

THE HIGH COURT OF JUDICATURE AT MADRAS

Dated:21.02.2014

Coram

THE HONOURABLE Mr. JUSTICE M.VENUGOPAL

**W.P.No.32317 of 2012
and
M.P.No.1 of 2012**

S.Martin

... Petitioner

Vs.

1.The Deputy Commissioner of Police,
Central Crime Branch, Egmore,
Chennai – 600 008.

2.The Assistant Commissioner of Police,
Copy Right Wing,
Egmore, Chennai – 600 008.

3.The Inspector of Police,
S8 – Adambakkam Police Station,
Chennai – 600 088.

... Respondents

PRAYER: Petition filed under Article 226 of the Constitution of India praying for issuance of Writ of Mandamus directing the respondents 1 & 2 to withdraw the look out circular against the petitioner and from preventing him for travelling abroad and detaining and arresting him in any immigration (entry or exit) point in India and interfering with his freedom of movement within or without India.

For Petitioner : Mr.R.Srinivas

For Respondents : Mr.S.Shanmughavelayutham
Public Prosecutor,
Asst. By Mr.V.Subbiah
Special Government Pleader

ORDER

The Petitioner has preferred the instant Writ of Mandamus praying for passing of an order by this Court in directing the Respondents 1 and 2 to withdraw the Look Out Circular against him and from preventing him for travelling abroad and detaining and arresting him in any immigration (entry or exit) point in India and interfering with his freedom of movement within or without India.

2.The Writ Facts:

(i)According to the Petitioner, the alleged case of the prosecution is that on prior information, when the house of one Nagarajan in Thillaiganga Nagar, Naganallur, Chennai was searched by the Police at 2.00 a.m. on 12.03.2012, it was found out that he had an amount of Rs.7,20,05,000/- (Rupees Seven Crores Twenty Lakhs and Five Thousand Only) as cash. Further, on the next day, an amount of Rs.50 lakhs in cash was recovered from the house of one Moorthy, the 3rd accused in the case.

(ii)Further, the case of the prosecution is that the Petitioner and Moorthy/A3 with the help of A1-Nagarajan printed lottery tickets of Sikkim, Kerala and Maharashtra States in Kolkatta and Faridabad and sold the tickets of those States in Chennai without proper permission

and earned profits. Also that, the aforesaid amount seized was a black money kept illegally by the said Nagarajan/A1, who gave a confession statement. As a matter of fact, Nagarajan/A1 retracted his confession statement.

(iii)It is the stand of the Petitioner that the case was falsely foisted due to personal and political enmity. He was harassed by the State Government by foisting of false cases from May 2011 onwards. He was branded as a "Goonda" due to political reasons and was detained under the preventive detention under the Tamil Nadu Act 14 of 1982 on 29.10.2011. His detention order was set aside by this Court in H.C.P.No.1636 of 2011 on 29.03.2012. Due to other false cases foisted on him, he came out on bail only on 03.05.2012. The case in Crime No.304 of 2012 on the file of the 1st Respondent/Deputy Commissioner of Police, Central Crime Branch Egmore, Chennai was registered on 12.03.2012 in respect of alleged offences under Section 294-A, 120(B), 420 I.P.C.

(iv)The plea of the Petitioner is that he never committed the alleged offences, since he was under incarceration. He owns properties and has a permanent residence. He is an Income Tax Assessee. He is

one of the highest Income Tax Payers in the country and has good status and reputation in the Society. He is a licensed purchaser of lottery in the State of Sikkim, West Bengal etc. He is doing business lawfully in those States where sale of lottery is permitted. He has not conducted lottery business in an illegal manner in the State of Tamil Nadu. He never does lottery business in any State where it is prohibited. His lottery business is confined to state where the said business is permitted. His wife had advanced an amount of Rs.7.30 crores on 01.03.2012 to G.Moorthy for purchasing his immovable house property in Anna Nagar, Chennai for a sale consideration of Rs.12.30 crores and entered into a Sale Agreement with him agreeing to pay the remaining sale consideration on the date of registration of the Sale Deed. The amount seized by the Police from Nagarajan's house was entrusted to him by the said Moorthy from the advance amount received by him. It is fully accounted cash. His wife is also an Income Tax Assessee and she can account and vouch for the aforesaid payment. The money which was seized/recovered from A1/Nagarajan's house was deposited by the 3rd Respondent/Inspector of Police, S-8 Adambakkam Police Station, Chennai - 88 in the Alandur Judicial Magistrate Court and the same was attached by the Enforcement Directorate under the Prevention of Money Laundering Act. The FIR

registered against him does not disclose any of the offences enumerated therein and it is without any merit or substance. In short, the complaint and the FIR are also malafide.

(v)The Moorthy/A3 is also a man of means and an I.T. Assessee. The money recovered from his house was also lawful and accounted one. His wife issued a legal notice to G.Moorthy/A3 and he finally had received the balance sale consideration and registered the sale deed on 28.08.2012. The balance sale consideration of Rs.5 crores was paid by way of demand draft.

(vi)In the meanwhile, the investigation in the said case was transferred to the 2nd Respondent/Assistant Commissioner of Police, Copy Right Wing, CCB (Central Crime Branch), Egmore, Chennai and G.Moorthy/A3 in the case was granted anticipatory bail by this Court on 06.09.2012 in CrI.O.P.No.18910 of 2012. Even the conditions imposed on him were relaxed by this Court.

(vii)The Petitioner applied for anticipatory bail in CrI.O.P.No.22283 of 2012 before this Court and the same was filed in the first week of September, 2012 and was listed for hearing from

13.09.2012 onwards with notice to and the knowledge of the Respondents 1 to 3. He was granted anticipatory bail (with conditions being imposed) as per order dated 15.11.2012 in CrI.O.P.N.22283 of 2012. The Respondents 1 and 2 with full knowledge that the Petitioner applied for anticipatory bail before this Court and obtained the same had made arrangements for issuance of a 'Look Out Circular' against him by falsely creating a story that he was absconding and attempting to flee from India. The 2nd Respondent issued a request to the 1st Respondent who in turn issued a request to the Immigration Officer and arranged for a Look Out Circular to be issued by the latter directing his detention and arrest if he reported for immigration check in any airport, seaport or land entry/exit point in India. He understands that the Look Out Circular was issued on 06.10.2012 for the period 06.10.2012 to 05.10.2013.

