

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1185 OF 2017

IN

CRIMINAL APPEAL NO.376 OF 2016

SURESH M. KAMATH

)...APPLICANT

V/s.

CBI, ACB, MUMBAI AND ANR.

)...RESPONDENTS

Mr.Dharma Raj i/b. Mr.Prakash Salsingikar, Advocate for the Applicant.

Mr.H.S.Venegaonkar, Advocate for the Respondent - CBI.

Mr.Vinod Chate, APP for the Respondent - State.

CORAM : A. M. BADAR, J.

DATE : 29th AUGUST 2017

P.C. :

1 This is an application for permission to travel abroad for the period from 20 September 2017 to 8 October 2017 by original accused no.1, who has been convicted of offences punishable under Sections 468, 471 and 420 of the Indian Penal

Code (IPC) and under Section 13(1)(d) read with 13(2) of Prevention of Corruption Act (P.C.Act).

2 Heard the learned advocate appearing for the applicant / accused. He argued that for business purpose the applicant / accused desires to visit Germany and Switzerland. He argued that maximum sentence imposed on the applicant / accused is for 1 year and all sentences are directed to run concurrently. The learned advocate submitted that the applicant / accused has already undergone atleast 3/4th of the sentence imposed upon him. The applicant / accused is a permanent residence of Dahisar, Mumbai.

3 I have also heard Shri H.S.Venegaonkar, the learned advocate appearing for the prosecuting agency i.e. CBI. He opposed the application by contending that the applicant / accused is a convict and cannot be permitted to travel abroad till disposal of his appeal.

4 I have carefully considered the rival submissions. CBI Special Case bearing No.18 of 2000 came to be decided after about 16 years i.e. on 20 May 2016. The maximum sentence imposed upon the applicant / accused is only of 1 year. For the purpose of business requirement, the applicant / accused is intending to visit Germany and Switzerland. Hence, in my considered opinion, he can be permitted to travel abroad in the wake of the fact that he has already undergone 3/4th of the sentence imposed upon him and he is a permanent resident of Mumbai.

5 Therefore the order :

- 1) The applicant / accused is permitted to travel abroad for the period from 20 September 2017 to 8 October 2017 for visiting Germany and Switzerland only.
- 2) As a condition of this order, the applicant / accused shall furnish his address of residence at Germany and Switzerland to the prosecuting agency i.e. CBI. He shall also supply his cell phone number which he may use while traveling abroad to the

CBI.

- 3) The applicant / accused to give his tour itinerary to the prosecuting agency i.e. CBI.
- 4) The applicant / accused should strictly return to India after completion of his tour on 8 October 2017 and shall also report this fact to the prosecuting agency i.e. CBI.
- 5) The Special court to return the passport to the applicant / accused for traveling abroad.
- 6) On return to India after completion of tour, the applicant / accused to deposit his passport before the Special court.
- 7) The application is disposed of accordingly.

(A. M. BADAR, J.)