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

+ **W.P.(C) 13011/2024**

MR. SHYAM PODDAR

.....Petitioner

Through: **Mr. S D Windlesh, Adv.**

versus

UNION OF INDIA & ANR.

.....Respondents

Through: **Mr. Sandeep Kumar Mahapatra,**
CGSC with Mrs. Mrinmayee Sahu
Mahapatra, Mr. Tribhuvan and Mr
Abhimanyu Asija, Advs. for UoI.
Mr Zoheb Hossain Spl Counsel for
DoE Mr Vivek Gurnani Panel
Counsel for DoE Mr kartik sabharwal
adv Mr Pranjal Tripathi adv Mr
Kanishk Maurya Adv Mr Chinmay
Anand Panigrahi Adv. for ED.

CORAM:

HON'BLE MR. JUSTICE PURUSHAINDRA KUMAR KAURAV

ORDER

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24.02.2026

1. This petitioner seeks to challenge the LOC issued at the instance of the respondents against him.
2. Learned counsel appearing for the respondents points out that a complaint has been filed against the petitioner by the Directorate of Enforcement under Sections 44 and 45 (1) under the Prevention of Money Laundering Act, 2002 ['Act'] for commission of offence defined under Section 3 read with Section 17 and punishable under Section 4 of the Act. The said complaint is pending before the Special Court, CBBI-14, Rouse



Avenue, District Courts, established under the Prevention of Corruption Act, 1988. The complaint is at the stage of taking cognisance.

3. This Court in the case of **Sumer Singh Salkan v. Asst. Director and Ors.**,¹ in paragraph no.11 has held 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his appearance on a particular date, through his counsel, the Look-out-Circular issued against the petitioner shall be withdrawn within 24 hours of giving undertaking by the petitioner.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

¹ ILD (2010) VI Delhi 706



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.”

4. In terms of clause C of paragraph no.11 of the **Sumer Singh Salkan** petitioner has a remedy to approach the Trial Court where the complaint is pending.

5. A similar position has been taken in the case of **Shivani Saxena v. Directorate of Enforcement**.² Though in the said case, cognizance of the complaint had been taken, and in the instant case, the cognizance of the complaint has not yet been taken, the same, however, should not be an impediment for the petitioner to approach the concerned court for cancellation of the LOC if the circumstances so warrant.

6. Let the petitioner to approach the court where the complaint is pending for rescinding or cancellation of the LOC.

7. With the aforesaid observations, the instant petition stands disposed of.

PURUSHAINDRA KUMAR KAURAV, J
FEBRUARY 24, 2026/P/AMG

² 2022 SCC OnLine Del 785