



CrI.O.P.(MD) No.7800 of 2022

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

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DATED: 30.06.2022

CORAM

THE HONOURABLE MR. JUSTICE V.SIVAGNANAM

CRL.O.P (MD) No.7800 of 2022

Ajeesh

... Petitioner

Vs

1. The Immigration Officer,
Office of Foreign Regional
Registration Office (FPRO),
Bureau of Immigration,
Shastri Bhavan, Annex Building,
No.26, Haddows Road, Chennai.

2. The Superintendent of Police,
Kanyakumari District,
Nagercoil.

3. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.

... Respondents

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to issue a direction, to the respondents to issue look out circular as against Vinu, S/o.Nesayan, Odaithunsam Vilai, Vettamangalam, Thengapattam who is the 2nd accused in Crime No.219 of 2010 on the file of the Thengapattam Police Station and in S.C.No.54 of 2011 on the file of the Sessions Court, Nagercoil by considering the representation of the



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petitioner, dated 25.08.2021, within a stipulated time that may be fixed by this Court.

For Petitioner : Mr.S.C.Herold Singh
For R1 : Ms.L.Victoria Gowri,
ASGI
For R2 & R3 : Mr.R.Suresh Kumar,
Government Advocate (Crl. Side)

ORDER

This Criminal Original Petition has been filed for a direction to the respondents to issue look out circular as against Vinu, S/o.Nesayan, Odaithunsam Vilai, Vettamangalam, Thengapattam, who is the 2nd accused in Crime No.219 of 2010, on the file of the Pudukadai Police Station, in S.C.No.54 of 2011, on the file of the Sessions Court, Nagercoil by considering the representation of the petitioner, dated 25.08.2021, within a stipulated time that may be fixed by this Court.

2. The learned counsel for the petitioner submitted that on 07.08.2010, the first accused Ambili @ Prasanakumar and other accused attacked the petitioner's brother with iron pipes and other deadly weapons. Due to the attack, the petitioner's brother sustained grievous injuries all over the body. On arrival of Asaripallam hospital at 2.30 hours, the doctors



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declared his death. He further submit that based on the information received from the hospital, the Inspector of Police, Pudukadai Police station has registered a case on 20.08.2010 in Crime No.219 of 2010 for the offences under Sections 341, 294(b) and 302 of IPC. In the said FIR, Ambili @ Prasanakumr, Vinu and Viju are accused. Thereafter, charge sheet has been filed against the accused persons and the case was taken on file in S.C.No.54 of 2011 and the same is pending before the learned District-cum-Sessions Judge, Nagercoil. Now, non appearance of the second accused, namely Vinu, the case is not proceeded further from the year 2011. Thereafter, Non Bailable Warrant was issued as against the second accused viz., Vinu on 01.12.2012. It is came to the knowledge of the petitioner that the second accused viz. Vinu went abroad and respondent police are not able to secure the accused, so as to proceed with the prosecution of the trial. Therefore, the petitioner sent a representation, dated 25.08.2021 to the respondents to secure the accused by issuing look out circular, but no action has been taken. Hence this petition.

3. When the matter is taken up for hearing today, the learned Government Advocate (Criminal Side) takes notice for the respondents 2



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and 3 and would submit that the respondent police will consider the petitioner's representation, dated 25.08.2021, pending on the file of the Superintendent of Police, Kanyakumari District.

4. It is seen from the records, that the petitioner's brother was murdered on 20.08.2010. Thereafter, the Inspector of Police, Pudukadai Police station registered a case in Crime No.219 of 2010, dated 20.08.2010, for the offences under Sections 341, 294(b) and 302 of IPC. In the said FIR, Ambili @ Prasanakumr, Vinu and Viju are accused. Thereafter, charge sheet has been filed against the accused persons and the case was taken on file in S.C.No.54 of 2011 and the same is pending before the learned District-cum-Sessions Judge, Nagercoil. Now, non appearance of the second accused namely Vinu, the case was not proceeded further from the year 2011. Therefore, Non Bailable Warrant was issued as against the second accused viz., Vinu on 01.12.2012.

5. In view of the above, the respondents 2 and 3 are hereby directed to take steps to secure the absconding accused viz., Vinu, S/o. Nesayan to



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enable the Court to proceed further and take all steps including by issuing
look out circular and produce before the concerned Court.

6. With the above directions, this Criminal Original Petition is
disposed of.

30.06.2022

Internet: Yes./No

Index: Yes/no

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To

1. The Immigration Officer,
Office of Foreign Regional
Registration Office (FPRO),
Bureau of Immigration,
Shastri Bhavan, Annex Building,
No.26, Haddows Road, Chennai.
2. The Superintendent of Police,
Kanyakumari District,
at Nagercoil.
3. The Inspector of Police,
Puthukadai Police Station,
Kanyakumari District.
4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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V.SIVAGNANAM, J.

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