



W.P (MD).No.26700 of 2024

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BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED : 22.11.2024

CORAM

THE HONOURABLE MR. JUSTICE G.K.ILANTHIRAIYAN

W.P (MD).No.26700 of 2024

Sheik Allavudeen

...Petitioner

Vs.

1.State rep. by Immigration Officer,
The Bureau of Immigration,
D.54, SP Arcade, 9th Cross A Cross,
Tillai Nagar,
Tiruchirappalli,
Tamil Nadu-620 018.

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

3.The Inspector of Police,
Ganesh Nagar Police Station,
Pudukottai District,
Pudukottai.

...Respondents

Prayer: Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Mandamus, to direct the first respondent to permit the petitioner to travel abroad for employment vide Pass Port No.T3925672, dated 01.04.2019 since no criminal cases pending as against the petitioner.



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For Petitioner : Mr.M.S.Senthil Kumar
For R1 : Mr.G.Raja Raman
For R2 & R3 : Mrs.M.Aasha
Government Advocate (Crl.side)

ORDER

This writ petition has been filed to direct the first respondent to permit the petitioner to travel abroad for employment on his passport No.T3925672, dated 01.04.2019.

2. Heard the learned counsel appearing on either side and perused the materials placed before this Court.

3. It is seen from the records that as against the petitioner, a criminal case was registered in Cr.No.520 of 2011, on the file of the third respondent for the offences under Sections 394 and 441 of IPC. In pursuant to the FIR, the petitioner was arrested and remanded into judicial custody. Subsequently, he was released on bail and the petitioner went to Riyadh in the year 2012 for his employment. In the meanwhile, Look Out Circular was issued as against the petitioner and he was returned to India, once again he was arrested and remanded into judicial custody.

Thereafter, entire investigation has been completed and filed a final report. It was



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taken cognizance in C.C.No.208 of 2014, on the file of the Chief Judicial Magistrate, Pudukkottai. (*)After full-fledged trial, the case was ended into conviction and sentenced him to undergo two months imprisonment with fine. the petitioner had undergone the imprisonment and also paid the fine amount. Further, two other cases were also pending as against the petitioner in S.C.No.167 of 2014, on the file of the Assistant Sessions Court, Pudukkottai and in C.C.No.79 of 2018, on the file of the Judicial Magistrate No.II, Pudukkottai. Both the cases were ended into an acquittal, thereafter, the petitioner approached the first respondent for issuance of No Objection Certificate for his passport to visit abroad.

4. On instruction, Mr.G.Raja Raman, learned counsel, would submit that the Look Out Circular issued as against the petitioner is pending with the Law Enforcing Authority, if it is cancelled, they have no objection to visit abroad by the petitioner.

5. As stated supra, admittedly, the petitioner, initially, was issued Look Out Circular and subsequently, it was executed by the arrest and remanded to judicial custody. In fact, all the three cases were ended into acquittal and no case is pending as against the petitioner as of now. Therefore, the Look Out Circular become infructuous and it cannot be executed. Therefore, the first respondent is directed to permit the petitioner to travel abroad for his employment on his passport within a



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period of two weeks from the date of receipt of a copy of this order.

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6. With the above direction, the writ petition is allowed. No costs.

Sd/-

Assistant Registrar(P&A)

(*)Corrected as per order of this Court dated 03/12/2024 made in WP(MD)No. 26700 of 2024.

Sd/-

Assistant Registrar (CS.III)

// True Copy //

/12/2024

Sub Assistant Registrar
(CS-1/II/III/IV)

am

To

(*)To be substituted to the order already despatched on 22.11.2024

1.The Immigration Officer,
The Bureau of Immigration,
D.54, SP Arcade, 9th Cross A Cross,
Tillai Nagar,
Tiruchirappalli,
Tamil Nadu-620 018.

2.The Superintendent of Police,
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Pudukottai.

3.The Inspector of Police,
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Pudukottai District,

<https://www.mhc.tn.gov.in/judis>



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Pudukottai.

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

+1 CC to M/s.M.S.SENTHIL KUMAR, Advocate (SR-67154[F] dated 22/11/2024)

+1 CC to M/s.G.RAJARAMAN, Advocate (SR-67159[F] dated 22/11/2024)

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BV (22/11/2024) 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.

SL(04.12.2024)/ 5P/ 7C

Madurai Bench of Madras High Court is issuing certified copies in this format from 17.07.2023.