

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 18.08.2022

CORAM:

THE HONOURABLE MR.JUSTICE V.SIVAGNANAM

Crl.O.P.(MD) No.14790 of 2022

V.M.Ravichandran ...Petitioner

Vs.

1.The Commissioner of Police,
Trichy City,
Trichy.

2.The Inspector of Police,
City Crime Branch,
Trichy City,
Trichy.
(Crime No.19 of 2014)

3.Emily Richard ...Respondents

PRAYER:

Criminal Original Petition filed under Section 482 Cr.P.C. praying to direct the first respondent to issue lookout circular against the third respondent, who is arrayed as Accused No.1 in C.C.No.596 of 2021 pending on the file of the Judicial Magistrate No.1, Trichy, by considering his representation, dated 20.06.2022 within the period stipulated by this Court.

For petitioner : Mr.N.Sathish Babu

For R1 ? R2 : Mr.R.Sureshkumar

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to issue lookout circular against the third respondent, who is

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For petitioner : Mr.N.Sathish Babu

For R1 ? R2 : Mr.R.Sureshkumar

Government Advocate (Crl.side)

ORDER

This Criminal Original Petition has been filed to direct the first respondent to issue lookout circular against the third respondent, who is arrayed as Accused No.1 in C.C.No.596 of 2021 pending on the file of the learned Judicial Magistrate No.1, Trichy, by considering his representation, dated 20.06.2022.

2.The learned counsel appearing for the petitioner submitted that the the third respondent is the Accused No.1 in C.C.No.596 of 2021 pending on the file of the learned Judicial Magistrate No.1, Trichy. The third respondent-s husband, namely, Richard Arokiaraj, is the permanent resident of United States of America and therefore, pending criminal case, the third respondent has gone abroad frequently. Now, the said case is posted for trial on 25.07.2022. In these circumstances, the petitioner came to know from strong sources that the third respondent now left India with a view to escape from facing the trial and she is trying to escape from the clutches of law. If the third respondent would not appear before the trial Court regularly, it may lead to delay the trial, i.e., now pending in C.C.No.596 of 2022. Therefore, the appearance of the third respondent is necessary before the trial Court. Hence, he filed a petition to direct the first respondent to issue lookout circular against the third respondent.

3.The learned Government Advocate (Crl.side) appearing for the respondent police would submit that in this case, the third respondent is the first accused and she is represented by the learned counsel and during her absence, a petition was filed under Section 317 of Cr.P.C., and the same was allowed by the trial Court. In these circumstances, lookout notice may not be issued to secure the accused.

4. A perusal of records shows that the third respondent is the first accused in C.C.No.596 of 2022 on the file of the learned Judicial Magistrate No.1, Trichy. It further reveals that the accused 1 and 2 were represented by the learned counsel before the trial Court and in their absence a petition was filed under Section 317 of Cr.P.C., and the same was allowed by the trial Court. There is no warrant pending against the third respondent / A1. In these circumstances, lookout notice cannot be issued for securing the accused, since she is appearing before the trial Court though her learned counsel. Therefore, this Court finds no merit in this case for issuing lookout circular.

5.The learned counsel for the petitioner seeks a direction to the

learned Magistrate to complete the trial as expeditiously as possible.

6.Considering his request, the learned Judicial Magistrate No.1, Trichy, is directed to complete the trial in C.C.No.596 of 2021, within a period of five months from the date of receipt of a copy of this order.

7.Accordingly, this Criminal Original Petition stands dismissed.

18.08.2022

Internet:Yes

Index:Yes/No

vsd

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Trichy.

2.The Inspector of Police,
City Crime Branch,
Trichy City, Trichy.
(Crime No.19 of 2014)

3.The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

V.SIVAGNANAM, J.
vsd

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