



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
Civil Appellate Jurisdiction

Friday, the Twentieth day of March Two Thousand and Twenty

WEB COPY

PRESENT

The Hon`ble Mr.Justice G.R.SWAMINATHAN

C.R.L. MP(MD) . No.2872 of 2020

in

C.R.L. OP(MD) . No.755 of 2020

Sundaravel Ramesh

...Petitioner/ 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.55/2013)

3 The Foreigners Regional Registration Officer
Bureau of Immigration
Chennai - 600 006.

4 Senthil Kumar ...Respondents/ Respondents

Prayer in C.R.L. MP(MD) . No.2872 of 2020 :-

This Petition filed under Sec. 482 of Cr.P.C., to modify the condition No.II and IV imposed upon the petitioner vide order dt.28.01.2020 made in Crl.OP.No.755 of 2020 on the file of this Honble High Court.

Prayer in CRL OP(MD) . 755/ 2020 :

This Petition filed under Sec. 482 of Cr.P.C., to direct the 1st respondent to withdraw the Lookout Circular dated NIL in connection with the case in Cr.No.55/2013 pending on the file of the 2nd respondent issued against the petitioner.

ORDER:- This Petition coming on for orders on this day and upon perusing the petition and the affidavit filed in support thereof and upon hearing the arguments of Mr. M.E. Ilango, Advocate for the Petitioner and of Mr. Robinson, Government Advocate (Crl Side), for the respondents 1 & 2, M/s S. Ragaventhre, Advocate for the 3rd respondent and Mr. C. Ramachandran, Advocate for the 4th respondent, the following order:



Heard the learned counsel on either side.

2.The petitioner herein filed Crl.O.P.(MD)No.755 of 2020 for withdrawal of the lookout circular issued against him in connection with Crime No.55 of 2013 on the file of the Superintendent of Police, Thanjavur Medical College Hospital Police Station, Thanjavur. The said criminal original petition was disposed of on 28.01.2020 subject to the following conditions:-

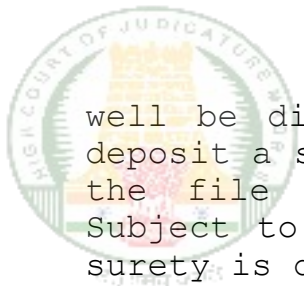
(i)The petitioner shall arrive in India on or before 12.02.2020 and surrender his passport to the immigration authority.

(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 the satisfaction 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.

3.The petitioner now wants modification as regards conditions (ii) and (iv). The petitioner states that the second condition that one of the two sureties must be blood relative is causing hardship. The learned counsel for the defacto complainant would point out that the petitioner is having a number of relatives and therefore there need not be any difficulty for him to produce a blood relative surety. The petitioner would rebut the said submission by pointing that all his relatives are afraid of his erstwhile wife and that is why nobody is coming to stand as surety. The petitioner is even willing to deposit a sum of Rs.50,000/-. Even if the surety is taken, the result will only be a forfeiture of the surety. Therefore, the condition to produce blood relative surety can as



well be dispensed with. The petitioner of course is directed to deposit a sum of Rs.50,000/- to the credit of P.R.C.No.21 of 2019 on the file of the learned Judicial Magistrate No.I, Pudukottai. Subject to this condition, the condition to produce blood relative surety is dispensed with.

WEB COPY

4.The petitioner's counsel states that the petitioner will surrender before the Court concerned within a period of one week from the date of receipt of a copy of this order. He will file an affidavit before the committal Court that he will execute special vakalat nominating a counsel. The said counsel will represent him throughout. Even though this is a Sessions Case and Section 205 of Cr.P.C., is not applicable, this Court under Section 482 of Cr.P.C., permits the petitioner to appear through special counsel. The learned committal Magistrate or the Sessions Judge can dispense with the presence of the petitioner and get along with the case. This arrangement is devised so that the the petitioner's employment will not be affected and at the same time the progress of the case also will not be affected. The petitioner is bound to file an affidavit before the committal Court as well as before this Court indicating his address for service. It should not be difficult for this Court or the Trial Court to reach the petitioner on the said mobile number or E-mail ID. Under no circumstance, the E-mail ID or the mobile number will be changed. If the petitioner makes himself scarce and not available, that will be construed as an act of contempt and this Court will come down very heavily on the petitioner and that the petitioner will have to pay a very heavy price.

5.The petitioner's will cross examine the prosecution witnesses on the same day of their chief examination. The petitioner is at liberty to leave India after execution of the sureties before the Court below. The third respondent is directed to return the petitioner's passport.

6. criminal miscellaneous petition is allowed on these terms.

Sd/-

Assistant Registrar(CS)

// True Copy //

/ /2020

Sub Assistant Registrar(CS)

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 - 600 006.

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

Copy to:

The Section Officer,
Criminal Section,
Madurai Bench of Madras High Court, Madurai

+ 1 CC to Mr. M.E. Ilango, Advocate in Sr. No.12656.

ORDER DATED : 20/03/2020

=====
ORDER
=====

C.R.L. MP(MD) . No.2872 of 2020
in
C.R.L. OP(MD) . No.755 of 2020

Giving direction and etc.
as stated within.

pk(CO)
TR(23.03.2020) 4P 8C