(viii)The issuance of 'Look Out Circular' against him is an unlawful, illegal one besides the same being violative of his constitutional rights. The issuance of the said Circular is not made under lawful authority. But it is a malafide and colourable one. He is a lawful passport holder and he was travelling abroad duly in accordance with the rules and law. There was no prohibition on his movement out

of India till the Look Out Circular was issued. He had not violated the law or Court order.

(ix)The Respondents 1 to 3 had not taken into custody or interrogate him in the case in Crime No.304 of 2012 although he was in incarceration till 03.05.2012. Even thereafter no notice/summon was issued to him to appear for investigation or interrogation in the said case. Finally, he was granted anticipatory bail by this Court on 15.11.2012. He sent a telegram on 26.11.2012 requesting the Respondents 1 to 2 had received the same. But they neither replied to the said telegram or complied with his request.

3.The Gist of Counter Averments of the 2nd Respondent:

(i)On receipt of information, the 3rd Respondent/Inspector of Police, S8, Adambakkam Police Station, Chennai – 88 on 12.03.2012 conducted a search in the house of one Nagarajan/A1 and seized a sum of Rs.7,20,05,000/- from his house at New No.4/Old No.16, 25th Cross Street, Thillai Ganga Nagar, Nanganallur, Chennai and then he was arrested and his confession was also recorded. Subsequently, he was brought to the Police Station along with seized case properties. A case was registered in Crime No.304/2012 under Sections 294(A),

420, 120(B) I.P.C. by the 3rd Respondent/Inspector of Police, S8, Adambakkam Police Station, Chennai and the accused was remanded for judicial custody by the Learned Judicial Magistrate, Alandur. Based on the confession of Nagarajan (A1) in Crime No.304 of 2012 on the file of the 3rd Respondent, it came to light that the Writ Petitioner was dealing with lottery tickets of Sikkim and Nagaland which were banned in Tamil Nadu. However, they were printing and selling such lottery tickets to innocent purchasers and cheating the public and keeping the seized money as unaccounted and obtained unlawful gain.

(ii)The Writ Petitioner, in the First Information Report in Crime No.304 of 2012, was arrayed as second accused/A2 by the Inspector of Police, S8, Adambakkam Police Station, Chennai – 8 along with A1/Nagarajan and the accused Moorthy was arrayed as A3. A1 was granted bail by the trial Court and A2 and A3 were at large and filed anticipatory bail applications which were all dismissed. Subsequently, A3 granted anticipatory bail. But the prime accused (Writ Petitioner) filed anticipatory bail application in CrI.O.P.No.22283 of 2012 and an elaborate and detailed order dated 15.11.2012 was passed by this Court and granted anticipatory bail by imposing certain conditions. In the aforesaid anticipatory bail order in CrI.O.P.No.22283 of 2012 dated 15.11.2012, the Writ Petitioner/A2 was imposed with a specific

condition that he was not leave the jurisdiction without the permission of the Respondent Police. Further, the case in Crime No.304 of 2012 was transferred from the 3rd Respondent to the file of the 2nd Respondent and the offences were altered to under Sections 294(A), 420, 120(B), 467m 468 and 471 I.P.C. and that the investigation of the case was taken up by the Assistant Commissioner of Police, CCB, Chennai -20.

(iii)The 3rd Respondent/Inspector of Police, S8, Adambakkam Police Station, chennai filed M.P.No.1 of 2012 to cancel the anticipatory bail granted to the Writ Petitioner/A2 since he failed to comply with the conditions imposed by this Court in Crl.O.P.No.22283 of 2012 dated 15.11.2012. In the meanwhile, the Writ Petitioner/A2 filed M.P.No.2 of 2012 in Crl.O.P.No.22283 of 2012 to modify the condition imposed by this Court by directing him to appear before any officer or any Court at Coimbatore. Further, in M.P.No.3 of 2012, the Writ Petitioner/A2 prayed for extension of time 15 days granted for him to appear before the Judicial Magistrate by 12 more weeks from the date of the order. However, this Court cancelled the anticipatory bail granted to him in Crl.O.P.No.22283 of 2012 by a detailed order dated 08.03.2013.

(iv)The Writ Petitioner/A2 as against the cancellation order in M.P.Nos.1 to 3 of 2012 in CrI.O.P.No.22283 of 2012 dated 08.03.2013 filed S.L.P.(CrI).Nos.3131 - 3133/2013 before the Hon'ble Supreme Court and the Hon'ble Supreme Court, by an order dated 22.04.2013, dismissed the Special Leave Petitions but directed the Petitioner to seek regular bail from the competent authority.

(v)Pursuant to the liberty being granted by the Hon'ble Supreme Court, the Writ Petitioner/A2 once again filed CrI.O.P.No.12345 of 2013 seeking anticipatory bail. This Court, while dismissing CrI.O.P.No.12345 of 2013 on 14.08.2013, passed a reasoned order and gave liberty to him to surrender before the Learned Judicial Magistrate, Alandur, Chennai and apply for regular bail, in that event of such application, the Learned Judicial Magistrate was directed to consider the same on the same day on merits. Also, he was granted five weeks time from 14.08.2013 to surrender before the trial Court. Also, he was approached the Learned Judicial Magistrate, Alandur for regular bail and the Learned Judicial Magistrate, Alandur granted the bail on the same day with condition that the Petitioner/A2 is to appear before the Respondent Police daily at 10.30 a.m. for a period of one month. Further, the Petitioner/A2 moved an application for relaxation

of bail condition and the same was allowed on 18.10.2013.

(vi) In the aforesaid circumstances, a Look Out Circular was issued on 05.10.2012 on the ground that the enquiry revealed that the Petitioner/A2 often travelled by air to Kolkatta. Therefore, under the prescribed format 'Look Out Circular' was issued to the Writ Petitioner/A2 and the said circular was forwarded to the Chief Immigration Officer, Chennai - 18. The said Look Out Circular was requested to be renewed subsequently through letter dated 16.12.2013. Since the Writ Petitioner/A2 often to leave the jurisdiction without permission from the Investigating Officer, there is a reasonable apprehension that he may attempt to tamper the material witnesses in Crime No.304 of 2012, when the case is under investigation stage. As such, the said Circular is not against law. Also that, he may be directed to intimate the Respondent Police and seek permission for his visit to abroad.

