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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(C) 8772/2022 & CM APPL. 26410/2022**

MEGHNA CHOKSEY RAMCHANDANI

..... Petitioner

Through: Mr. Vivek Narayan Sharma, Ms.
Mahima Bhardwaj and Mr. Dinesh
Sharma, Advocates.

versus

CENTRAL BUREAU OF INVESTIGATION & ANR.

..... Respondents

Through: Mr. Mridul Jain, SPP for CBI with
Ms. Ruby Sharma, Advocate.
Mr. Anurag Ahluwalia, CGSC for R-
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CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

08.04.2024

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1. The Petitioner has approached this Court with the following prayers:

“a) Issue a writ of mandamus directing Respondent No. 1 i.e. CBI to set aside and cancel the LOC issued against the Petitioner in RC 219 2017 E0018 lodged at CBI, EO-I, New Delhi and RC 220 2018 E 0016 lodged at CBI, EO-II, EOU, New Delhi;

b) Issue a writ of mandamus directing Respondent No. 2 to remove the Petitioner from the no-fly list;

c) Permit the Petitioner to travel abroad to visit her maternal uncle in New York, USA;

d) Pass any other order/(s) as may be deemed fit and proper in the facts and circumstances of the case



herein and in the interest of justice.”

2. Learned Counsel appearing for Respondent No.1/CBI states that the LOC was opened against the Petitioner at the instance of CBI. He states that two RCs were registered against the Petitioner being RC 219 2017 E0018 dated 09.08.2017 lodged at CBI, EO-I, New Delhi for the offences under Sections 120B, 420, 467, 468, 471 IPC and RC 220 2018 E 0016 dated 28.12.2018 lodged at CBI, EO-II, EOU, New Delhi for the offences under Sections 120B, 420 of IPC read with Section 13(1)(d) of the PC Act. It is stated that chargesheets have been filed and the Petitioner has already appeared before the Trial Court.

3. A Co-ordinate Bench of this Court in “Sumer Singh Salkan v. Asstt. Director”, **2010 SCC OnLine Del 2699** has observed as under:

“11. Look-out-Circular has also been issued against the petitioner as the petitioner is an accused the Court of M.M. and he has not appeared the Court of M.M. If the petitioner gives an undertaking the court for his appearance on a particular date, through his counsel, the Look-out-Circular issued against the petitioner shall be withdrawn within 24 hours of giving undertaking by the petitioner.

The questions raised in the reference are as under:

“A. What are the categories of cases in which the investigating agency can seek recourse of Look-out-Circular and under what circumstances?

B. What procedure is required to be followed by the investigating agency opening a Look-out-circular?



- C. *What is the remedy available to the person against whom such Look-out-Circular has been opened?*
- D. *What is the role of the concerned Court when such a case is brought it and under what circumstances, the subordinate courts can intervene?*

The questions are answered as under:

- A. *Recourse to LOC can be taken by investigating agency in cognizable offences under IPC or other penal laws, where the accused was deliberately evading arrest or not appearing in the trial court despite NBWs and other coercive measures and there was likelihood of the accused leaving the country to evade trial/arrest.*
- B. *The Investigating Officer shall make a written request for LOC to the officer as notified by the circular of Ministry of Home Affairs, giving details & reasons for seeking LOC. The competent officer alone shall give directions for opening LOC by passing an order in this respect.*
- C. ***The person against whom LOC is issued must join investigation by appearing I.O. or should surrender the court concerned or should satisfy the court that LOC was wrongly issued against him. He may also approach the officer who ordered issuance of LOC & explain that LOC was wrongly issued against him. LOC can be withdrawn by the authority that issued and can also be rescinded by the trial court where case is pending or having jurisdiction over concerned police station on an application by the person concerned.***



D. LOC is a coercive measure to make a person surrender to the investigating agency or Court of law. The subordinate courts' jurisdiction in affirming or cancelling LOC is commensurate with the jurisdiction of cancellation of NBWs or affirming NBWs.”

(emphasis supplied)

4. In view of the above, liberty is granted to the Petitioner to approach the concerned Court to get the LOC rescinded in terms of the aforesaid Judgment.
5. It is always open for both sides to raise all their contentions as and when such an application for rescinding the LOC is filed by the Petitioner.
6. With these observations, the writ petition is disposed of, along with pending application(s), if any. It is made clear that this Court has not made any observations on the merits of the case.

SUBRAMONIUM PRASAD, J

APRIL 8, 2024

S. Zakir