

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1074 OF 2017

IN

CRIMINAL APPEAL NO.383 OF 2010

MRS.MERCY JOHN

)...APPLICANT

V/s.

CBI, ACB, MUMBAI, BS & FC, EOW & ANR.)...RESPONDENTS

Mr.Kartik Garg, Advocate for the Applicant.

Ms.N.S.Jain, APP for the Respondent – State.

Mr.Y.M.Nakhwa, Advocate for Respondent No.2 – Union of India.

CORAM : A. M. BADAR, J.

DATE : 1st SEPTEMBER 2017

P.C. :

1 This is an application by applicant / convicted accused for permission to travel to United States of America from 1st December 2017 to 31st May 2018.

2 The applicant / appellant / accused was convicted of the offence punishable under Section 12 of the Prevention of

Corruption Act, vide judgment and order dated 23rd March 2010 passed by the learned Special Judge, City Civil & Sessions Court, Mumbai. She is sentenced to suffer rigorous imprisonment of 6 months apart from payment of fine, for the offence punishable under Section 12 of the Prevention of Corruption Act. The appeal filed by her is already admitted for final hearing and she is released on bail by suspending the sentence imposed on her. The appeal is of the year 2010. Final hearing of appeals filed in the year 1994 and onwards is not being conducted as the court is taking up jail appeals. Hence, there is no possibility of hearing the appeal filed by the present applicant / appellant / accused in the near future.

3 The background facts are noted only because the respondent / CBI has opposed the application by contending that presence of the applicant / accused before the court is required for hearing the appeal filed by her and that she is in habit of traveling abroad. She has gone to foreign country twice after filing the appeal.

4 In my considered opinion, this cannot be a justifiable reason for refusing the permission to travel abroad, particularly when on past occasions, the applicant / accused after seeking permission of this court had traveled abroad and came back. In this view of the matter, the following order :

ORDER

- 1) The application is allowed.
- 2) The applicant / accused is permitted to travel to United States of America from 1st December 2017 to 31st May 2018 on following conditions :
 - a) The applicant / accused shall not withdraw cash security of Rs.1 lakh given by her to this court as an additional security in pursuant to order dated 19th March 2015 till she returns from abroad.
 - b) The applicant / accused shall not visit any country except United State of America.
 - c) The applicant / accused shall reside at the address of her son as well as daughter and she will furnish those addresses to the CBI.
 - d) She shall also furnish her cell phone number to the CBI.

(A. M. BADAR, J.)