The Petitioner's Contentions:

4. The Learned Counsel for the Petitioner urges before this Court that the Look Out Circular issued in respect of the Petitioner on 06.10.2012 (for the period from 06.10.2012 to 05.10.2013) and later on extended for six months till 26.05.2014, through Communication No.F-13/FRRO/COP/CH/2014 - 538 by the Bureau of Immigration,

(MHA), Government of India, Chennai – 6 dated 27.01.2014, as per the request received from DC/CCB-1 dated 16.12.2013, are unlawful and illegal one, besides the same being in violation of the Passports Act, 1967, rules made therein and also against his Fundamental Rights enshrined under Articles 14, 19 and 21 of the Constitution of India.

5. According to the Learned Counsel for the Petitioner, the Petitioner is a lawful Passport Holder and also that he was travelling abroad duly in accordance with law and rules and there was no prohibition on his movement out of India till the Look Out Circulars were issued. Furthermore, the Petitioner has not violated any law of the country or Court order in this regard.

6. Advancing his arguments, the Learned Counsel for the Petitioner submits that the Petitioner must be heard before issuance of 'Look Out Circular' in question and that the Petitioner cannot be called as 'Fugitive'.

7. The Learned Counsel for the Petitioner seeks in aid of the D.O. Letter bearing No.8.SIC.2010(1) – 8422 of the Intelligence Bureau, (Ministry of Home Affairs), Government of India, New Delhi dated

31.08.2010 [on the subject Instructions/Procedure for opening of LOCs] addressed to Sh.A.K.Varma, Director General of Police, Puducherry, wherein the guidelines for opening of LOCs were requested to be circulated to all concerned under his jurisdiction for strict compliance and in paragraph 3(iv), it is categorically mentioned as follows:

"(iv)It is the responsibility of the originator to review the LOC before expiry of validity period of one year and also to provide additional identifying particulars of the subject."

8.Also, the Learned Counsel for the Petitioner refers to the Relevant Information and Instructions No.5 [enclosed along with D.O. Letter No.8.SIC.2010(1) – 8422 of the Intelligence Bureau, (Ministry of Home Affairs), Government of India, New Delhi dated 31.08.2010], wherein it is mentioned as follows:

"5.As per MHA order No.25022/20/98 F-IV dated 27.10.2000, LOC will be automatically deleted after one year, if not reviewed and renewed by the originator in time."

9.Expatiating his submissions, the Learned Counsel for the

Petitioner contends that the validity of the Look Out Circular issued on 06.10.2012 (for the period from 06.10.2012 to 05.10.2013) as a 12 months validity and in this regard, places reliance on the Office Memorandum bearing No.25016/31/2010-Imm., Government of India, Ministry of Home Affairs (Foreigners Division) dated 27.10.2010 [on the subject relating to issuance of Look Out Circular (LOC) in respect of Indian citizens and foreigners], whereby and whereunder in paragraphs 1 to 3 it is mentioned as follows:

"Under the existing practice, the issuance of LOCs is governed by this Ministry's letter number 25022/13/78-F.I dated 5.9.1979 and OM number 25022/2-/98-F.IV dated 27.12.2000.

2.It has, inter-alia, been stated in the letter dated 5.9.1979 of MHA that 'apart from the Govern India in the Ministry of Home Affairs, circulars are issued by various authorities for keeping a watch on arrival/departure of Indian and foreigners. These authorities include the Ministry of External Affairs, the Customs and Income Tax Departments, Directorate of Revenue Intelligence, Central Bureau of Investigation, Interpol, Regional Passport Officers, Police Authorities in various States, etc.' It has

further been stated that 'unless otherwise specified in the warning circular itself, the circulars issued by any of the various authorities specified above will be weeded out. For the future, it is considered that whenever any authority issues a warning circular to the immigration authorities, the period of validity should be clearly specified in the circular. If this is not done, the circular will be considered to be valid only for a period of one year from the date of issue and a watch will be maintained by the person concerned at the immigration check posts only for that period.'

3.The OM dated 27.12.2000 of MHA specifies the steps required to be taken for opening an LOC in respect of an Indian citizen. It has been mentioned in the said OM that the request for opening an LOC in respect of an Indian citizen is required to be made to all the Immigration Check Posts (ICP) in the country in a prescribed proforma. It has further been stated that 'the requests for opening of LOC must invariably be issued with the approval of an Officer not below the rank of Deputy Secretary to the

Government of India/Joint Secretary in the State Government/concerned Superintendent of Police at district level.' Further, 'Care must be taken by the originating agency to ensure that complete identifying particulars of the person, in respect of whom the LOC is to be opened, are indicated in the Proforma...' It is further provided that 'an LOC is received before expiry of one year period, an LOC will automatically be closed by the Immigration Officer concerned after expiry of one year period.'

10. Further, the Learned Counsel for the Petitioner strenuously contends that in the Office Memorandum No.25016/31/2010-Imm., dated 27.10.2010, as mentioned supra, in paragraph 8(i), it is clearly mentioned as under:

"i)The LOC will be valid for a period of one year from the date of issue and name of the subject shall be automatically removed from the LOC thereafter unless the concerned agency requests for its renewal within a period of one year. With effect from 1.1.2011, all LOCs with more than one year validity shall be deemed to

have lapsed unless the agencies concerned specifically request BoI for continuation of the names in the LOC.'

and in the present case on hand, the LOC was opened by DC/CCB on 06.10.2012 against the Petitioner for a period of one year which got lapsed on 05.10.2013 and only on 16.12.2013, viz., after a period of one year, a request was made by the 1st Respondent/CCB, the LOC was further extended for a period of six months till 26.05.2014 by the Bureau of Immigration (Ministry of Home Affairs), Government of India, Chennai – 6 and with effect from 01.01.2011 all LOC's within more than one year validity shall be deemed to have lapsed as per para 8(i) Guidelines of Office Memorandum dated 27.10.2010 issued by the Government of India, (Ministry of Home Affairs) and therefore, the extension of Look Out Circular, for six months till 26.05.2014 issued by the Bureau of Immigration (Ministry of Home Affairs), Government of India, Chennai – 6 in Ref. No.F-13/FRRO/COP/CH/2014 – 538, made as per the request received from the 1st Respondent dated 16.12.2013 is an invalid and illegal one, in the eye of law.

