

# REVOKE LOC AGAINST AAKAR PATEL: COURT

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Aakar Patel

A Delhi court on Saturday upheld an order directing the CBI to withdraw the Lookout Circular (LOC) against former Amnesty International India Board chair Aakar Patel, saying the LOC is “bad in law” and “cannot sustain”.

Special judge Santosh Snehi Mann, however, set aside the direction to the CBI Director to give a written apology to Mr. Patel, acknowledging “lapses” on the part of his subordinate.

The judge, who made some scathing remarks against the CBI, also revoked the magisterial court’s direction to “fix accountability of CBI officials for issuance of LOC”.

The judge also directed Mr. Patel not to leave country without magisterial court’s permission.

The metropolitan magisterial court had on April 7 directed the probe agency to withdraw the LOC immediately and apologise to Mr. Patel and file a compliance report by April 30.

Mr. Patel had approached the magisterial court claiming that he was stopped by immigration authorities at the Bangalore International Airport, while he was boarding a flight to the U.S..

The application had claimed that the action was taken despite an order by a Gujarat court granting him permission to travel abroad.

## ‘Well reasoned order’

“LOC issued against Patel is bad in law, hence cannot sustain. Order of trial court quashing the LOC does not suffer from any infirmity and is a well reasoned order based on principle of law,” the judge said.

The court made the observations in its order passed on the CBI’s appeal against magisterial court’s order. The judge said that the CBI’s apprehension that Mr. Patel might not appear before the court for the trial, which the agency made a ground to issue the LOC on, did not fall in the situation and circumstances required for issuing the LOC as per law.

“And thus has no force of law to support and sustain.” She further observed that on account of “wrongly issued” LOC, Mr. Patel was stopped at the airport and he could not take the scheduled flight. “So, observation of the trial court about right of the respondent to file claim for compensation is not out of context.”

She further said that the metropolitan magistrate’s observation that the manner in which the LOC was issued by the CBI shows “lack of understanding of relevant law, and hence need for orientation of the officers concerned of the CBI, not only for the sensitisation but also to bring objectivity in the actions” was not out of context either.

The judge said that the trial court’s observations were “out of concern” and that the CBI needed to take them in the right spirit.

She, however, said the LOC was issued on wrong interpretation of law and not out of any malice

or ill will, “hence, it is not a fit case to call for fixing the accountability of issuance of LOC”.

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