



WP(MD)No31262 of 2023

WEB COPY BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: **03.01.2024**

CORAM:

THE HONOURABLE **MR.JUSTICE SATHI KUMAR SUKUMARA KURUP**

W.P.(MD) No.31262 of 2023

S.Valliammai @ Pavithra

... Petitioner

/vs./

1.The Superintendent of Police,
Sivagangai District.

2.The Inspector of Police,
All Women Police Station,
Sivagangai.

3.R.Selvakumar

... Respondents

PRAYER: Writ Petition filed under Article 226 of the Constitution of India for issuance of Writ of Mandamus, directing the 2nd respondent to issue lookout circular detaining the 3rd respondent to execute the warrant in any immigration point in India and traveling abroad.

For Petitioner : Mr.A.S.Nagaveenashini

For R1 & R2 : Mr.T.Senthil Kumar

Additional Public Prosecutor



WP(MD)No31262 of 2023

WEB COPY

ORDER

This Writ Petition is filed to direct the second Respondent to issue lookout circular detaining the third Respondent to execute the warrant in any immigration point in India and traveling abroad.

2.The learned counsel for the Petitioner submits that the third Respondent is an accused in a criminal case and the Respondent in the maintenance case. When the trial in the criminal case is proceeded, he absconded. Warrant was issued by the trial Court and it is still pending. Therefore, the learned counsel for the Petitioner seeks direction from this Court to the Respondents 1 and 2 to issue the lookout notice. As per the Petitioner's information, the absconding accused is now in Malaysia.

3.By way of reply, the learned Additional Public Prosecutor submitted that the Petitioner herein had already filed CrI.O.P.(MD) No.22083 of 2023, wherein this Court had passed orders. The learned counsel for the Petitioner fairly concedes that an order was granted by the Court.



WP(MD)No31262 of 2023

WEB COPY

4. From the perusal of the order passed by this Court, it is found that the trial Court had examined P.W1 to P.W4. At that stage, the accused had absconded. The Respondents 1 and 2 are directed to issue the lookout notice and secure the accused. When the accused is secured and produced before him/her, the learned Judicial Magistrate, Additional Mahila Court, Sivagangai, shall cancel the bail granted already to the accused as per the reported decision of the Hon'ble Supreme Court in the case of *P.K.Shaji Vs. State of Kerala reported in (2005) AIR SCW 5560* and shall detain the accused till the case is disposed of. Also, the learned Judicial Magistrate, Additional Mahila Court shall pass appropriate orders in the maintenance case for recovery of maintenance amount, if this petitioner herein (wife) files any application regarding recovery of maintenance amount during this period.

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

03.01.2024

Index : Yes / No

Internet : Yes / No

mm



WP(MD)No31262 of 2023

WEB COPY

TO:

- 1.The Superintendent of Police,
Sivagangai District.
- 2.The Inspector of Police,
All Women Police Station, Sivagangai.



WEB COPY



WP(MD)No31262 of 2023

SATHI KUMAR SUKUMARA KURUP, J.

mm

Order made in
W.P.(MD)No.31262 of 2023

Dated:
03.01.2024