11.The Learned Counsel for the Petitioner submits that there is no provision under the Passports Act, 1967 for issuance of a 'Look Out

Circular' and further that the Petitioner is in lottery business and that the sale of lottery is regulated by the Central Government. Also, it is submitted on behalf of the Petitioner that each State can decide whether lottery can be issued and at present in the State of Tamil Nadu, Lottery is not permitted and in four States in India, sale of Lottery is permitted.

12.The Learned Counsel for the Petitioner brings it to the notice of this Court that Kerala State permits other States lotteries and from May 2011, many criminal cases have been filed against the Petitioner and in one case, he was arrested. Added further, the Petitioner was detained under Tamil Nadu Act 14 of 1982 and he was in custody and till 03.05.2012, the Petitioner continued to be in prison and only on 03.05.2012, he came out and the preventive detention order in H.C.P.No.1636 of 2011 was quashed.

13.The Learned Counsel for the Petitioner contends that point that arises for consideration is that: when the Petitioner/A2 being released on bail, whether he can be issued with a Look Out Circular Notice?

14.The Learned Counsel for the Petitioner submits that right to go abroad is a personal liberty of an individual in terms of the

ingredients of Article 21 of the Constitution of India and in this connection, he invites the attention of this Court to the decision of the Hon'ble Supreme Court in ***Smt.Menaka Gandhi V. Union of India and another, AIR 1978 Supreme Court 597 (1), at page 598,*** wherein it is observed and held as follows:

"It is not a valid argument to say that the expression 'personal liberty' in Article 21 must be so interpreted as to avoid overlapping between that article and Art. 19(1). The expression 'personal liberty' in Art. 21 is of the widest amplitude and it covers a variety of rights which go to constitute the personal liberty of man and some of them have been raised to the status of distinct fundamental rights and given additional protection under Art. 19. It will be seen at once from the language of Art. 21 that the protection it secures is a limited one. It safeguards the right to go abroad against executive interference which is not supported by law; and law here means 'enacted law' or 'State law'. Thus, no person can be deprived of his right to go abroad unless there is a law made by the State prescribing the procedure for so depriving him and the deprivation is effect strictly in accordance

with such procedure. Obviously, the procedure cannot be arbitrary, unfair or unreasonable.

If a law depriving a person of 'personal liberty' and prescribing a procedure for that purpose within the meaning of Art. 21 has to stand the test of on or more of the fundamental rights conferred under Art. 19 which may be applicable in a given situation, ex hypothesis it must be liable to be tested with reference to Art. 14.

The principle of reasonableness, which legally as well as philosophically, is an essential element of equality or non-arbitrariness pervades Art. 14 like a brooding omnipresence and the procedure contemplated by Art. 21 must answer the test of reasonableness in order to be in conformity with Art. 14. It must be 'right and just and fair' and not arbitrary, fanciful or oppressive; otherwise, it should be no procedure at all and the requirement of Art. 21 would not be satisfied."

15. The Learned Counsel for the Petitioner relies on the order of this Court dated 06.08.2012 in ***W.P.No.19777 of 2012 (between M.Natarajan V. The Regional Passport Officer, Chennai and***

another), whereby and whereunder in paragraphs 15 and 16, it is observed and held as follows:

"15. The submission of the learned Senior Counsel is correct insofar that he was not heard. But at the same time, it cannot be said that ingredients of Section 10(3)(d) is not attracted to the case on hand. But neither immediately after his conviction nor after he got the sentence suspended, his Passport was not impounded. He was also allowed to travel abroad during that period. The impugned order was based upon the letter of the CBI but without hearing the petitioner and hence it is clearly invalid. To that extent the impugned order is liable to be set aside.

16. However, that will not end the matter. Since the petitioner had complained that he was not heard on the question of accepting the letter from the CBI, the first respondent is hereby directed to hear the petitioner and pass appropriate orders under Section 10(3)(d) if it is so required. Even after this exercise, if the order is adverse to the petitioner, it will always be open to him to avail the appellate remedy under Section 11 of the Passports Act, 1967. Accordingly, the impugned order

will stand set aside. This writ petition will stand allowed to an extent indicated above. However, there will be no order as to costs. Consequently connected miscellaneous petition stands closed."

16. Apart from the above, the Learned Counsel for the Petitioner cites the decision in ***Sumer Singh Salkan V. Asst. Director and Others, II (2010) DMC 666***, wherein in paragraph 10 to 12, it is observed and laid down as follows:

"10. In the present case, the LOC was issued against the petitioner soon after the registration of FIR. It is alleged by the petitioner that LOC was issued in view of the fact that complaint's close relative was an IPS officer. This allegation of the petitioner finds support from the fact that the punishment stated by the police to Interpol in respect of the offences committed has been deliberately given as 10 years while the prescribed punishment is maximum 3 years imprisonment. The petitioner's description of being 'violent and dangerous' also has been added malafidely, with ulterior motive, in view of the fact that allegations against

petitioner were of only of emotional torture. Offence of kidnapping was given as the reasons for issuance of RCN, which on the representation of petitioner was removed. It is apparent that the LOC & RCN were issued for extraneous reasons by an officer who was not authorized. The petitioner has also highlighted the difference in statements made by witnesses on different occasions. Since the matter pertaining to these offences is subjudiced, it will not be appropriate to comment on this aspect but suffice it to say that the action against the petitioner of issuing RCN was uncalled for in view of the fact that neither offence, for which the petitioner is facing trial in India, is an extraditable offence, nor any request for extradition of the petitioner has been made for the last 7 years despite knowing whereabouts of the petitioner. I, therefore, consider it a fit case for quashing the RCN issued against the petitioner at the behest of Delhi Police. The RCN, is therefore hereby quashed.

11.Look-out-Circular has also been issued against the petitioner as the petitioner is an accused before the Court

of M.M. and he has not appeared before the Court of M.M. If the petitioner gives an undertaking before 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 before 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 before 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 before I.O. Or should surrender before 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.

12.The petitions stand disposed of in above terms."

17.The Learned Counsel for the Petitioner also relies on the order of this Court dated 11.10.2013 in ***W.P.No.25755 of 2013 (between C.Jeyashekar and another V. The Deputy Commissioner of Police, T.Nagar, Chennai and 3 others)***, wherein in paragraphs 6 to 8, it is observed as follows:

"6.Since the investigation of the case in Crime No.32 of 2012 culminated in filing a charge-sheet and consequent registration of C.C.No.991 of 2013, there is no question of keeping the look out notice alive, which was issued to ensure presence during the course of investigation.

