



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 28.01.2020

CORAM:

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

Crl.O.P.(MD).No.755 of 2020
and
Crl.M.P.(MD) No.317 of 2020

Sundaravel Ramesh

.. Petitioner

Vs.

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

2.The Inspector of Police,
Thanjavur Medical College Hospital Police Station,
Thanjavur,
Thanjavur District.
Crime No.55 of 2013.

3.The Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai-06.

4.Senthil Kumar

.. Respondents

PRAYER: This Criminal Original Petition has been filed under Section 482 of Criminal Procedure Code, to direct the first respondent to withdraw the lookout circular dated NIL in connection with the case in Crime No.55 of 2013 pending on the file of the second respondent issued against the petitioner.

For Petitioner : Mr.N.Sathish Babu

For Respondents : Mr.S.Chandrasekar
1 and 2 Additional Public Prosecutor

For 3rd Respondent : Mrs.S.Ragaventhre

For 4th Respondent : Mr.C.Ramachandran



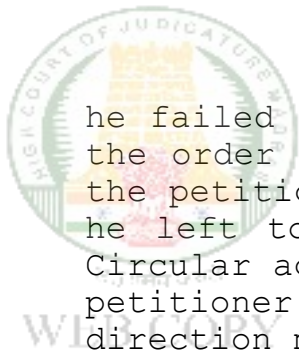
O R D E R

This petition has been filed seeking a direction to the first respondent to withdraw the lookout circular dated NIL in connection with the case in Crime No.55 of 2013 pending on the file of the second respondent issued against the petitioner.

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2.The learned counsel appearing for the petitioner would submit that the petitioner is an Indian Citizen with a permanent residence status at Singapore. He would further submit that the Thanjavur West police 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. After completion of investigation, the Thanjavur West 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. Since there was an emergency call by his employer, the petitioner had to rush back to Singapore and in the meanwhile, based on the request of the Thajavur West Police, the first respondent had issued a Lookout Circular to be executed through the Foreigners Regional Registration Officer, Bureau of Immigration, Chennai-06/third respondent herein. Therefore, the petitioner had filed petition in Crl.O.P.(MD).No.18689 of 2019 and this Court by order dated 20.12.2019 had directed the Superintendent of Police, Thanjavur District, to withdraw the lookout circular,dated 26.06.2019 to enable the petitioner to come back India and when the petitioner has been taking steps to come back India, he came to understand that a fresh lookout circular has been issued in respect of case in crime No.55 of 2013, which was registered by the Inspector of Police, Thanjavur Medical College Hospital Police Station/the second respondent herein. He would further submit that the petitioner is ready to come back to India and complete the trial in both the cases and thereby, he has filed the present petition seeking for a direction to the first respondent to withdraw the subsequent lookout circular issued in connection with the Crime No.55 of 2013 pending on the file of the second respondent police. He would further submit that the petitioner has voluntarily agreed to surrender to cooperate for the progress of trial and if in the event the petitioner does not comply with the conditions, the respondent can also take steps to secure his presence. He would further submit that since the intention of the petitioner is only to conduct the trial in accordance with law and prove his innocence, he wants to get back to India and thereby, he would pray that a direction may be issued to the first respondent police to withdraw the Lookout Circular issued in Crime No.55 of 2013.

3.The learned counsel appearing for the fourth respondent vehemently opposed stating that the petitioner has antecedents of showing scant regard to the Court of law and legal procedure. Earlier, a lookout circular was issued against the petitioner and thereafter, it was recalled and even on the earlier occasion, the petitioner had undertaken to come back India on 07.01.2020, however,



he failed to come back India. He would further submit that despite the order of dismissal by the learned Judicial Magistrate directing the petitioner not to travel abroad without permission of the Court, he left to Singapore, warranting the respondents to issue Lookout Circular against the petitioner. He would further submit that if the petitioner undertakes to stay in India and complete the trial, a direction may be issued to withdraw the lookout circular on imposing of certain conditions and he may be directed to surrender his passport before the concerned Court and a direction may be issued to complete the trial at the earliest.

4.The learned Additional Public Prosecutor would submit that if the intention of the petitioner is to come back India and to surrender his passport is genuine, necessary instructions will be issued to the first respondent to recall the lookout Circular for limited period. He would further submit that in fact, the petitioner should have come back to India on 07.01.2020, whereas he has not appeared.

5.The learned counsel appearing for the petitioner at this juncture would submit that the first respondent had 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 and thereby would seek for a direction for withdrawal of Lookout Circular.

6.This Court by order dated 28.01.2020 made in Crl.M.P.No.78 of 2019 modified the condition and had directed the petitioner shall arrive India on or before 12.02.2020. Though the petitioner has expressed his willingness to return to India, he is unable to come back due to the fresh lookout circular, which has been issued in connection with the case in Crime No.55 of 2013 pending on the file of the second respondent.

7.In view of the same, a direction is issued to the first respondent to withdraw the lookout circular in connection with case in crime No.55 of 2013 pending on the file of the second respondent subject to the following conditions:-

(i)The petitioner shall arrive in India on or before 12.02.2020 and surrender his passport to the immigration authority.

(ii)Thereafter, he shall surrender before the learned Judicial Magistrate No.I, Pudukottai on or before 13.02.2020 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

<https://hcservices.ecourts.gov.in/hcservices/> the sanction of the above said Magistrate.



(iii)the sureties shall affix their photographs and left Thumb impression in the surety bond and the learned Magistrate 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-cooperation, 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.1, Pudukottai shall take steps to commit the case in P.R.C.No.21 of 2019, as expeditiously as possible to the Court of Sessions.

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

Sd/-

Assistant Registrar (Records)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

vsg

To:

1.The Judicial Magistrate No.1,
Pudukottai

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

3.The Inspector of Police,
Thanjavur Medical College Hospital Police Station,
Thanjavur,
Thanjavur District.



4.The Foreigners Regional Registration Officer,
Bureau of Immigration,
Chennai-06.

5.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

+1 CC to M/s.C.RAMACHANDRAN, Advocate (SR-3695[F] dated 29/01/2020)

+1 CC to M/s.N.SATHISH BABU, Advocate (SR-3828[F] dated 30/01/2020)

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and
Crl.M.P.(MD) No.317 of 2020
28.01.2020

JMN(31.01.2020) 5P : 8C