

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 204 OF 2015
IN
CRIMINAL APPLICATION NO. 118 OF 2015

Mr. Sandip Shankarlal Kedia ... Applicant
vs.
1. The State of Maharashtra)
2. Mrs. Pooja Sandip Kedia) Respondents

Mr. Vishwajeet V. Mohite, Advocate for the applicant
Ms. Veera Shinde, APP, for the respondent-State.

CORAM: SMT.SADHANA S.JADHAV,J.
DATE : 4th March, 2015.

P.C.

Heard the learned counsel for the applicant and the learned constituted attorney of the respondent.

2. The learned counsel for the applicant submits that by an order dated 3.3.2015, the Hon'ble Division Bench of this (Court : Ranjit More & Smt. Anuja Prabhudessai, JJ.) in Writ Petition No. 2271 of 2014 has observed that the Writ Petition is rendered infructuous on account of the order passed by the Appellate Authority, Ministry of External Affairs, New Delhi, wherein it was informed to the Division Bench that the Ministry has decided to restore the Passport facility on merit. That necessary instructions have been issued regarding deletion of the

petitioner's name from the look Out Cell to all the authorities concerned. In view of this, the Hon'ble Division Bench was of the opinion that the issue in dispute was adjudicated and hence the petition was rendered infructuous. The order passed by the Hon'ble Division Bench on 3.3.3-2015 is taken on record and marked "X" for identification.

3. By this application, the applicant is seeking permission to travel to Dubai from 5.3.2015 to 12.3.2015. He gives a solemn undertaking before this Court that he would report to Amboli Police Station, Mumbai, on 13.3.2015 in the course of the day. The applicant submits that he desires to meet the child on Thursday, 5.3.2015 as per the order passed by the Dubai Court as well as the Hon'ble Apex Court of this country. He has been granted liberty to have unsupervised access to his child. It is further submitted that similarly 12.3.2015 also happens to be Thursday. The applicant would have access to his child on 12.3.2015 as well. There is a school function for his child on 6.3.2015 and the applicant has received the invitation to that effect and he desire to remain present at Dubai. In the Praecipe circulated yesterday i.e. 3.3.2015, the applicant had submitted that the reason for urgency to travel abroad is that the applicant's lawyer in Dubai has telephonically informed him that since the applicant has constantly remained absent, no reply has been filed in the proceedings pending

before the Dubai Court and thus the Dubai Court has closed the matter on 2.3.2015 for passing final order/judgment on 12.3.2015. The applicant, therefore, has to physically remain present before the Dubai Court.

4. For all the abovementioned reasons, the following order is passed :-

ORDER

- (i) The application is allowed in terms of prayer clause (a).
- (ii) The application is permitted to travel to Dubai from 5.3.2015 to 12.3.2015.
- (iii) The applicant shall report to Amboli Police Station, Mumbai, on 13.3.2015 during the course of the day.
- (iv) The applicant shall submit his itinerary, cellphone number and address in Dubai to the concerned police station forthwith.
- (v) Leave to add/amend.
- (vi) Parties to act on an authenticated copy of this order.

(SMT.SADHANA S.JADHAV, J.)