respondent never appeared before the trial Court. Only because of his absence the entire trail has been spoiled. Even then the fourth respondent did not take any steps to bring the fifth respondent before the trail Court. Therefore, the petitioner sought for direction to direct the fourth respondent to issue fresh look out notice in C.C.No.23 of 2017.

4.The learned Additional Public Prosecutor would submit that already a look out notice has been issued in C.C.No.23 of 2017 as against the fifth respondent and on his presence the investigation has been completed and the final report has been filed. The same has been taken cognizance in C.C.No.23 of 2017 on the file of the learned Judicial Magistrate, Tambaram, which is pending for trial. He further submitted that only pending investigation the fourth respondent or his superior officer can issue look out notice for the purpose of interrogation. Now the entire investigation has been completed and the final report has also been filed. Therefore, he sought for dismissal of the petition.

5. The learned counsel for the fifth respondent submitted that the fifth respondent has appeared before the fourth respondent and the investigation has been completed and now due to avocation he is in Australia and also he appeared before the trail Court to attend the trial. Infact, through his counsel the fifth respondent has already filed a memo of appearance.

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6.It is seen that the petitioner is the defacto complainant and she filed a compliant as against the fifth respondent and others for the offence under Sections 498-A and 406 of IPC in Crime No.32 of 2016. while pending investigation, the fourth respondent issued a look out notice as against the petitioner and the fifth respondent. After his presence, the investigation has been completed and the same is taken cognizance in C.C.No.23 of 2017 on the file of the learned Judicial Magistrate, Tambaram, which is pending for trial. The trial Court has take to appropriate steps to secure the fifth respondent herein during the trial, if the fifth respondent failed to appear before the trial Court. Therefore, the direction sought for in this petition cannot be considered. Accordingly, the Criminal Original Petition is dismissed . However, the petitioner is at liberty to take appropriate steps to bring the fifth respondent before the trial Court, if he fails to appear through pleader or by person. The fifth respondent is also directed to take steps in the manner known to law.

Sd/-

Assistant Registrar

//True Copy//

Sub Assistant Registrar

To

1. Foreigner Regional Registration Officer,
   Bureau of Immigration,
   Shasthri Bhavan Annex Building,
   No.26, Haddows Road,
   Nungambakkam,
   Chennai-600 006.

2. The Deputy Commissioner of Police,
   St.Thomas Mount District,
   Chennai-16.

3. The Assistant Commissioner of Police,
   Muthu Rangan Street,
   Tambaram
   Chennai-45.

4. The Inspector of Police,
   All Women Police Station,
   Tambaram, Chennai.

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5. The Public Prosecutor,
   High Court, Chennai.

+1cc to M/s.G.Mutharasu, Advocate in SR.NO..28195

CRL.O.P.No.5558 of 2020

PP(CO)
RV(04/11/2020)

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