7.In the result, the look out notice dated 10.11.2012 is set aside. The second petitioner is permitted to visit abroad in

connection with her employment. The petitioners should appear before the learned XVII Metropolitan Magistrate, Saidapet, Chennai, whenever the Court directs them to appear. It is made clear that in case the petitioners fail to appear before the Court inspite of summons issued by the learned Magistrate, contempt proceedings will be initiated by this Court.

8.The writ petition is allowed to the extent indicated above. No costs. Consequently, connected miscellaneous petition is closed."

The Respondents' Submissions:

18.The Learned Public Prosecutor for the Respondents contends that the Petitioner/A2 in Crime No.304 of 2012 on the file of the 3rd Respondent is the prime accused along with other accused Nagarajan/A1 and Moorthy/A3 and that the Petitioner on 15.11.2012 was ordered to be released on anticipatory bail with conditions in CrI.O.P.No.22283 of 2012.

19.Further, it is represented on behalf of the Respondents that one of the conditions imposed in the order in CrI.O.P.No.22283 of 2012

dated 15.11.2012 was that the Petitioner/A2 shall not leave the jurisdiction without the permission of the Respondent Police.

20.The Learned Public Prosecutor brings it to the notice of this Court that the FIR in Crime No.304 of 2012 registered under Sections 294(A), 420, 120(B) I.P.C. by the 3rd Respondent/Inspector of Police, S8, Adambakkam Police Station, Chennai was transferred to the file of the Assistant Commissioner of Police, Copy Right Wing (Central Crime Branch), Egmore, Chennai and the Sections were altered into Sections 294(A), 420, 120(b), 467, 468 and 471 I.P.C. and the investigation was taken up by the 2nd Respondent.

21.Continuing further, the Learned Public Prosecutor further adds that the Petitioner/A2 failed to comply with the conditions imposed by this Court in CrI.O.P.No.22283 of 2012, by an order dated 15.11.2012 and the 3rd Respondent/Inspector of Police, S8, Adambakkam Police Station, Chennai filed M.P.No.1 of 2012 in CrI.O.P.No.22283 of 2012 to cancel the anticipatory bail granted to him and this Court on 08.03.2013 cancelled the anticipatory bail granted to the Petitioner/A2 in CrI.O.P.No.22283 of 2012 on 15.11.2012 and resultantly, dismissed M.P.Nos.2 and 3 of 2012 filed

by the Petitioner, to modify the condition imposed in the order dated 15.11.2012 in Crl.O.P.No.22283 of 2012; and to extend the time of 15 days granted, by order dated 15.11.2012, in the aforesaid Crl.O.P. for Petitioner's appearance before the Learned Judicial Magistrate, Alandur, by twelve more weeks from the date of the order.

22.The Learned Public Prosecutor for the Respondents proceeds to submit that the Petitioner filed S.L.P.(Crl.) No.3131-3133/2013 (being aggrieved against the judgment and order dated 08.03.2013 in Crl.M.P.Nos.1 to 3 of 2012 in Crl.O.P.No.22283 of 2012) and the said SLP was dismissed on 22.04.2013 wherein the Hon'ble Supreme Court had observed as follows:

"We see no reason to interfere with the impugned order. The special leave petitions are dismissed. This order shall not prevent the petitioner from seeking regular bail from the competent authority. We hope and trust that in case such an application is filed, the same shall be examined and orders passed expeditiously uninfluenced by any observation which the High Court had made in the impugned order."

23. Moreover, it is the plea of the Respondents that this Court, while dismissing the CrI.O.P.No.12345 of 2013 (second Anticipatory Bail Application) filed by the Petitioner/A2, on 14.08.2013, in paragraph 7 of the order, had clearly opined that '... the present petition filed by the Petitioner for anticipatory bail is not maintainable', but gave liberty to him to surrender before the Court of Judicial Magistrate, Alandur, Chennai and to apply for regular bail etc. Further that, the Petitioner/A2 filed application before the Learned Judicial Magistrate, Alandur, who granted bail on the same day with a condition that he is to appear before the Respondent Police daily at 10.30 a.m. for a period of one month and subsequently, the petition for relaxation of bail condition filed by him was also allowed on 18.10.2013.

24. The Learned Public Prosecutor for the Respondents contends that the Petitioner/A2 is often to leave the jurisdiction without permission from the Investigating Officer and when the investigation of the case in Crime No.304 of 2012 is pending, there is a reasonable apprehension on the part of the Petitioner that he may tamper the material witnesses.

25. The Learned Public Prosecutor for the Respondents contends that the Instructions/Procedure for opening of LOCs issued by the Joint Director, Intelligence Bureau, (Ministry of Home Affairs), Government of India, New Delhi in D.O.No.8/SIC/2010(1) – 8422 dated 31.08.2010 addressed to the Director General of Police, Puducherry was an earlier one and later, on 27.10.2010 in Ref.No.25016/31/2010 (on the subject of Issuance of Look Out Circulars (LOC) in respect of Indian citizens and foreigners), the Office Memorandum in paragraph 8(i) has specified the following Guidelines:

".... However, this provision for automatic deletion after one year shall not be applicable in following cases:

a. Ban-entry LOCs issued for watching arrival of wanted persons (which have a specific duration);

b. loss of passport LOCs (which ordinarily continue till the validity of the document);

c. LOCs regarding impounding of passports;

d. LOCs issued at behest of Courts and Interpol."

and even though the first limb of Guideline No.8(i) of the Office Memorandum dated 27.10.2010 speaks of 'validity of LOC for a period of one year from the date of issue and name of the subject shall be

automatically removed from the LOC thereafter unless the concerned agency requests for its renewal within a period of one year', yet, the second limb of the Guideline refers to the fact that 'with effect from 1.1.2011, all LOCs with more than one year validity shall be deemed to have lapsed unless the agencies concerned specifically request BoI for continuation of the names in the LOC'. Further, in the present case, the LOC in respect of the Petitioner which originated on 06.10.2012 from DC/CCB-1 and opened against the Petitioner for a period of one year was extended for six months till 26.05.2014 in terms of the request received from DC/CCB-1 dated 16.12.2013 and as such, the same cannot be found fault with.

