



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 11.03.2020
CORAM

THE HONOURABLE MR. JUSTICE G.R.SWAMINATHAN

W.P(MD).No.4967 of 2020

WEB COPY

Sanjai Gandhi

.. Petitioner

Vs.

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

2.The Inspector of Police
All Women Police Station (AWPS),
Thirumangalam, Madurai District.
(Crime No.32 of 2018)

.. Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India for issuance of Writ of Mandamus directing the respondents to withdraw the Look Out Circular issued against the petitioner in connection with a case registered in Crime No.32 of 2018 on the file of 2nd respondent police by considering the petitioner's representation, dated 14.11.2018 within the period that may be stipulated by this Court.

For Petitioner : Mr.R.Gandhi

For Respondents : A.Robinson,
Government Advocate (Crl. Side)

ORDER

The petitioner is figuring as an accused in Crime No.32 of 2018 registered on the file of the second respondent. The petitioner was originally employed in U.K. On account of the Look Out Circular issued by the respondents, the petitioner is not able to report to his employer at U.K.

2.This Court suggested that the petitioner should be available to face the trial or make any alternative arrangements so that the trial against him will not be affected on account of his absence.

3.This Court is also indicated that the petitioner should make lump sum deposit regarding maintenance of his wife. The learned counsel appearing for the petitioner said that the petitioner would immediately deposit a sum of Rs.2,40,000/- to the credit of C.C.No.3 of 2020 on the file of Judicial Magistrate, Thirumangalam. This deposit shall be made within a period of two



weeks from the date of receipt of a copy of the order. It is open to Mrs.Nithiya, wife of the petitioner to withdraw the said amount. This arrangement is directed so that some interim relief can be granted to the said Nithiya.

WEB COPY

4.The petitioner also undertakes to execute a Special vakalath in favour of his counsel under Section 205 of Cr.P.C. The said counsel will represent the petitioner throughout the case. In fact the petitioner need not even be available to answer the charges or be present at the time of examination under Section 313 of Cr.P.C. Of course the petitioner has to be present at the time of pronouncement of judgment. The petitioner's undertakings is recorded. The respondent herein is directed to withdraw the Look Out Circular issued against him after the petitioner files Special Vakalath in favour of counsel under Section 205 of Cr.P.C. and also deposits a sum of Rs.2,40,000/-. The respondents will thereafter to withdraw the Look Out Circular immediately. The learned Judicial Magistrate shall allow Section 205 Cr.P.C. petition. It is made clear that the said Nithiya can withdraw the said amount without prejudice to her rights to ask for a higher monetary relief.

5.This writ petition is allowed with the above terms.

Sd/-

Assistant Registrar

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

TM
To

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

2.The Inspector of Police
All Women Police Station (AWPS),
Thirumangalam, Madurai District.

3. The Judicial Magistrate, Thirumangalam,

+1 CC to M/s.R.GANDHI, Advocate (SR-11240[F] dated 12/03/2020)

W.P(MD) .No.4967 of 2020

11.03.2020

CN(13.05.2020) 2P 5C