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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.2585 OF 2017

Shailesh Munish Gupta

... Petitioner

vs.

The State of Maharashtra

... Respondent

Mr. Amarendra Mishra for the Petitioner.

Mr. S.V. Gavand, APP, for the Respondent-State.

CORAM : A.K. MENON, J.

DATED : 6th JULY, 2017

P.C.

1. By the present application, the applicant is seeking a direction to the Magistrate, 26th Court, Borivali, Mumbai, to decide and dispose of his application Exhibit 99 dated 6th June, 2017 on or before 11th July, 2017. Considering the facts of the matter, this petition deserves to be disposed of at this stage.
2. Accordingly, I issue Rule. Rule returnable forthwith.
3. The applicant is employed with Capgemini, a multinational company and is currently posted in Sweden by virtue of a employment contract dated 12th October, 2016 as a Senior Enterprise Architect. His contract period presently is 1st December, 2016 to 1st April, 2018. It is the case of the applicant that he has been regularly travelling between India and Sweden and he is accused no.4 in case no.C.C. no.964/P/2003 under Sections

498(A), 465, 468, 471, 474, 504, 355, 507 read with Section 34 of the Indian Penal Code.

4. The complainant is the sister-in-law of the present petitioner and the complaint has been filed against the petitioner's brother and parents of the petitioner. It is the case of the petitioner that on 29th June, 2017 he came to India on leave and now he is scheduled to return to Sweden on 13th July, 2017 to resume his employment. The petitioner has set out the fact that he has been regularly travelling in France, United Kingdom by virtue of his employment. He has obtained permission to travel from time to time. His passport has also been renewed from time to time. In the past he had sought permission to travel between 25th August, 2016 to 25th February, 2017 and such permission had been granted. He once again applied for permission to travel on 1st April, 2017 till 30th June, 2017 and once again he was permitted to travel. By order dated 12th August, 2016 he was permitted to travel during 25th August, 2016 to 25th February, 2017. He now wants to travel on 13th July, 2017 and accordingly he sought permission on the same terms and conditions as on the earlier occasions. By order dated 12th August, 2016 he was permitted to travel during 25th August, 2016 to 25th February, 2017. In the circumstances and subject to other terms specified in the order dated 12th August, 2016 he made application for amendment on 23rd June, 2017 mentioning specific dates in his prayer for permission to travel.
5. By the order dated 30th June, 2017 the Magistrate has adjourned the

matter to 11th August, 2017. The case of the petitioner is that if the permission is not granted he will not be able to travel on 13th July, 2017 to resume his employment.

6. Heard the parties and the learned APP, in the facts of the case, it would be appropriate that the application Exhibit 99 be decided at the earliest specially in view of the past conduct of the applicant and the fact that he has not been in breach of any conditions imposed. In the circumstances, I pass the following order:-

(i) Petition is allowed in terms of prayer clause (a).

(ii) The Magistrate, 26th Court, Borivali, Mumbai, shall dispose of the application as expeditiously as possible and in any event before 11th July, 2017.

(iii) Parties to act upon an authenticated copy of this order.

(A. K. MENON, J.)