26. Added further, it is the pivotal contention of the Learned Public Prosecutor for the Respondents that as per Guideline No.8(j) laid down in the Office Memorandum dated 27.10.2010 issued by the Government of India, Ministry of Home Affairs, (Foreigners Division) that 'In exceptional cases, LOCs can be issued without complete parameters and/or case details against CI suspects, terrorists, anti-national elements, etc. in larger national interest and in view of the fact that the Petitioner was arrayed as A2 in Crime No.304 of 2012 based on the confession of A1 to the effect that 'the Petitioner/A2 was

dealing with lottery tickets of Sikkim and Nagaland which were banned in Tamil Nadu and they were printing and selling such lottery tickets to innocent purchasers and thereby cheating the public and keeping the above said amount as unaccounted one and obtained as unlawful gain' etc., the said act of the Petitioner/A2 along with other two accused (Nagarajan-A1 and Moorthy-A3) comes within the ambit of an exceptional case and as such, notwithstanding the fact that original LOC dated 06.10.2012 opened against the Petitioner for a period of one year was extended for six months till 26.05.2014 in terms of the letter of the DC/CCB dated 16.12.2013 beyond a period of one year, as an legally tenable one and therefore, the contra plea taken by the Petitioner cannot stand a moment scrutiny in the eye of law.

27.While winding up his argument, the Learned Public Prosecutor submits that the Bureau of Immigration, (MHA), Government of India, Chennai - 6 in Ref.No.F-13/FRRO/COP/CH/2014 - 538 dated 27.01.2014 has extended the LOC for further period of six months till 26.05.2014 and the same is legally tenable one.

Discussions:

28.It is not in dispute that the LOC was issued on 06.10.2012 by the 1st Respondent (for a period from 06.10.2012 to 05.10.2013) in

respect of the Petitioner/A2 and later the same was extended for six months till 26.05.2014 as per the request received from the 1st Respondent/DC/CCB-1 dated 16.12.2013.

29.It is the stand of the Respondents that the enquiry revealed that the Writ Petitioner/A2 often flew to Kolkatta through Air and also that the investigation in Crime No.304 of 2012 is pending and further that he is to co-operate with the investigation agency. At this stage, it is to be borne in mind that as on date, no charge sheet has been filed in Crime No.304 of 2012 on the file of the trial Court.

30.In this connection, it may not be out of place for this Court to make a pertinent mention that in paragraph 4 of the order passed by this Court in Crl.M.P.Nos.1 to 3 of 2012 in Crl.O.P.No.22283 of 2012 dated 08.03.2013, it is, inter alia, observed as follows:

"4.... In this regard, the learned Public Prosecutor submitted that the respondent/A2 has filed a writ petition in W.P.No.32317 of 2012 praying to withdraw the Look Out Circular issued by the Immigration authorities and in that writ petition, the respondent/A2 himself admitted that now he is at Kolkatta.

Further, the learned Public Prosecutor submitted that apart from the present case the respondent/A2 has involved in five more cases and all the cases are under investigation. The details of the cases pending against the respondent (A2) S.Martin are as follows:-

Sl. No	Police Station with Crime No.	Selection of Law	Rank of the accused	Stage of the case
1	B-2, R.S. Puram PS, Coimbatore, Cr.No.334/2012	384, 420, 294(b) & 506(ii) IPC	A1	Under Investigation
2	Karumatham Patti PS., Cr.No.2012	120(b), 341, 506 (ii) IPC	A1	Under Investigation
3	Kodumudi PS., Cr.No.81/12	420, 120(b) & r/w. 7(3) of TNIR Act	A2	Under Investigation
4	Kodumudi PS., Cr.No.82/2012	420, 120(b) 5 r/w. 7(3) of TNIR Act	A2	Under Investigation
5	B-11, Saibaba Colony P.S., Cr.No.130/12	406 & 420 IPC	A2	Under Investigation

Hence, the present Miscellaneous Petition No.1 of 2012 has been filed by the State to cancel the anticipatory bail granted to the respondent (A2)."

31.Also, in the aforesaid order in Crl.M.P.Nos.1 to 3 of 2012 in

Crl.O.P.No.22283 of 2012 dated 08.03.2013 in paragraph 12, it is observed as follows:

"12.Further more, according to the respondent/A2, he is in Kolkatta even at the time of passing the order granting anticipatory bail. Had it been so, he would have instructed his counsel to represent before this Court with regard to his inability to stay within the jurisdiction of the Investigating Officer. But after passing the order by this Court directing the respondent/A2 not to leave the jurisdiction of the Investigating Officer and directing him to appearing before the Police twice daily, the petitions for modification and extension of time were taken out by him on 26.11.2012 stating that he is in Kolkatta and he was advised by the Doctor not to travel for minimum three months. Moreover, the respondent/A2 has not taken any effort to number the petition and bring the same before this Court immediately to get an appropriate order. Only after petition for cancellation was filed by the prosecution, the petitions for extension of time and modification of conditions were numbered and brought

before this Court. In such circumstances, I do not find any bona fide intention on the part of the respondent/A2 to comply with the conditions imposed by this Court. As contended by the learned Public Prosecution, because of the conduct of the respondent/A2, the prosecution is unable to proceed further investigation in this case. Therefore, I am of the opinion that the respondent herein/A2 is not entitled to the benefit of anticipatory bail granted by this Court."

32.It is to be noted that the Hon'ble Supreme Court dismissed the Petition (S) for Special Leave to Appeal (Crl.) No.3131 - 3135/2013 filed by the Petitioner/A2 (arising out of the Judgment and Order dated 08.03.2013 in Crl.M.P.Nos.1 to 3 of 2012 in Crl.O.P.N.22283 of 2012 on the file of this Court), but observed that '.. This order shall not prevent the Petitioner from seeking regular bail from the competent authority'.

