

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

**CRIMINAL APPLICATION NO.249 OF 2017
IN
CRIMINAL WRIT PETITION NO.3271 OF 2013**

Rampat Shambhu Gupta	..Applicant
Vs.	
The State of Maharashtra & Anr.	..Respondents

Mr. Rahul Tiwari for the Applicant.
Mr. Prashant Jadhav, APP for the State.

CORAM: C. V. BHADANG, J.

**DATE: May 16, 2017.
(VACATION JUDGE)**

P.C.

. This is an application filed by the Applicant for permission to travel abroad. The Applicant is facing prosecution for the offence punishable under section 179, 188, 420 r/w 34 of the IPC on the allegation that the Applicant, who was at the relevant time, manager of Worldex India Exhibition and Promotion Pvt. Ltd., had evaded entertainment tax worth Rs.87,500/-. Indisputably, the entire amount of the tax has been deposited by the Applicant way back on 11/6/2009. A copy of the receipt is at Exh.A of the compilation.

2. The Applicant has filed Writ Petition No.3271/2013 seeking quashing of the said prosecution. This court has issued rule on 11/4/2014 and the proceeding before the learned Magistrate are stayed.

3. By this application, the applicant claims that he intends to visit Hong Kong between 7/6/2017 to 17/6/2017 in connection with a business meeting. According to the Applicant the Authority are insisting for validity of the passport for 6 months. The passport is expiring on 28/6/2017, which is submitted for renewal to the Passport Authorities. The Passport Authorities are

insisting for no objection/permission of this Court for the applicant to travel abroad.

4. The learned APP on instructions from the concerned officer who is present before the Court states that the receipt regarding payment of entertainment duty has been verified. He also does not dispute that the only allegation against the applicant is about evasion of the entertainment duty to the tune of Rs.87,500/-, which has already been paid.

5. I find that the Applicant is a permanent resident of Mumbai and is in service with Worldex India Exhibition and Promotion Pvt. Ltd. Considering the overall circumstances, I find that permission can be granted.

6. In the circumstances, the following order is passed:

- i) The application is allowed in terms of prayer clause 28(a).
- ii) The Applicant shall remain present before this Court on his return on the next date.

7. Stand over to 3/7/2017 .

8. The parties to act on authenticated copy of this order.

(C. V. BHADANG, J.)