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IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 06.03.2024

CORAM

THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.21547 of 2023

Gokul Kanthampulli chanthren

.. Petitioner/Accused

.Vs.

1.State rep.by

The Inspector of Police

W-25, All Woman Police Station

T.Nagar, Chennai 600 017.

2.The Deputy Commissioner of Police

CAWC (Crime against Woman and Children)

Chennai 600 006.

3.The Airport Authority of India

Meenambakkam

Chennai 600 027.

4.Immigration Officer

FRRS Sastri Bhavan

No.26, Haddows Road

Chennai 600 006.

..Respondents

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to withdraw the lookout circular issued at the request of the Deputy Commissioner of Police, Thousand Lights or any Authority and communicate to all the Airport Authority Immigration Office in India and thereby allow the ingress and egress of the petitioner in India enabling the petitioner to appear before the XVII Metropolitan Magistrate Court, Saidapet in C.C.No.2503 of 2021.



2

For Petitioners : Mr A.R.Nixon

For Respondents : Mr.A.Damodaran
Additional Public Prosecutor
for R1 and R2

ORDER

This petition has been filed for a direction to the respondent police to withdraw the lookout circular issued against the petitioner in order to appear before the Court below and to conduct the proceedings in C.C.No.2503 of 2021.

2.The learned Government Advocate (Crl.side)on instructions submitted that there is a lookout circular pending against the petitioner and since the petitioner failed to appear before the Court below during the hearing dates, a Non-Bailable Warrant (NBW) has also been issued against the petitioner and it is pending.

3.The learned counsel for the petitioner submitted that the petitioner wants to come back to India and defend himself in the case in C.C.No.2503 of 2021 and therefore, he wants the lookout circular to be withdrawn.

4.Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondents 1 and 2.



5.The case is now at the stage of furnishing copies to the accused persons under Section 207 Cr.PC. The case is posted for hearing on 15.4.2024. In view of the same, there shall be a direction to the 1st respondent to instruct the immigration to keep the lookout circular issued against the petitioner in abeyance. This process shall be completed by the 1st respondent within a period of two weeks from today. This will enable the petitioner to come back to India and to participate in the proceedings in C.C.No.2503 of 2021. The petitioner on returning back to India shall appear before the concern Court and file an application to recall the NBW. The Court below shall recall the NBW and shall make the petitioner to execute the bond under Section 88 of Cr.PC. Thereafter, the case shall be proceeded further on a day to day basis. The Court below shall complete the proceedings in C.C.No.2503 of 2021, within a period of three months thereafter. The trial shall be conducted on a day to day basis in accordance with the guidelines given by the Hon'ble Apex Court in ***Vinod Kumar Vs State of Punjab*** reported in **[2015 (1) MLJ (Crl) 288 SC]** . If the petitioner adopts any dilatory tactics, it is open to the trial Court to insist upon the presence of the petitioner and remand him to custody as per the judgment of the Hon'ble Supreme Court in ***STATE OF UTTAR PRADESH VS. SHAMBHU NATH SINGH (JT 2001 (4) SC 3191)***.

6.This criminal original petition is disposed of with the above directions.

06.03.2024



Internet : Yes/No

Speaking Order/Non-Speaking Order

kp

Note: Issue order copy on **11.03.2024**

N. ANAND VENKATESH,. J.

kp

To

- 1.The Inspector of Police
W-25, All Woman Police Station
T.Nagar, Chennai 600 017.
- 2.The Deputy Commissioner of Police
CAWC (Crime against Woman and Children)
Chennai 600 006.
- 3.The Airport Authority of India
Meenambakkam
Chennai 600 027.
- 4.Immigration Officer
FRRS Sastri Bhavan
No.26, Haddows Road
Chennai 600 006.
- 5 XVII Metropolitan Magistrate Court,
Saidapet.
6. The Public Prosecutor,
High Court of Madras,
Madras.

Crl.O.P No.21547 of 2023



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