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W.P.No.5003 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 17.04.2024

CORAM

THE HONOURABLE DR.JUSTICE G.JAYACHANDRAN

W.P.No.5003 of 2024

Visweswaran

... Petitioner

Vs.

- 1.The Chief Immigration Officer,
Chennai International Airport,
Chennai.
2. The Deputy Commissioner of Police,
T. Nagar, Chennai.
3. State rep by
The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai 600 083.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, directing the 2nd respondent to withdraw the Look Out Circular issued by him and permit the petitioner to travel abroad.

For Petitioner : Mr.R. Karthikeyan

For Respondents : Mr.T.L.Thirumalaisamy
Central Government Standing Counsel
for R1
Mr.S.Udaya Kumar
Government Advocate (Crl.Side)



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ORDER

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The petitioner is the first accused who is facing trial for the offence under Sections 498A, 420, 406, 506(ii) r/w 34 of IPC and Sections 3 and 4 of Dowry Prohibition Act in C.C.No.835 of 2023 on the file of the learned Metropolitan Magistrate-IV, Saidapet, Chennai. He is presently in Canada.

2. In this writ petition, the petitioner states that at the time of marriage, he was working in Morgan Stanley in Canada. Due to the pendency of the criminal case, he is unable to go back to Canada in view of the look out circular. Unless, the lookout circular is withdrawn his livelihood will be greatly prejudiced. He also states that his counsel will represent all the hearing dates and he will appear before the trial court on all important hearings, such as questioning, the charge and answering the charge and the incriminating evidence against him and also at the time of judgement.

3. This Court on considering the representation and the plea, is of the view that already direction been issued to the trial court in



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CrI.OP.No.3364 of 2024 dated 17.04.2024 to complete the trial on or before 15.06.2024.

4. In the light of the above direction and considering the request of the petitioner that for renewal of his employment and other process, his presence in Canada is required atleast for one week and therefore lookout circular be suspended atleast for a period of ten days from 01.05.2024 to 10.05.2024.

5. In the light of the above submissions, this Court is of the view that the lookout circular issued against this petitioner shall be kept in abeyance for a period of ten days from 01.05.2024 to 10.05.2024.

6. In the meanwhile, the trial Court which has posted the case for framing of charge on 29.04.2024 shall proceed with framing of charge and fix a date for appearance of prosecution witnesses and proceed with the trial and complete it on or before 15.06.2024. Before leaving to Canada, the petitioner is directed to furnish his itinerary and copy of travel ticket. He shall also furnish the proposed place of his stay in Canada for ten days (from 01.05.2024 to 10.05.2024). On landing at



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Toronto, Canada, the petitioner shall inform the High Commission in Canada about his arrival and place of stay and also while returning back inform the embassy.

7. With the above directions, this Writ Petition is disposed of. No costs.

17.04.2024

Vv

To

1. The Chief Immigration Officer,
Chennai International Airport,
Chennai.
2. The Deputy Commissioner of Police,
T. Nagar, Chennai.
3. State rep by
The Inspector of Police,
W-26, All Women Police Station,
Ashok Nagar, Chennai 600 083.
4. The Public Prosecutor,
High Court of Madras,
Chennai.



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Dr.G.JAYACHANDRAN,J.

Vv

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