

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

**CRIMINAL WRIT PETITION NO.1984 OF 2015
WITH
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Lalit Gandhi

... Petitioner

Versus

The State of Maharashtra at the
instance of Enforcement Director,
GPO, Janmabhoomi, Chembur

...Respondent

.....

Mr. Archit Jaykar a/w Ms Akanksha Agrawal i/b
M/s. Jaykar and Partners for Petitioner.
Smt. A.A. Mane, APP for the Respondent -State.

CORAM:-M.L. TAHALIYANI, J.

DATED : - 16th JUNE, 2015.

P.C.

Heard learned Advocate for the Petitioner and learned
APP for the Respondent -State. None from Enforcement Directorate
is present.

2. The Petitioner is accused in Criminal Case Nos.
125/CW/1995, 126/CW/1995 and 127/CW/1995 pending in the
Court of of Metropolitan Magistrate, Esplanade, Mumbai. He is

facing trial for the offences under the Foreign Exchange Regulation Act, 1973. The cases are pending in the Magistrate's Court since last 20 years. The learned counsel for the Petitioner informs the Court that next date is 30-7-2015 for framing of charge. This indicates that the cases are going with a very very slow pace.

3. The Petitioner intends to travel abroad for his business purposes during the next six months. He, therefore, made an application before the Magistrate for grant of permission to travel abroad. His prayer was turned down by the Magistrate on the ground that the cases were ripe for hearing and that attendance of the Petitioner might be required on the dates of hearing.

4. No doubt the Petitioner may be required to be remain present on the date of framing of charge. Learned counsel for the Petitioner makes a statement that the Petitioner will appear before the Court on 30-7-2015 and he further makes a statement that he will personally remain present whenever his personal attendance is found necessary during next six months. It may be noted here that in a normal case a charge is framed and little longer date is given for recording of evidence. Moreover, in such cases identity of the

Petitioner may not be questioned by the defence lawyer. Learned counsel makes such a statement before the Court.

5. In the circumstances, there should not be any impediment in granting permission to travel abroad during next six months.

6. Hence, it is ordered that :-

- a) The Petitioner be permitted to travel abroad during the next six months from the date of return of passport to the Petitioner.
- b) Passport of the Petitioner be returned to him forthwith. The Petitioner shall deposit his passport within 72 hours of his return from abroad with the Enforcement Directorate.
- c) He shall execute a bond of Rs.1,00,000/- each in all the three cases with the condition that if he will indemnify the Government to that extent he commits breach of any condition stated hereinabove.

7. All the three writ petitions stand disposed of accordingly.

(JUDGE)