



WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 07.04.2022

CORAM :

THE HONOURABLE MR. JUSTICE G.CHANDRASEKHARAN

W.P.No.7666 of 2022

and

W.M.P.Nos.7667 & 7668 of 2022

Gogul K.C

...Petitioner

Vs.

1.The Deputy Commissioner of Police,
CAWC - Crime against Woman and Children,
Chennai 600 006.

2.The Airport Authority of India
Meenambakkam, Chennai 600 027.

3.The Immigration Officer
FRRO Sastri Bhavan
No.26, Haddows Road,
Nungambakkam
Chennai 600 006.

...Respondents

PRAYER: Writ Petition is filed under Article 226 of Constitution of India, pleased to issue a Writ of Mandamus or any other in the nature of writ, directing the 1st respondent to furnish a copy of the look out circular issued against the Petitioner sent in pursuance of C.C.No.2305 of 2021 in Crime No.9 of 2020 pending on the file of the XVII Metropolitan Magistrate, Saidapet within a date fixed by this Hon'ble Court based on the E-mail dated 14.02.2022 sent from the petitioner's maid I.D. gokulkc21@gmail.com to the 1st respondent.

For Petitioner : Mr.S.R.Nixon

For Respondents : Mr.A.Gokulakrishnan
Additional Public Prosecutor.



O R D E R

The Writ Petition has been filed to direct the 1st respondent to furnish a copy of the look out circular issued against the Petitioner in C.C.No.2503 of 2021 in Crime No.9 of 2020 pending on the file of the XVII Metropolitan Magistrate, Saidapet within a date fixed by this Court based on the E-mail dated 14.02.2022 sent from the petitioner's maid I.D. gokulkc21@gmail.com to the 1st respondent.

2. Learned counsel for the petitioner submitted that there is matrimonial issues between the petitioner and his wife Deepika. On the basis of the complaint given by his wife, a case in Crime No.9 of 2020 was registered and taken cognizance in C.C.No.2503 of 2021. The petitioner is staying at Bahamas in connection with his employment, therefore he was not able to come down to India to appear and contest the case on his behalf. Now a Court notice has been issued against him and that the copy of the look out notice has not been supplied to him. Even if he wants to appear before this Court for hearing, by way of issuance of look out circular, it would not be possible for him to come to India. He further submitted that this Court issued notice without following the due process of law and therefore, he challenges the look out notice. Further, an e-mail has also been sent to the Commissioner of Police on 14.02.2022, requesting to furnish the copy of the look out notice issued on the petitioner.

3. Learned Additional Public Prosecutor opposes this petition on the ground that the petitioner did not appear before the Investigating Officer, during the course of the investigation. Therefore, final report was filed mentioning that the petitioner was an absconding accused. He further submits that the petitioner is not entitled to get a copy of the look out circular.

4. The case against the petitioner is pending in C.C.No.2503 of 2021 for the offences under Sections 498(A), 323, 506(2) of IPC and under Section 4 of DP Act, 1961. The above offences are related to matrimonial issues and the petitioner has not involved in any money laundering or other serious offences. It is the submission of the learned counsel for the petitioner that the petitioner is willing to appear before this Court. He is not able to come to India, due to the issuance of Look Out Circular against him.

5. Considering the nature of the case and willingness of the petitioner to appear before the Court and also his intention



to challenge the look out circular issued against him, this Court directs the respondents to consider the representation sent by the petitioner through E-mail dated 14.02.2022 and pass appropriate orders with regard to furnishing the copy of the look out circular within a period of three weeks from the date of receipt of a copy of this order.

6. With the above direction, this writ petition is disposed of. No costs. Consequently, connected miscellaneous petitions are closed.

Sd/-
Assistant Registrar(CS-V)

//True copy//

Sub Assistant Registrar

nr/ham

To

- 1.The Deputy Commissioner of Police,
CAWC-Crime against Woman and Children,
Chennai 600 006.
- 2.The Airport Authority of India
Meenambakkam, Chennai 600 027.
- 3.The Immigration Officer
FRRO Sastri Bhavan
No.26, Haddows Road,
Nungambakkam
Chennai 600 006.
4. The Public Prosecutor,
High Court of Madras.

+1cc to Mr.A.R.Nixon, Advocate SR.No.24030

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GPL(CO)
GMY(02/05/2022)