



W.P.No.7114 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

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DATED: 27.02.2025

CORAM:

THE HONOURABLE MR. JUSTICE **D.BHARATHA CHAKRAVARTHY**

W.P.No.7114 of 2025

RANSOM ANSELM MURRAY

... Petitioner

Vs

1. THE STATE REP BY:
DEPUTY SUPERINTENDENT OF POLICE,
CRIME BRANCE C.I.D., METRO WING-II,
EGMORE, CHENNAI – 8. (CR.NO. 7 /2020)
2. PREM CHAND JAIN
3. FOREIGNERS REGIONAL REGISTRATION OFFICE,
HADDOWS ROAD, SUBBA ROAD AVENUE,
NUNGAMBAKKAM, CHENNAI,
TAMIL NADU – 600 006.
4. FOREIGNERS REGIONAL REGISTRATION OFFICE,
BMTc BUS STAND, 5TH FLOOR, 'A' BLOCK,
TTMC BUILDING, KENGAL HANUMANTHAIAH ROAD,
SHANTI NAGAR, BENGALURU, KARNATAKA – 560 027.

... Respondents

Prayer: Writ Petition filed under Article 226 of Constitution of India for the issuance of Writ of Mandamus, allowing the petitioner to travel United Kingdom for a limited period of time by considering the petitioner's representation dated 21.02.2025.



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For Petitioner : Mr.R.Prabhakaran
For R1 : Dr.C.E.Pratap
Government Advocate (Crl.Side)
For R3 & R4 : Mr.V.T.Balaji

ORDER

This writ petition is filed for a writ of mandamus allowing the petitioner to travel to the United Kingdom for a limited period of time, by considering the petitioner's representation dated 21.02.2025.

2. The petitioner's case is that he holds a United Kingdom passport. The petitioner is an Anglo-Indian and is married to an Indian citizen. His family resides in the United Kingdom. The petitioner became involved in a case in Crime No. 7 of 2020, on the file of CBCID, Chennai. He was arrested pursuant to a lookout circular and has been stranded in India for more than two years. The investigation is now completed and a charge sheet has been filed. The case has been taken on file as C.C. No. 15341 of 2022 before the learned Metropolitan Magistrate Court for exclusive Trial of CCB Cases at Egmore and the matter is pending trial. However, the petitioner is still not permitted to travel abroad, and the lookout circular remains in force.



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3. Mr.R.Prabhakaran, the learned counsel appearing on behalf of the petitioner, would submit that the law relating to Lookout Circulars is now well-settled by the Hon'ble Division Bench of this Court in the judgment of ***Karti P. Chidambaram Vs. Directorate of Enforcement***. He would further rely upon the judgment passed by this Court in ***Kartik Parthiban vs. Superintendent of Police (W.P. No. 24906 of 2024)***, wherein this Court recognized the right of even a foreign national under Article 21 to travel and held that unless there is a genuine fear of fleeing permanently or other valid grounds, the right to travel abroad should not be curtailed. Therefore, the learned counsel for the petitioner prays that the petitioner be permitted to travel abroad.

4. The learned counsel appearing on behalf of respondents 3 and 4 would submit that the petitioner is a foreign national and that there is a specific procedure for foreign nationals to leave the country. He must seek permission from the trial Court and only upon the trial Court's permission, the petitioner can travel to abroad and return to attend the trial. Otherwise, the petitioner must remain in the country and complete the criminal case before



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being permitted to travel abroad.

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5. The learned Government Advocate (Crl.Side) appearing for the first respondent would submit that the petitioner is not right in relying upon the other judgments. The petitioner, in an earlier application, approached this Court in W.P. No. 34498 of 2022, and upon the matter not being entertained, he withdrew the writ petition with liberty to file an appropriate application seeking leave to travel abroad before the concerned Criminal Court. The petitioner subsequently filed an application before the concerned Criminal Court, which was dismissed. This dismissal was challenged through a criminal revision, but it was also dismissed. Therefore, since the matter has been concluded in relation to the petitioner, he cannot rely upon the dictum laid down in other cases to seek permission to travel abroad.

6. In reply, the learned counsel appearing on behalf of the petitioner would submit that the criminal case itself pertains to a property dispute, with the allegation being related to cheating. The total sum involved in the case is Rs. 25,00,000/-. The matter is now posted for trial. The petitioner is even

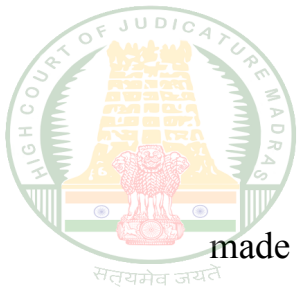


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willing to deposit the said amount before the trial Court. It is not his intention to flee from justice. He will return and face the trial.

7. I have considered the rival submissions made on both sides and perused the material records of the case.

8. There is no quarrel over the legal proposition made on behalf of the petitioner that any person has a right to travel abroad and that would include foreign nationals as well. This right would be restricted only if reasonable apprehension exists that the person would be a flight risk, that is, he will never return to the country to face the trial or he will involve himself in transactions while traveling abroad that will hamper the criminal case, tamper with the evidence, or in any manner impede the progress of the trial. Further, it has been held by the Hon'ble Division Bench of this Court in *Karti P. Chidambaram* cited supra that the very object of a Lookout Circular is to secure the person and make him submit to the Court of law. In this case, the petitioner is already secured and has submitted himself to the criminal proceedings, attending the Court so far. The only apprehension that can be



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made by the prosecution is that the petitioner will return to his native country and it is common knowledge that the United Kingdom is not a country where persons can be readily extradited, it involves a long-drawn process.

9. In this regard, I consider the nature of the allegations made in the criminal case. It pertains to cheating the de facto complainant in the instant case. The offenses complained of are under Sections 406 and 420 of IPC. The value alleged is a sum of Rs. 25,00,000/-. The petitioner is ready to deposit the said sum before the trial Court. At the same time, since the petitioner has withdrawn the earlier writ petition seeking permission to approach the trial Court and his earlier application before the trial Court was confirmed by this Court in Criminal R.C.No. 626 of 2023, no relief can be granted by this Court to the petitioner, however, the matter can be reconsidered since now the offer is made to deposit the sum of Rs. 25,00,000/-

10. In view thereof, this writ petition is disposed of on the following terms:-

(i) The petitioner shall make a fresh application to the appropriate trial Court, namely the Special Court for



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learned Metropolitan Magistrate Court for exclusive Trial of CCB Cases at Egmore, in the pending criminal case of C.C. 15341 of 2022, by providing a due undertaking that he will return and face the trial. He shall keep his whereabouts informed to both the investigating authority and inform them of the place where he will be residing in the United Kingdom, along with his contact details. In the application, with the permission of the trial Court, the petitioner shall deposit a sum of Rs.25,00,000 before the trial court, to the credit of the crime number, by way of a demand draft;

(ii) It is made clear that thereafter, the trial Court can consider the application positively and pass orders permitting him to travel abroad. The trial Court may also specify the dates on which the petitioner can travel abroad and for which hearings he should attend without fail;

(iii) It is further made clear that if the petitioner fails to return and uphold the promise made, even pending the trial, the sum of Rs. 25,00,000/- will be paid out to the defacto complainant, who is the victim, by appropriately considering the application of the defacto complainant in that regard and the petitioner shall not raise any grievance that the amount should not be paid before the judgment.



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The trial court shall consider the application without reference to the earlier dismissal of the previous applications.

(iv) Consequently, connected miscellaneous petition is closed. No costs.

27.02.2025

Neutral Citation: Yes/No
nsl

To

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