

nsc.

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

CRIMINAL WRIT PETITION NO.2219 OF 2016

Venason Michael	...Petitioner
Versus	
The Union of India and Ors.	...Respondents

Mr.Nikhil Wadikar i/b Mr.Anand Kumar R., for the Petitioner.

Ms.A.S.Pai, for Respondent No.1.

Mr.S.K.Shinde, P.P. a/w Ms.Sangeeta D. Shinde, A.P.P., for the Respondent-State.

***CORAM : RANJIT MORE &
REVATI MOHITE DERE, JJ.***

DATE : 7th MARCH, 2017

P.C. :

1. Heard.

2. The petitioner is a Malaysian national and is an accused in Criminal Complaint bearing Case No.20/CW/2005, pending before the 8th Additional Chief Metropolitan Magistrate Court, Esplanade, Mumbai. The grievance of the petitioner is that he could not attend the trial of the said

case for want of Visa.

3. Learned Counsel for the petitioner contended that his application for Visa is rejected by the Indian Embassy.

4. Learned APP, on instructions, submitted that the petitioner's application for Visa is rejected as he applied for Tourist Visa and if the petitioner applies for Visa for the purpose of the trial of the said case and annex a copy of the order dated 8th October, 2009, passed by the Division Bench of this Court in Criminal Writ Petition No.1238 of 2009, appropriate decision will be taken. The statement is accepted.

5. In view of the statement made by learned APP, on instructions, learned counsel for the petitioner seeks leave to withdraw the petition with liberty to make a fresh application for Visa, to the High Commission of India in Malaysia. Leave with liberty as prayed for is granted.

6. In the event, the petitioner makes such an application, the High Commission of India in Malaysia shall decide the same, until

appropriate decision is taken in the light of the order dated 8th October, 2009, passed by the Division Bench of this Court in Criminal Writ Petition No.1238 of 2009.

7. Petition is allowed to be withdrawn and is disposed of as such.

(REVATI MOHITE DERE, J.)

(RANJIT MORE, J.)