

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.58 OF 2016

Pinakin Kantilal Patel ... Applicant
Vs.
The Dy. Commissioner of Income Tax
& Ors. ... Respondents

Mr. Prakash Naik, Sr. Adv. a/w. Mr. Ganesh Bhujbal, Adv. for the applicant.

Mr. Y.M. Nakhawa, APP for the State.

Ms. Sangeeta Yadav, Adv. i/b. Suresh Kumar, Adv. for the income tax.

CORAM : SMT ANUJA PRABHUDESSAI, J.
DATE : 5th February, 2016.

P.C. :

1. At the outset Mr. Naik, learned Senior counsel for the applicant seeks leave to amend prayer clause 'a' by giving specific dates of the travel.

2. Leave granted. Amendments to be carried out forthwith.

3. Heard. Rule. Rule is made returnable forthwith.

4. By this application the applicant herein sought to leave to travel abroad from 7th February, 2016 to 30th November, 2016. The applicant is the accused No.7 in CC No.386/S of 1993 pending the file

of learned Add. CMM, 47th Court, Esplanade, Mumbai for offences punishable under Section 276C(2) r/w. Section 278 B of the Income Tax Act. The applicant has challenged the said proceedings in Cri. Application No.614 of 2011. Rule has been granted and interim orders have been passed and proceedings before the trial Court have been stayed.

5. The applicant is an architect by profession and is also MD of Etcetra Lifestyle Ltd. and partner of Pinakin Retail LLP. The learned counsel for the applicant has submitted that the applicant is required to travel abroad as part of his job profile as a professional advisor.

6. The applicant is an Indian national and has roots in the society. The applicant has earlier travelled abroad with the permission of the Court and during such travel, he has not violated any of the conditions imposed by the Court whilst granting such permission. Furthermore the learned counsel for the respondent has given no objection for the applicant to travel abroad.

7. Under these circumstances, the application is allowed in

terms of prayer clause 'a'.

8. The applicant is directed to give his travel itinerary and his address and contact details to the respondent No.1 before his departure. The applicant shall deposit a cash of Rs.1 lac before the registry within two days from the receipt of the order. In the event the applicant does not return on the schedule date the said amount shall be forfeited in favour of the State.

9. The Criminal Application is disposed of.

(ANUJA PRABHUDESSAI, J.)