



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 02.02.2022

CORAM :

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN

CrI.O.P(MD)No.2081 of 2022

F.Shabbir Fakhrudin Talawala

... Petitioner/Accused No.11

Vs.

1.The Superintendent of Police,
Crime Branch CID,
Unit-II, Chennai.

2.State Represented by
The Inspector of Police,
CBCID, Viruthunagar,
(Crime No.01 of 2015)

3.The Secretary,
Ministry of Home Affairs
Government of India,
North Block,
Central Secretariat,
New Delhi-110 001.

... Respondents

Prayer: This Criminal Original Petition is filed under Section 482 of Cr.P.C., to cancel the lookout circular had been issued by the third respondent on 26.04.2021 in LOC suspect No.2143551 and consequently, issue a direction to Special Judge, TNPID Court to recall the Non-bailable Warrant issue against the petitioner/A11 on 01.02.2021 in C.C.No.5 of 2019 on the file of the Special Court, TNPID Act, Madurai.

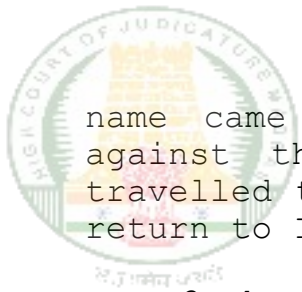
For Petitioner : Mr.M.Rajarajan

For R1 and R2 : Mr.M.Sakthi Kumar
Govt. Advocate (CrI. Side)

O R D E R

Heard the learned counsel appearing for the petitioner and the learned Government Advocate (CrI. side) appearing for the first and second respondents. There is no need to issue notice to the third respondent.

2.The petitioner is shown as A11 in C.C.No.5 of 2019 on the file of the Special Court for TNPID Act Cases, Madurai. The petitioner is said to have worked as an Assistant to the tenth accused in this case. He was not implicated in the First Information Report. Only at the time of filing final report, his



name came to be included. Earlier, lookout circular was issued against the petitioner. It was cancelled and the petitioner travelled to Australia. He is presently in Australia. He wants to return to India for renewal purposes.

3.The right to travel abroad is a fundamental right. At the same time, this right has to be balanced with the need to ensure that the trial of the case does not get delayed on account of non-availability of the accused. Therefore, the following directions are issued:-

(i) The lookout circular issued by the first respondent is cancelled;

(ii) The petitioner within two weeks from the date of arrival in India shall appear before the Special Court for TNPID Act Cases, Madurai and execute a special vakalath in favour a counsel and file a petition under Section 205 of Cr.PC., so that the said counsel can represent the petitioner through-out the proceedings;

(iii)The Special Court is directed to proceed with the trial and the petitioner can appear through the said special counsel or through video conferencing. The validity of the petitioner's passport shall be limited to 31.12.2024;

(iv)The respondents 1 and 2 shall forward a copy of this direction to the concerned Jurisdictional Passport Authority for limiting the period of validity of the petitioner's passport;

(v)It is open to the learned Special Judge for TNPID Act Cases, Madurai to stipulate appropriate conditions on the petitioner, so as to ensure his co-operation in trial;

(vi) If the petitioner adheres to these directions, the petitioner can freely travel out of India. If he fails to adhere to the said conditions, the first respondent shall revive the lookout circular earlier issued.

4.The Criminal Original Petition is allowed on these terms.

Sd/-

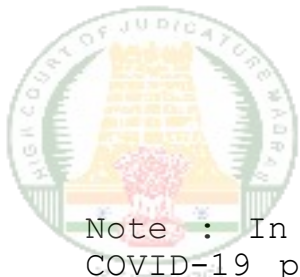
Assistant Registrar(CS-I)

// True Copy //

/ /2022

Sub Assistant Registrar(CS)

sj i



Note : In view of the present lock down owing to COVID-19 pandemic, a web copy of the order may be utilized for official purposes, but, ensuring that the copy of the order that is presented is the correct copy, shall be the responsibility of the advocate/litigant concerned.

To:

- 1.The Special Court, TNPID Act, Madurai.
- 2.The Superintendent of Police,
Crime Branch CID,
Unit-II, Chennai.
- 3.The Inspector of Police,
CBCID, Viruthunagar,
- 4.The Regional Passport Officer, Madurai.
- 5.The Additional Solicitor General of India,
Madurai Bench of Madras High Court,
Madurai.
- 6.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

Crl.O.P(MD)No.2081 of 2022
02.02.2022

tp(CO)
TR(07.02.2022) 3P 7C