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CrI.O.P.No.10053 of 2022

IN THE HIGH COURT OF JUDICATURE AT MADRAS

Dated: 30/6/2022

C O R A M

THE HONOURABLE MR.JUSTICE N. SATHISH KUMAR

Criminal Original Petition No.10053 of 2022

Azeez Arambathickal

...

Petitioner

Vs

1. State

rep. By The Inspector of Police
District Crime Branch
Coimbatore.

2. The Additional Superintendent of Police

District Crime Branch
Coimbatore.

3. The Regional Passport Officer

Avinasi Road
Coimbatore.

...

Respondents

PRAYER : Petition filed under Section 482 of the Code of Criminal Procedure, to call for the records relating to the Look Out Circular issued against him in C.No.13/R2/DCRB-CBE/2020 dated 8/7/2020 in connection with Crime No.10 of 2020 by the second respondent and directing him to withdraw the same and permit the petitioner to go abroad for his employment/business.

For Petitioner

...

Mr.A.Abdul Lathif

For Respondents

...

Mr.A.Gopalakrishnan
Additional Public Prosecutor



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ORDER

This Criminal Original Petition has been filed to quash the Look Out Circular, in C.No.13/R2/DCRB-CBE/2020, dated 8/7/2020, in connection with Crime No.10 of 2020, issued against the petitioner by the second respondent and directing the second respondent to withdraw the same and permit the petitioner to go abroad for his employment/business.

2. The facts of the case in a nut shell are as follows:-

The defacto complainant/Mr.Reji Joseph, gave a complaint against the petitioner to the first respondent Police, alleging that the petitioner had cheated him on the promise of procuring United Nations Tender for supplying of foods, to the tune of Rs.2.81 crores. A case has been registered in Crime No.10 of 2020, for the offence punishable, under Section 420 of the Indian Penal Code and later altered the Section of offence to one under Sections 420 r/w. 120 (b), 294 (b) and 506 (ii) of the Indian Penal Code.



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3. Heard Mr.A.Abdul Lathif, learned counsel for the petitioner and Mr.A.Gokulakrishnan, learned Additional Public Prosecutor for the respondents.

4. Today, when the matter is taken up for hearing, the learned Additional Public Prosecutor submitted that only after the issuance of the Look Out Notice, dated 8/7/2020, the petitioner was arrested on 30/10/2021, at Calicut Airport and remanded by the learned Judicial Magistrate, on 31/10/2021.

5. He would further submit that the respondent Police had completed the investigation in Crime No.10 of 2020, and filed final report. It is further submitted that it is open to the petitioner to submit a representation to the third respondent, with regard to going abroad for his business/job, and the same will be considered, within a period of three weeks, from the date of submission of the representation. The aforesaid submission of learned Additional Public Prosecutor is recorded.



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6. However, the learned counsel appearing for the petitioner submitted that he may be permitted to move the trial Court by filing appropriate application seeking permission to go abroad for his business/job.

8. It is well open to the petitioner to move such an application before the trial Court and it is for the trial Court to take a call on its own merits and in accordance with law.

9. This Criminal Original Petition is disposed of with the aforesaid observation and directions.

30/6/2022

mvs.

Index: Yes/No

Internet: Yes

Speaking/Non-speaking order



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To

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1. The Inspector of Police
District Crime Branch
Coimbatore.
2. The Additional Superintendent of Police
District Crime Branch
Coimbatore.
3. The Regional Passport Officer
Avinasi Road
Coimbatore.
4. The Public Prosecutor
Madras High Court.



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N.SATHISH KUMAR,J

mvs.

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