



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 05.03.2020

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THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

W.P.(MD)No.3565 of 2020

J.George Diaz

... Petitioner

Vs.

1.The Superintendent of Police,
O/o.Superintendent of Police,
Nagercoil, Kanyakumari District,
Kanyakumari.

2.State rep., by
Inspector of Police,
District Crime Branch,
Nagercoi, Kanyakumari District.
(Crime No.17 of 2019)

3.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari.
(Crime No.330 of 2019)

... Respondents

Prayer: Writ Petition is filed under Article 226 of the Constitution of India, to issue a Writ of Mandamus, to direct the first respondent to withdraw the lookout circular against the petitioner within the time prescribed by this Court.

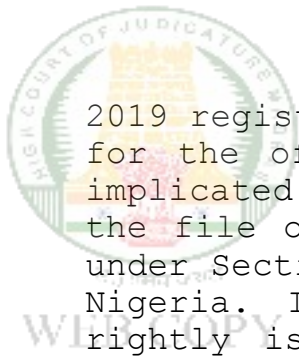
For Petitioner : Mr.T.Lajapathi Roy

For Respondents : Mr.A.Robinson
Government Advocate (Crl.side)

O R D E R

Heard the learned counsel on either side.

2.The petitioner is figuring as an accused in Crime No.17 of
<https://hcservices.ecourts.gov.in/hcservices/>



2019 registered on the file of the District Crime Branch, Nagercoil, for the offences under Sections 406, 420 and 506(i) IPC. He is implicated in yet another case in Crime No.330 of 2019 registered on the file of Vadaseri Police Station, Kanyakumari, for the offences under Sections 294(b) and 506(i) IPC. The petitioner is employed in Nigeria. In order to secure his presence, the first respondent rightly issued the impugned look out circular. Thereafter, the petitioner was arrested and he was granted bail by this Court. The petitioner was put on terms. The petitioner has since paid a sum of Rs.15,00,000/- (Rupees Fifteen Lakhs only) to one of the victims, while making the interim bail absolute, this Court passed the following order on 25.02.2020 in CrI.O.P(MD).No.1752 of 2020:

'.....

5.I find the said request to be reasonable. It is seen that the petitioner is having roots in the society. His wife is residing at Nagercoil. He is having properties in Nagercoil. Therefore, there is no possibility of the petitioner absconding. The petitioner has given the following E.Mail ID georgediaz66@ yahoo.co.in as well as his Whatsapp No.9442427597 for the purpose of effecting service on him. On being given four weeks time, the petitioner will appear before the respondent police or the Court concerned. This undertaking given by the petitioner is recorded. Interim bail granted to the petitioner is made absolute.

6.If the petitioner states that it is for the respondent police, be that as it may, the respondent is directed to return the petitioner's original passport. The petitioner's right to travel abroad will not be restricted. '

3.The petitioner's counsel states that following the order passed by this Court, the petitioner's passport has been returned. But then the petitioner is unable to travel abroad for continuing his avocation in Nigeria on account of the non withdrawal of the look out circular. That is the cause of action for filing this writ petition.

4.In view of the order already passed by this Court in the anticipatory bail petition, I am of the view that the purpose for which the look out circular has since been amply fulfilled. Therefore, I direct the first respondent to withdraw the look out circular issued against the petitioner within a period of one week from the date of receipt of a copy of this order and also intimate the immigration authority about the same.



5.With the above observations, this Writ Petition stands allowed. No costs.

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// True Copy //

Sd/-

Assistant Registrar (Records)

/ /2020

Sub Assistant Registrar(CS)

To

1.The Superintendent of Police,
O/o.Superintendent of Police,
Nagercoil, Kanyakumari District,
Kanyakumari.

2.The Inspector of Police,
District Crime Branch,
Nagercoi, Kanyakumari District.
(Crime No.17 of 2019)

3.The Inspector of Police,
Vadaseri Police Station,
Kanyakumari.

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

+1 CC to M/s.T.LAJAPATHI ROY, Advocate (SR-10415[F]

W.P. (MD)No.3565 of 2020
05.03.2020

rmk

SDS (06.03.2020) 3P-6C