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CrI.O.P.No.20061 of 2024

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 21.08.2024

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THE HONOURABLE DR.JUSTICE **G.JAYACHANDRAN**

CrI.O.P.No.20061 of 2024

Vinoth Paulson

... Petitioner

Vs.

The Inspector of Police
CBCID,CBCID Police Station,
Puthur,
Nagapattinam District.

... Respondent

Prayer: Criminal Original Petition is filed under Section 482 of Criminal Procedure Code, pleaded to set aside the order dated 02.04.2024 passed by the Sessions Court, Nagapattinam in Criminal Revision Petition No.01/2024 reversing the order of the Learned Chief Judicial Magistrate dated 19.12.2023 in Cr.M.P.No.5953/2023.

For Petitioner : Ms.A.Manjula

For Respondent : Mr.S.Udayakumar
Government Advocate (CrI.Side)

ORDER

The petitioner herein facing trial in C.C.No.37 of 2019 for the offences under Sections 120(b), 406, 420, 468 and 471 IPC r/w Sections 65, 66, 66(d) and 74 of Information Technology Act.



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2. The Look Out Circular was issued against him and therefore, he has approached the Chief Judicial Magistrate for withdrawal of the LOC. The learned Chief Judicial Magistrate, Nagapattinam vide order dated 19.12.2023 ordered withdrawal of the LOC. Being aggrieved, the respondent police has preferred revision before the District Sessions Court, Nagapattinam. Wherein, the earlier Writ Petition and Criminal Original Petition before the High Court filed by the petitioner and the order was brought to the notice to the Sessions Court. Further, it is brought to the notice that the petitioner by suppressing his earlier passport issued by the Regional Passport Office, Trichy had obtained fresh passport from the Regional Passport Office, Mumbai. Taking note of the said fact, the learned Sessions Judge, Nagapattinam has set aside the order passed by the Chief Judicial Magistrate. Being aggrieved, the present Criminal Original Petition is filed.

3. The learned counsel appearing for the petitioner submits that the petitioner cannot be the named accused in the FIR. However, he was included as 4th accused in this case and he is facing trial. His right to travel abroad been curtailed by the LOC which was issued in the year 2014. The petitioner has not suppressed any facts. The petitioner is



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regularly attending the Court on the hearing dates. However, the respondent police has not yet commenced examination of witnesses.

4. The learned Government Advocate (Crl.Side) appearing for the respondent police per contra submits that the case is ripe for trial and it is posted to 22.08.2024 for examination of prosecution witnesses. The petitioner herein suppressing the pendency of the Crl.O.P.No.1937 of 2023 to quash the LOC had obtained order from the Chief Judicial Magistrate, Nagapattinam for withdrawal of LOC. Further, he had suppressed the issuance of passport by the Regional Passport Office, Trichy and obtained second passport from Regional Passport Office, Mumbai. The conduct of the petitioner does not inspire of his cooperation for the trial. After 10 years when the trial is about to commence, he has sought for withdrawal of LOC and got the favourable order before the Chief Judicial Magistrate, Nagapattinam suppressing the fact that for the same relief he has approached the High Court in Crl.O.P.No.1937 of 2023, which is pending.

Dr.G.JAYACHANDRAN,J.

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5. Heard the learned counsels and perused the records.



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6. The petitioner herein charged for serious economic offence.

He has been secured only after issuance of LOC. Withdrawal of LOC on the eve of commencement of trial will certainly delay the completion of trial. More particularly, the suppression of vital facts by the petitioner disparage his integrity and his assurance to cooperate with the trial is clouded with suspicion. Hence this Criminal Original Petition, challenging the order passed by the Sessions Court, stands dismissed.

21.08.2024

Neutral Citation : Yes/No
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To

1.The Sessions Court, Nagapattinam.

2.The Inspector of Police
CBCID,CBCID Police Station,
Puthur,
Nagapattinam District.

3.The Public Prosecutor,
High Court of Madras, Chennai.

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