33.It cannot be lost sight of that the settled law is that 'Right to Travel Overseas' is a 'Fundamental Right' guaranteed under Article 21 of the Constitution of India, which was held so, in the decision of the Hon'ble Supreme Court in **Satwant Singh Sawhney V.**

D.Ramarathnam, AIR 1967 SC 1836 and also the same was reiterated in the decision of the Hon'ble Supreme Court in **Menaka Gandhi V. Union of India, AIR 1978 SC 597.**

34. At this stage, this Court aptly points out the decision of this Court in **Sri-la-Sri Arunagirinathar Sri Gnanananda Desika Paramachariya Swamigal, Madurai V. State of Tamil Nadu and another, AIR 1989 Madras 3**, wherein it is laid down as follows:

"The right to travel abroad is a fundamental right guaranteed under Art.21 of the Constitution of India. A person holding a valid passport cannot be interdicted, nor can he be prevented from travelling abroad by a mere oral order. Where a person holding valid passport was so prevented from going abroad on ground that a message was received from the Police Officials of the State Govt. that since a criminal case is pending against the person he should not be allowed to proceed abroad, the action would be without any basis in law. It is the Passport Authority alone who could prevent a person from going abroad. Even assuming that the State Government had vital information which, if placed before

the concerned Passport Officer, might even entail either impounding or revocation of the passport, it was open to the State Government to pass on that information to the concerned officer who may take action. But that has nothing to do with the oral interdiction."

35.It cannot be gainsaid that the law of one's right to travel abroad is governed by the tenor and spirit of the Passports Act, 1967 (15 of 1967). Indeed, Section 3 of the Act under the caption 'Passport or travel document for departure from India' specifies that 'No person shall depart from, or attempt to depart from India, unless he holds in this behalf a valid passport or travel document'.

36.Section 6 of the Passports Act, 1967 speaks of 'Refusal of Passports, travel documents', etc. In fact, sub-clause (1) of Section 6 of the Passports Act, 1967 enumerates the grounds on which an endorsement on a passport or travel document for visiting any foreign country shall be refused. Likewise, sub-clause (2) also mentions the grounds on which the passport or travel document for visiting any foreign country shall be refused.

37. For fuller and better appreciation of the ingredients of Section 6 of the Passports Act, 1967, the same is extracted as under:

"6. Refusal of passports, travel documents. etc.

(1) Subject to the other provisions of this Act, the passport authority shall refuse to make an endorsement for visiting any foreign country under clause (b) or clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and no other ground, namely: -

(a) that the applicant may, or is likely to, engage in such country in activities prejudicial to the sovereignty and integrity of India:

(b) that the presence of the applicant in such country may, or is likely to, be detrimental to the security of India;

(c) that the presence of the applicant in such country may, or is likely to, prejudice the friendly relations of India with that or any other country,

(d) that in the opinion of the Central Government the presence of the applicant in such country is not in the public interest.

(2) Subject to the other provisions of this Act, the passport authority shall refuse to issue a passport or travel document for visiting any foreign country under clause (c) of sub-section (2) of section 5 on any one or more of the following grounds, and on no other ground, namely: -

(a) that the applicant is not a citizen of India.,

(b) that the applicant may, or is likely to,

engage outside India in activities prejudicial to the sovereignty and integrity of India.,

(c) that the departure of the applicant from India may, or is likely to, be detrimental to the security of India;

(d) that the presence of the applicant outside India may, or is likely to, prejudice the friendly relations of India with any foreign country;

(e) that the applicant has, at any time during the period of five years immediately preceding the date of his application, been convicted by a court in India for any offence involving moral turpitude and sentenced in respect thereof to imprisonment for not less than two years;

(f) that proceedings in respect of an offence alleged to have been committed by the applicant are pending before a criminal court in India;

(g) that a warrant or summons for the appearance, or a warrant for the arrest, of the applicant has been issued by a court under any law for the time being in force or that an order prohibiting the departure from India of the applicant has been made by any such court;

(h) that the applicant has been repatriated and has not reimbursed the expenditure incurred in connection with such repatriation;

(i) that in the opinion of the Central Government the issue of a passport or travel document to the applicant will not be in the public interest."

38. Section 10 of the Passports Act, 1967 deals with 'Variation, impounding and revocation of passports and travel documents'. Section 10(a) of the Act speaks of 'Suspension of passports or travel documents in certain cases. Section 10(b) of the Act speaks of 'Validation of Intimations'.

39. This Court worth recalls and recollects the decision in ***Rajinder Kaur and another V. Union of India and others, AIR 2004 Punjab and Haryana 347***, wherein it is held as follows:

"A person can be denied the right to travel abroad if the authorities are satisfied that ingredients of S.6(2)(b) are satisfied. The language of the Section indicates the gravity of the involvement or likely involvement of an application in activities which would be prejudicial to the sovereignty and integrity of the Country. These provisions, thus, must receive a strict construction as their consequences in law are not only serious but have the effect of taking away freedom granted to the petitioners in law. Before it could be stated that a person is involved in activities which are prejudicial to the sovereignty of the Country, there

must be some reasonable and cogent material in possession of the respondents to show involvement of the petitioners in such activities. The expression, "likely to" cannot be treated so lightly as to include every activity and relationship to be prejudicial to the sovereignty of the State. Likelihood may take in its scope the apprehension which essentially must be record based or founded on a reasonable cause, of course, may not be directly substantiated by written documentation. Surveillance, maintenance of appropriate registers under the Police Rules, entry of the name of the person therein and at least some reasonable analytical examination by the concerned quarters in the Union of India would normally be the records which should substantiate such reasonable apprehension."

40. It is to be borne in mind that neither Charge Sheet nor Final Report is defined under the Criminal Procedure Code. In whatever term it is mentioned viz., Charge Sheet or Final Report it only means a 'Report' under Section 173 Cr.P.C. which has to be filed by the concerned Police Officer on completion of his investigation. It cannot

be gainsaid that the Charge Sheet/Final Report is filed so as to enable the concerned Court of Law to apply its mind whether cognizable offence thereupon ought to be taken or not. The report is ordinarily filed in prescribed format. One of the salient features for submission of a Police Report is whether any offence appears to have been committed and if so by whom.

41.To put it succinctly, the Charge Sheet is nothing but a Final Report of Police Officer under Section 173(2) Cr.P.C. The said report is an intimation to the Magistrate that upon investigation into a cognizable offences, the Investigating Officer was able to procure sufficient evidence for a Court to enquire into the offence. No wonder, the Magistrate must give notice and opportunity of hearing to the Informant before accepting the final report or closing the same. In short, the Final Report envisaged by Section 173 Cr.P.C. ought to contain the information required by the said provision. Also, one cannot ignore an important fact that if the Investigating Officer finds sufficient evidence even against an absconding accused, the law does not require the filing of charge sheet must await the arrest of the said accused.

