
(2016) 01 MAD CK 0002

In the Madras High Court

Case No : Criminal O.P.(MD) No. 22591 of 2015

A. Rajendran

APPELLANT

Vs

Superintendent of Police

RESPONDENT

Date of Decision : 06-01-2016

Acts Referred:

Citation : (2016) 2 MadWNCri 79

Hon'ble Judges : Mr. S. Vaidyanathan, J.

Bench : Single Bench

Advocate : Mr. M. Vivekanandan, Advocate, for the Petitioner; Mr. C. Mayil Vahana Rajendran, Addl. Public Prosecutor, for the Respondent

Final Decision : Disposed Off

Judgement

Mr. S. Vaidyanathan, J.—This is a petition filed, seeking to direct the 1st respondent to withdraw the "Look Out Circular" bearing No. Rc. No./G1/65/24756/2014 dated 16.09.2014 issued by the 1st respondent herein. This petition has been stoutly opposed by the 3rd respondent by contending that the matter has been pending from 2006 and that the petitioner has not been appearing before the Trial Court for smooth conduct of the case. Since the petitioner has been absconding for long time, the 1st respondent has issued the Look Out Circular dated 16.09.2014 against the petitioner.

2. In reply, it is submitted by the counsel for the petitioner that the petitioner has been regularly appearing before the Trial Court, which has been refuted by the Additional Public Prosecutor, stating that the passport of the petitioner was handed over to him pursuant to his obtaining anticipatory bail with a condition to co-operate for speedy disposal of the case. But, however, the petitioner has failed to appear before the trial Court and absconded without giving any information. Having left with no other option, the Look Out Circular came to be issued against him by the 1st respondent.

3. Heard the counsel on either side.

4. According to the petitioner, he is employed in Singapore and if he is not allowed to join duty within the prescribed time given by the employer, he will be terminated from service, which will spoil his entire career and livelihood. It is seen that the petitioner had, on earlier occasion, jumped bail, which necessitated the 1st respondent to issue Look Out Circular dated 16.09.2014.

5. However, considering the totality of the circumstances, this Court feels that a positive direction could be issued in this case by imposing certain conditions on the petitioner. Accordingly, the 1st respondent is directed to withdraw the Look Out Circular bearing No. Rc. No./G1/65/24756/2014 dated 16.09.2014, subject to the following conditions:

i) The petitioner is entitled to travel abroad and return. However, he has to furnish his full employment details and also the particulars with regard to his stay abroad to the respondent police;

ii) The petitioner has to furnish a copy of his passport to the Court below as well as to the respondent police and as and when, he arrives at India, he has to surrender his original passport to the Judicial Magistrate, Thirumayam, and that he is entitled to collect the same four days prior to the departure;

iii) The petitioner has to co-operate with the investigation and on the matter being taken up for trial, the petitioner has to appear before the Court concerned whenever the Court feels that the presence of the petitioner is absolute for the hearing and he shall co-operate for early conclusion of the trial.

6. With the above direction, this Criminal Original Petition is disposed of. However, it is made clear that in case any issue crops out in future, this order will not preclude the respondent police from taking appropriate action against the petitioner in accordance with law.