



IN THE HIGH COURT OF JUDICATURE AT BOMBAY
NAGPUR BENCH : NAGPUR

CRIMINAL WRIT PETITION NO. 902/2024

(Mr. Akash Kumar Bhaskar Vs. State of Maharashtra & anr.)

Office Notes, Office Memoranda of Coram,
appearances, Court's orders of directions
and Registrar's orders

Court's or Judge's orders

Mr. A.A. Mardikar, Advocate for petitioner.

Mr. U.R. Phasate, Addl. Public Prosecutor for respondent Nos. 1
& 2.

Mr. N.S. Deshpande, D.S.G.I. for respondent No.3.

CORAM: NITIN W. SAMBRE AND
MRS. VRUSHALI V. JOSHI, JJ.

DATED : 17/12/2024.

Heard.

2. The challenge is to the Look Out Circular notice dated 16.05.2022 issued by the respondent No.3, Director, Bureau of Immigration, Ministry of Home Affairs based on the request forwarded by the respondent No.1, Deputy Commissioner of Police, Nagpur.

3. All the respondents have failed to file their reply in the matter.

4. The offences in question in crime No. 201/2022 are punishable under Sections 498-A, 323, 504, 506 of the Indian Penal code read with Sections 3 and 4 of the Dowry Prohibition Act.

5. The Bureau of Immigration, respondent No3 based on the aforesaid crime has issued a Look Out Circular dated 16.05.2022 against the petitioner which is directed to remain in force until and unless a judicial request is received from the originator itself.

6. Having regard to the nature of offence allegedly committed by the petitioner which is required to be faced by the petitioner in Crime No. 201/2002 registered on 26.03.2022, the petitioner was served with a notice under Section 41-A of the Code of Criminal Procedure, 1973 and the consequential action was initiated in view of the judgment of the *Apex Court in Arnesh Kumar Vs. State of Bihar & another, AIR 2014 SC 2756*. It is stated by the counsel for the petitioner, on instructions, that the petitioner is very much willing to attend the case of the prosecution but for the Look Out Circular, as once landed, he apprehends that he would be taken in custody.

7. A specific statement, on instruction, is made by the counsel for the petitioner that once the Look Out Circular is withdrawn, the petitioner shall forthwith appear in the pending criminal proceedings.

8. In the wake of aforesaid statement made by the counsel for the petitioner on instructions and accepted as an undertaking to this Court, we are required to be sensitive to the issue decided by this Court on the very same lines in *Viraj Chetan Shah Vs. Union of India & another along with connected matters*, decided on 23.04.2024.

9. The issue in detail is already dealt with in the aforesaid Division Bench Judgment, so also, in the judgment of the Telangana High Court delivered in Contempt Petition No. 826/2021, ***Jakka Vinod Kumar Reddy Vs. Mr. A. R. Srinivass and ors***, decided on 06.06.2022.

10. In this background, we are of the view that the Look Out Circular issued against the petitioner cannot be sustained in the eyes of law.

11. That being so, we direct the Look Out Circular to be quashed. The respondent No.1 shall forthwith issue communication to the respondent No.3 for withdrawal of the Look Out Circular against the petitioner.

12. In view of above, petition stands allowed and disposed of in above terms.

13. It is assured that, because of the No Objection Certificate (“NOC”), the petitioner was not in a position to travel to India, in view of quashing of the Look Out Circular, the petitioner undertakes to appear before the Court where the prosecution is pending .

(MRS. VRUSHALI V. JOSHI, J.) (NITIN W.SAMBRE , J.)