

**HIGH COURT FOR THE STATE OF TELANGANA  
AT HYDERABAD  
(Special Original Jurisdiction)**

TUESDAY, THE TWENTY EIGHTH DAY OF MARCH  
TWO THOUSAND AND TWENTY THREE

**PRESENT**

**THE HON'BLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION NO: 8349 OF 2023**

**Between:**

Gopi Chakravarti Namballa,, S/o. Late Namballa Krishna Chandra Rao, Aged about 49 years, Citizen of U.S.A R/o. 556 Avondale Hills Dr. Decatur Georgia United State 30032.

...PETITIONER

**AND**

1. The Union of India, Ministry of External Affairs. Rep. by its Secretary, South Block, New Delhi.
2. Bureau of Immigration,, Rep. by Commissioner, East Block-VIII, Level-V, Sector-1, R.K. Puram, New Delhi-110066
3. The Bureau of Immigration, Hyderabad,, Rep. by the FRRO, Sadar Vallabhai Patel Bol Office, Near CISF Residential complex,, Mamidipally Village Road, Shamshabad, Hyderabad.
4. The Rajiv Gandhi International Airport (RGIA),, Hyderabad, Rep by its Nodal Officer, RGIA, Hyderabad.
5. The State of Telangana,, Rep. by its Principal Secretary. Home Department, Secreta-at Buildings. Hyderabad.
6. The Deputy Commissioner of Police, Detective Department, CCS, Hyderabad, Telangana Rep. by its Public Prosecutor

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue writ, order, or direction. one more particularly in the nature of Writ of Mandamus declaring the action of the Respondents in restraining the Petitioner from travelling abroad on the guise of pendency of Look Out Circular(LOC) dated 05.04.2018, notwithstanding the fact that the Look Out Circular(LOC) dated 05.04.2018 issued against the Petitioner was lapsed/expired way back in 28.03.2019 as being illegal, arbitrary, and in violation of article 21 and 19(1)(g) of the Constitution and provisions of the Passport Act, 1967, and consequently direct the Respondents to allow the Petitioner to travel abroad,

**IA NO: 1 OF 2023**

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to direct the Respondents to allow the Petitioner to travel from Hyderabad Rajiv Gandhi international airport, Hyderabad to Hartsfield-Jackson Atlanta International Airport, Atlanta, United States on 31.03.2023 pending the disposal of the writ petition.

**Counsel for the Petitioner: SRI G. VIDYASAGAR, SENIOR COUNSEL  
FOR SRI ARUVA RAGHURAM MAHADEV**

**Counsel for Respondent Nos. 1 to 3: SRI GADI PRAVEEN KUMAR  
(Dy. SOLICITOR GENERAL OF INDIA)**

**Counsel for Respondent Nos.5 & 6: GP FOR HOME**

**The Court made the following: ORDER**

**HON'BLE SRI JUSTICE K. LAKSHMAN**

**WRIT PETITION No.8349 OF 2023**

**ORAL ORDER:**

Heard Mr. G. Vidya Sagar, learned Senior Counsel representing Mr. Aruva Raghuram Mahadev, learned counsel for the petitioner, Mr. Gadi Praveen Kumar, learned Deputy Solicitor General of India appearing on behalf of respondent Nos.1 to 3 and learned Assistant Government Pleader for Home appearing on behalf of respondent Nos.5 and 6.

2. This writ petition is filed to declare the action of the respondents in restraining the petitioner from travelling Abroad under the guise of pendency of Look Out Circular (LOC), dated 05.04.2018, notwithstanding the fact that said LOC is lapsed/expired way back on 28.03.2019, as illegal, and for a consequential direction to the respondents to allow the petitioner to travel abroad.

3. Perusal of the record would reveal that on the complaint lodged by the wife of the petitioner, Cyber Crime Police Station, Hyderabad, has registered a case in Crime No.275 of 2017 against the petitioner for the offences under Section - 420 of IPC and 66C and 66D of the Information Technology Act, 2008 (for short 'Act, 2008'). On

completion of investigation, the Investigating Officer has laid the charge sheet in the said crime and the same was taken on file vide C.C. No.272 of 2018, and it is pending on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad. The petitioner herein has filed a petition under Section - 482 of the Cr.P.C. vide Crl.P. No.73 of 2019 to quash the proceedings in C.C. No.272 of 2018 and the same was dismissed vide order dated 17.01.2022.