Conclusion and Directions:

42.As far as the present case is concerned, the Look Out Circular which was originally issued by the 1st Respondent on 06.10.2012 and opened for a year against the Petitioner, was further extended for six months period till 26.05.2014 by the Bureau of Immigration, (MHA) Government of India, Chennai – 6 as per letter dated 27.01.2014, in terms of the request received from the 1st Respondent dated 16.12.2013. Ordinarily, when Look Out Circular is issued against an individual ought to join the investigation by making his appearance before the Investigating Officer or to surrender before the concerned Court or should satisfy that the LOC was wrongfully issued against him. The other option available to the said individual is that he may approached the concerned Officer, who ordered the opening/issuance of LOC and explain to him that the said LOC was incorrectly/wrongfully issued. Added further, the said LOC can be withdrawn by the authority concerned who issued the same and that apart, the said LOC can also be cancelled by the trial Court where case is pending or having jurisdiction over the concerned police station on an application/petition being projected by the concerned individual.

43.Coming to the plea of the Petitioner that prior to the issuance

of LOC against him, an opportunity of hearing must be given to him by the authorities concerned, it is to be pointed out by this Court that the Petitioner has taken a stand in his modification and extension time applications viz., M.P.Nos.2 and 3 of 2012 in CrI.O.P.No.22283 of 2012 inter alia stating that he was in Kolkatta and further advised by the Doctor not to travel for minimum three months, it can be safely stated that this is not an ordinary case where it relates to impounding and revocation of passports or refusal of passports, travel documents etc. As such, though passport is a property and one has a Fundamental Right to travel abroad as per Article 21 of the Constitution of India, yet, the investigation against the Petitioner/A2 is pending in Crime No.304 of 2012 as on date and since he is to join the investigation by making his appearance before the Investigating Officer, the question of hearing him prior to the LOC does not arise on any score, in view of the fact that law permits the concerned authorities to resort to an issuance of LOC in respect of cognizable offences either under Indian Penal Code or other Penal Laws where he is allegedly involved with others.

44.Also that, the Principles of Natural Justice are not the edicts of a Statute and the said principles cannot be codified in a straight

jacket cast iron formula. Further, the term 'Natural Justice' does not mean that opportunity must be given to the affected/aggrieved at every stage in a given case especially when the Petitioner/A2 is involved in Crime No.304 of 2012 pertaining to the serious charges levelled against him relating to I.P.C. offences.

45. Admittedly, as against the Petitioner/A2 the investigation is pending in respect of the Crime No.304 of 2012 originally on the file of the 3rd Respondent and later on transferred to the file of 2nd Respondent. It is the stand of the Respondents that only because of the attitude of the Petitioner/A2, they are unable to proceed further in regard to the investigation of the case. Considering the gravity of charges levelled against the Petitioner/A2 in Crime No.304 of 2012 by the Respondents and in view of the Guideline No.8(j) of the Office Memorandum dated 27.10.2010 (relating to the issuance of LOC in respect of Indian citizen and foreigners) by the Government of India, Ministry of Home Affairs (Foreigners Division) based on the existing practice, even though the LOC dated 06.10.2012 opened for a year against the Petitioner for a period from 06.10.2012 to 05.10.2013 was extended for six months till 26.05.2014 by the Bureau of Immigration, (MHA), Government of India, Chennai – 6 through communication

dated 27.01.2014 (which is beyond the period of one year from the date of issue), yet, the extension of LOC dated 27.01.2014 for a further period of six months till 26.05.2014 and the earlier LOC issued on 06.10.2012 for a period of one year (in respect of the Petitioner) are valid and tenable ones, in the considered opinion of this Court. Certainly, the Respondents can take recourse to the issuance of LOC to prevent likelihood of the Petitioner/A2 leaving the country to evade trial. After all, the said LOC is nothing but coercive tool enabling the Petitioner either to surrender before the Investigating Agency or to co-operate with the Investigating Agency in regard to the pending completion of investigation in Crime No.304 of 2012. Further, the Petitioner/A2 comes within the ambit of the term 'exceptional case/cases' and therefore, there is no impediment in law for the concerned authorities to issue LOC against him without complete parameters.

46.For the foregoing discussions, the Writ Petition is dismissed, leaving the parties to bear their own costs. Further, this Court directs the Petitioner/A2 to co-operate with the Investigating Agency in respect of Crime No.304 of 2012 by joining the investigation and to make his appearance before the Investigating Officer. After completion of the investigation, the concerned Investigating Agency is to file a

charge sheet before the concerned Court in the manner known to law and in accordance with law, as expeditiously as possible (since the LOC cannot be issued periodically for a indefinite period and issuance of the same cannot hang on like a Damocle's Sword on a Person's Head). As and when the investigation is completed and charge sheet is filed, it is open to the Petitioner/A2 either to seek the aid of Authority/Officer (based on the request made by the concerned authority), who ordered the issuance of LOC or the trial Court where a case is pending or having jurisdiction over the concerned Police Station relating to the cancellation of LOC, (provided it is in force and alive), by filing necessary petition in accordance with law. Also that, the LOC can be withdrawn by the authorities concerned, who issued the same. Indeed, the Criminal Court's jurisdiction in cancelling LOC or affirming the same is quite in tune with the jurisdiction of cancellation of Non Bailable Warrant. Also, it is open to the Petitioner/A2 to seek permission of the trial Court by projecting necessary petition for proceeding abroad setting out necessary details/particulars, like places to which he intends visiting/ travelling, the addresses of the places where he would be staying or residing and the duration, the object of visit/travel etc., if so advised. Consequently, connected Miscellaneous Petition is also dismissed.

21.02.2014

Index :Yes

Internet :Yes

Sgl

To

- 1.The Deputy Commissioner of Police,
Central Crime Branch, Egmore,
Chennai – 600 008.
- 2.The Assistant Commissioner of Police,
Copy Right Wing,
Egmore, Chennai – 600 008.
- 3.The Inspector of Police,
S8 – Adambakkam Police Station,
Chennai – 600 088.

**M.VENUGOPAL,J.
Sgl**

**ORDER IN
W.P.No.32317 of 2012**

21.02.2014