



W.P(MD)No.6218 of 2024

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 15.03.2024

CORAM :

THE HON'BLE MR.JUSTICE SATHI KUMAR SUKUMARA KURUP

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Chandrasekar,

... Petitioner

Vs

1. The Superintendent of Police,
Pudukkottai District,
Pudukkottai District.

2. The State Represented by The,
Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District,
(In Crime No.04 of 2021).

3. The Chief Immigration Officer,
Chennai International Airport,
Chennai..

4. The Immigration Officer,
Immigration Office,
Tiruchirapalli International Airport,
Tiruchirapalli District.

5. The Inspector of Police,
Trichy Airport Police Station,
Trichy District.

... Respondents



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PRAYER: Writ Petition filed under Article 226 of the Constitution of India, praying this Court to issue a Writ of Mandamus, to direct the respondent No.2 to withdraw the Look Out Circular / Notice issued against the petitioner in connection with the case in Crime No.4 of 2021 on the file of the respondent No.2 and consequently direct the respondent No.2 to intimate the same to the respondents No.3 and 4.

For Petitioner : Mr.S.Mohammad Kasim
For R1, R2 & R5 : Mr.B.Thanga Aravindh
Government Advocate (Crl.Side)

ORDER

The learned Counsel appearing for the Petitioner submit that the Petitioner had filed this petition seeking Writ of Mandamus against the Respondents to revoke the look out circular issued by the second Respondent.

2.On verification, the learned Government Advocate (Crl.Side) on instructions of the Respondents 1, 2 and 5 submit that the case in C.C.No.99 of 2022 is pending against the Petitioner, before the learned Judicial Magistrate, Thirumayam.



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3.As per the submission of the learned Government Advocate (Crl.Side), investigation in the case had been completed and final report was laid before the Court of learned Judicial Magistrate, Thirumayam and the trial had already been commenced. He further submits that totally eight accused persons were involved in this case. The Petitioner had not co-operated with the trial Court proceedings. Therefore, Non-bailable warrant was issued. Only recently, the Petitioner had appeared before the trial Court and the non-bailable warrant was recalled. The trial could not be commenced due to the absence of the Petitioner.

4.The learned Government Advocate (Crl.Side) on instructions of the Respondent Police informed this Court that the learned Judicial Magistrate, Ponamaravathi, is holding full additional charge of the Judicial Magistrate Court, Thirumayam.

5.In the light of the submission made by the learned Counsel for the Petitioner and the learned Government Advocate (Crl.Side), this Court is of the view that this is not a fit case for recalling the Look Out circular. Therefore, the Petitioner is directed to appear regularly before the trial Court during trial. The learned Chief Judicial Magistrate,



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Pudhukottai, may pass appropriate orders to consider the disposal of this case on top priority since the Petitioner herein is employed in Singapore and during his stay in Thirumayam.

6.The learned District Munsif cum Judicial Magistrate, Ponamaravathi, who is holding full additional charge of the Judicial Magistrate Court, Thirumayam, shall dispose of the case on top priority basis and within a period of one week, if the service of the Assistant Public Prosecutor is available at Thirumayam, all the witnesses can be examined right from Monday to Friday as per the reported ruling of the Hon'ble Supreme Court in the case of ***Vinod Kumar vs State of Punjab in 2015(1) MLJ (crl) 288 (SC)***. The case shall be disposed of within a period of one month from the date of framing of charges.

7.The learned Counsel appearing for the accused/Petitioner herein, shall be prevailed upon to examine the witnesses on the day they appear before the trial Court and without adhering to recall the witnesses at a later point of time.



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8. When the accused is appearing before the Court of Judicial Magistrate, Thirumayam, the look out circular automatically goes on.

9. With the above direction, this writ petition stands dismissed. No costs.

15.03.2024

Index :Yes/No
Internet: Yes/No
LR



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To

1. The District Munsif cum Judicial Magistrate,
Ponamaravathi

2. The Superintendent of Police,
Pudukkottai District,
Pudukkottai District.

3. The Inspector of Police,
All Women Police Station,
Thirumayam,
Pudukkottai District.

4. The Chief Immigration Officer,
Chennai International Airport,
Chennai..

5. The Immigration Officer,
Immigration Office,
Tiruchirapalli International Airport,
Tiruchirapalli District.

6. The Inspector of Police,
Trichy Airport Police Station,
Trichy District.

7. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.



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SATHI KUMAR SUKUMARA KURUP, J.

LR

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