

Court No. - 12

Case :- APPLICATION U/S 483 No. - 912 of 2024

Applicant :- Mohammad Salman

Opposite Party :- State Of U.P. Thru. Secy. Home Lko. And Another

Counsel for Applicant :- Mohammad Irfan Siddiqui, Mohammad Azam Siddiqui, Shahnaz Fatima

Counsel for Opposite Party :- G.A.

Hon'ble Saurabh Lavania, J.

Heard learned counsel for the applicant, learned Government Advocate for the State of U.P. and perused the record.

The instant application has been preferred for the following main relief:-

"Wherefore, it is most respectfully prayed that this Hon'ble court may graciously be pleased direct the learned Court below to decide the application on 12.12.2024 in F.I.R. No. 219 of 2020, Under Section 420,467,468,471,120-B I.P.C., Police Station Wajeerganj, District Lucknow, State versus Riya Arora, Pending before the court of learned A.C.J.M. 7, Lucknow, expeditiously in prescribed time in the interest of justice, contained as Annexure no. 1 to this petition.

It is further prayed that this Hon'ble Court may kindly be pleased to please grant permission of petitioner to go abroad for niece's marriage of petitioner in F.I.R. No. 219 of 2020, Under Section 420,467,468,471,120-B, I.P.C., Police Station Wajeerganj, District Lucknow, State versus Riya Arora, Pending before the court of learned A.C.J.M. 7, Lucknow in the interest of justice."

The brief facts, necessary for disposal of the case, as narrated in the application are as under :-

"5. That the brief facts of the case are that opposite party no. 2 was lodge false the first information against the petitioner in F.I.R. No. 219 of 2020, Under Section 420,467,468,471,120-B, I.P.C., Police Station Wajeerganj, District Lucknow. The true copy of first information report is being annexed as Annexure No. 2 to this petition.

6. That, during the investigation the name of petitioner had came then petitioner was filed the anticipatory bail application before learned court below and learned court below was granted the anticipatory bail application on 09.07.2021 with condition and petitioner has not violated any condition till date.

7. That, it is further point out the petitioner was marginal witness only and no any beneficiary of any type of aforesaid case.

8, That Hon'ble Court was granted the anticipatory bail of petitioner with the condition that the petitioner will not go out of the country without the permission of Court.

9. That the petitioner was moved the application on 12.12.2024 before the learned trial court for to grant permission of petitioner to go abroad for niece's marriage of petitioner and learned trial court keep on record of application of petitioner at heard the fix date ie 28.01.2025 and no order was passed.

10. That, it is further point out the marriage of daughter of real brother of petitioner namely Shri Mohd Waseem Saeed son of Saeed Ahmad resident of 107 Royal House, Hor Al Anz East Wuheida Street Dubai. on 29.12.2024.

11. That petitioner wishes to attend the marriage ceremony of his niece because he has brought up his niece like his own daughter and niece wishes that petitioner bid her farewell.

12. That, in the above case the next date is fixed for on 28.01.2025 and return from Dubai before he will appear before the Hon'ble Court.

13. That petitioner is a law abiding citizen and no criminal history of petitioner of any type except of present case."

Learned counsel for the applicant has submitted that the marriage of the niece of the applicant would be solemnized on 29th December, 2024, in Dubai and for the purpose of attending the said marriage, the applicant had preferred an application on 12.12.2024, before the court concerned, seeking permission to go abroad, i.e. Dubai. However, on the said application dated 12.12.2024, the trial court concerned has not passed any order till date and also did not care the principles related to the issue involved in this case, according to which the right to travel abroad is covered under Article 21 of the Constitution of India and for the said purpose permission of the concerned trial court is required.

Taking note of the aforesaid, the present application is **disposed of** in the following terms :-

(i) The applicant shall move an application before the trial court concerned for preponing the date for disposal of the application

preferred by the applicant on 12.12.2024, seeking permission to go abroad, as early as possible, along with the certified copy of this order.

(ii) In case such an application is moved before the trial court concerned, the same shall be considered and fix a date for disposal of the application dated 12.12.2024 and dispose of the said application on or before 29.12.2024, in accordance with law.

Order Date :- 19.12.2024

ML/-