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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 270/2016

SUMANT BINDAL

..... Petitioner

Represented by: Mr. Arun Bhardwaj, Sr. Adv.
with Mr. B. Badrinath, Adv.

versus

STATE

..... Respondent

Represented by: Mr. Ashish Dutta, APP for State.
Mr. Navin Sharma, Adv. for complainant Mrs.
Nidhi Bindal.

CORAM:

HON'BLE MR. JUSTICE SURESH KAIT

ORDER

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28.01.2016

Crl.M.A. 1180/2016 (for exemption)

Exemptions allowed, subject to all just exceptions.

Accordingly, the application is allowed.

+ **CRL.A. 270/2016**

1. Vide the present petition, petitioner seeks permission to travel to Dubai for a period of 4 weeks.

2. It is not in dispute that earlier vide orders dated 25.02.2015 and 25.05.2015 further modified vide orders dated 29.05.2015 and 30.10.2015 passed by this Court, the petitioner was allowed to travel Dubai.

3. It is also not in dispute that chargesheet against the petitioner has been filed and the next date for consideration on charge has been fixed for

27.02.2016.

4. On perusal of order dated 23.12.2015, it is revealed that petitioner was allowed to travel Dubai subject to the following 3 conditions:-

“(i) That the petitioner / accused shall file a detailed affidavit disclosing his detailed programmed including his stay at Dubai, telephone numbers and residential address.

(ii) That the petitioner / accused shall forthwith deposit a demand draft with the Registrar General of this Court in the sum of Rs.5,00,000/- drawn in the name of his wife / Mrs. Nidhi Bindal towards interim maintenance to Mrs. Nidhi Bindal and the two daughters without prejudice to his rights to claim adjustment of the same subsequently.

(iii) That the petitioner / accused shall also furnish an undertaking with the Registrar General of this Court that he shall not seek extension of his Stay in Dubai on any other ground and would be present before this Court on the next date of hearing.”

5. Ld. Counsel appearing on behalf of the petitioner submits that from February, 2015 to October, 2015, the petitioner has paid an amount of Rs.35,00,000/- towards maintenance to his wife / Mrs. Nidhi Bindal and two children without prejudice to his rights.

6. It was made clear in the order dated 23.12.2015 that the amount paid by the petitioner shall be adjusted in maintenance, if any, granted by the Court.

7. It is not in dispute that pursuant to permission dated 23.12.2015, petitioner has not travelled to Dubai. Therefore, he did not deposit the

amount of Rs.5,00,000/- which was directed to be deposited with the Registrar General of this Court and is to be drawn in the name of his wife Mrs. Nidhi Bindal towards interim maintenance to her and two daughters without prejudice to his rights and contentions.

8. It is stated by the counsel for the petitioner that petitioner is a resident of Dubai and his father is staying in India. Therefore, he keeps going to Dubai. Thus, every time the condition in terms of order dated 23.12.2015 cannot be complied with.

9. Without commenting on the amount paid by the petitioner and received by his wife Mrs. Nidhi Bindal, I hereby allow the petitioner to travel abroad in terms of the conditions imposed vide order dated 23.12.2015.

10. I hereby make it clear that the condition imposed vide the aforesaid order cannot be made as a precedent for the petitioner's travelling to any other country in future and he shall personally remain present before the Trial Court on the next date fixed before it, i.e., 27.02.2016.

11. It is also made clear that the petitioner will not take any adjournment in the maintenance case filed by the complainant.

12. In view of, the petition is allowed.

13. Since, the chargesheet has been filed and the trial court has taken the cognizance, therefore, in future, if the petitioner seeks any permission to travel abroad, appropriate application should be moved before the trial court.

14. I further make it clear that on depositing the amount of Rs.5,00,000/- with the Registrar General of this Court in terms of the order dated 23.12.2015, same shall be released in the name of his wife Mrs. Nidhi Bindal on her taking steps.

15. A copy of this order be given *dasti* under the Signatures of the Court Master.

SURESH KAIT, J

JANUARY 28, 2016

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