4. Challenging the aforesaid order, the petitioner herein had filed a Special Leave Petition vide SLP (Crl.) No.2624 of 2022, and the Hon'ble Supreme Court granted *interim* stay of all further proceedings in C.C. No.272 of 2018 pending on the file of XII Additional Chief Metropolitan Magistrate, Hyderabad, vide order dated 04.04.2022 on condition of the petitioner depositing Rs.5,00,000/- (Rupees Five Lakhs Only) with the Registry of the Apex Court within two (02) weeks from the date of order. The Apex Court granted stay of the said proceedings in the said C.C. for a period of two (02) weeks.

5. According to Mr. G. Vidya Sagar, learned senior counsel, the matter is not listed thereafter and it is pending. The petitioner herein had already deposited the said amount of Rs.5.00 lakhs in compliance with the said aforesaid order dated 04.04.2022. The petitioner came to

Hyderabad on 09.03.2023 from USA and he has to leave on 31.03.2023, otherwise he will lose his employment. If the petitioner is going to lose the aforesaid SLP, he will appear before the learned XII Additional Chief Metropolitan Magistrate, Hyderabad in C.C. No.272 of 2018 as and when directed by the said learned Magistrate and will co-operate with trial Court in disposal of the said C.C.

6. According to learned Assistant Government Pleader for Home, the subject LOC was issued on 05.04.2018. According to the Inspector of Police, Cyber Crime Police Station, Hyderabad City, since the petitioner is not co-operating with trial Court, the Originator has reviewed the said LOC in terms of the Official Memorandum dated 22.02.2021 issued by the Ministry of External Affairs, Government of India, and continuation of the said LOC is required. He has produced written instructions of the Inspector of Police, Cyber Crime Police Station, and the same are placed on record.

7. In view of the aforesaid discussion, this writ petition is disposed of directing respondent Nos.2 to 6 not to prevent the petitioner from travelling USA under the guise of pendency of the aforesaid LOC on the condition of the petitioner appearing before the learned XII Additional Chief Metropolitan Magistrate, Hyderabad in C.C. No.272 of

2018 in the event of dismissal of the aforesaid SLP and co-operate with trial and disposal of the said C.C. Failing which, liberty is granted to respondent No.6 to take necessary steps in accordance with law. There shall be no order as to costs.

As a sequel thereto, miscellaneous petitions, if any, pending in the writ petition shall stand closed.

**SD/- T.JAYASREE**  
**ASSISTANT REGISTRAR**

//TRUE COPY//

**SECTION OFFICER**

To,

1. XII Additional Chief Metropolitan Magistrate, Hyderabad.
2. The Commissioner, Bureau of Immigration, East Block-VIII, Level-V, Sector-1, R.K. Puram, New Delhi-110066
3. The FRRO, Bureau of Immigration, Hyderabad, Sadar Vallabhai Patel Bol Office, Near CISF Residential complex, Mamidipally Village Road, Shamshabad, Hyderabad.
4. The Nodal Officer, Rajiv Gandhi International Airport (RGIA), Hyderabad, RGIA, Hyderabad.
5. The Principal Secretary, Home Department, State of Telangana, Secretariat Buildings, Hyderabad.
6. The Deputy Commissioner of Police, Detective Department, CCS, Hyderabad, Telangana Rep. by its Public Prosecutor
7. One CC to Sri Aruva Raghuram Mahadev Advocate [OPUC]
8. One CC to Sri Gadi Praveen Kumar (Dy. SOLICITOR GENERAL OF INDIA) Advocate [OPUC]
9. Two CCs to GP For Home, High Court for the State of Telangana. [OUT]
10. Two CD Copies

MBC  
BSR

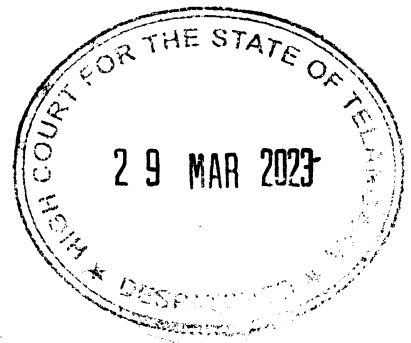
ADK



**CC TODAY**

**HIGH COURT**

**DATED: 28/03/2023**



**ORDER**

**WP.No.8349 of 2023**

ADK  
13 copies  
29/3

**DISPOSING OF THE WRIT PETITION**

**WITHOUT COSTS**