

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.09.2020

DELIVERED ON : 29.09.2020

CORAM :

THE HON'BLE MR.A.P.SAHI, CHIEF JUSTICE

AND

THE HON'BLE MR.JUSTICE SENTHILKUMAR RAMAMOORTHY

W.A.No.4232 of 2019

Kakulammarri Kalyan Srinivasa Rao ... Appellant

Vs.

1. The Central Bureau of Investigation
Bank Securities and Frauds Cell
rep. by its Deputy Inspector General of Police
and Head of Branch
Bangalore, Karnataka.
2. The Central Bank of India
rep. by its Assistant General Manager
Corporate Finance Branch
Addison Buildings, 803, Anna Salai
Chennai - 600 002.
3. Andhra Bank
rep. by its Zonal Manager
Zonal Office, No.168, Linghi Chetty Street
Chennai - 600 001. ... Respondents

Prayer: Appeal filed under Clause 15 of the Letters Patent against the order dated 16.10.2019 made in W.P.No.11373 of 2018.

Prayer in W.P.No.11373 of 2018:

Writ Petition filed under Article 226 of the Constitution of India to issue a Writ of Mandamus to direct the respondents herein to forthwith withdraw the LOC (Look Out Circular) issued against the petitioner and consequently direct removal of all entries made in the records and computers at the airports across the country reflecting the look- out circular prohibiting smooth departure and arrival of the petitioner at the airports thereby enabling the petitioner to have the departure and arrival like any other regular passenger without any obstruction.

For Appellant

: Mr.Sathish Parasaran
Senior Counsel
for Mr.N.Elumalai

JUDGMENT

The Hon'ble Chief Justice

A Division Bench had heard the appeal on 19.2.2020 and had passed the following order:

"Learned counsel for the appellant is seeking an adjournment. On a query, he has invited the attention of the Court to the order passed by a learned Single Judge dated 04.12.2019 in Crl.R.C.No.1347 of 2019, whereunder the request made by the appellant for travelling abroad, that was rejected by the trial Court, has been upheld by the High Court.

2.Prima facie, in our opinion, this appeal that raises a challenge to a look out notice no longer survives for any further consideration, as once the trial Court has refused permission, and the order has been upheld by the High Court, the remedy of the appellant lies elsewhere.

3.Since the learned counsel for the appellant seeks an adjournment, list on 27.04.2020."

2. Another appeal came to be filed in respect of a challenge raised to the Look Out Circular being W.A.No. SR49793 of 2020 [C.Sivasankaran v. Foreigner Regional Registration Officer and others], where the question of maintainability of the appeal itself was raised and therefore, this matter also came to be tagged along with the said appeal.

3. Having heard learned Senior Counsel for the appellant, we find that this appeal would also not be maintainable, as it clearly arises out of a criminal proceedings, which is evident

from the order passed by the Division Bench on 19.2.2020 and therefore, for the same reasons as recorded in W.A.No. SR 49793 of 2020, this appeal is also held to be not maintainable and it is accordingly, rejected. Consequently, C.M.P.No.26367 of 2019 is closed.

Sd/-
Assistant Registrar(CS IV)

//True Copy//

Sub Assistant Registrar

bbr

To

- 1.The Deputy Inspector General of Police,
and Head of Branch,
Central Bureau of Investigation,
Bank Securities and Frauds Cell,
Bangalore, Karnataka.
- 2.The Assistant General Manager,
Central Bank of India,
Corporate Finance Branch,
Addison Buildings, 803, Anna Salai,
Chennai - 600 002.
- 3.The Zonal Manager,
Andhra Bank,
Zonal Office, No.168,
Linghi Chetty Street,
Chennai - 600 001.

सत्यमेव जयते

W.A.No.4232 of 2019

rld[co]
srg 19/01/2021

WEB COPY