

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

CRIMINAL APPLICATION NO. 1528 OF 2017
IN
CRIMINAL APPEAL NO. 1006 OF 2002

Shri Ramesh Sadhuram Taurani ... Applicant

Vs

The State of Maharashtra ... Respondent

Mr. Apoorv Singh for the Applicant.

Mrs. M.M. Deshmukh, APP, for the Respondent.

***CORAM : S.C. DHARMADHIKARI &
SMT. BHARATI H. DANGRE, JJ.***

MONDAY, 27TH NOVEMBER, 2017

P.C. :

1 This is an application seeking permission to travel abroad for the duration set out in prayer clause (a) at page 37 of the paper-book.

2 The applicant says that he is visiting abroad in connection with his business from 16th December, 2017 to 10th December, 2018.

3 The itinerary is set out in paragraph 36 of this application. The petitioner is a respondent to this appeal against acquittal. The petitioner has been regularly carrying on the business of production and distribution of cinematographic films. The petitioner says that he has firm roots in the society. He has his businesses in India and abroad. There is no question of his avoiding the law or absconding simply because on earlier occasions, he has been seeking permission to travel abroad. His Passport was allowed to be taken away for that purpose. The counsel invites our attention to the last order dated 20th February, 2017, in this regard.

4 Mrs. Deshmukh, learned APP, on the other hand would submit that the Criminal Appeal against acquittal is of 2002. It is ripe for hearing. The petitioner, on the eve of such hearing, should not be allowed to escape from the clutches of law in the garb of a business trip. The petitioner has not stated anything about the purpose of the trip.

5 We have heard both sides. We find that the petitioner's Passport has been deposited in this Court as a

condition during the action under section 390 of the Code of Criminal Procedure. The applicant has been seeking permission to travel abroad on this Passport which he has renewed. He has set out the details of the earlier applications and the orders made thereon.

6 Now the applicant says that he has to visit abroad and the entire itinerary is set out from pages 25 to 27 of the paper-book. The applicant would be out of India for a year and more. That is why Mrs. Deshmukh would submit that we should decline the request.

7 Having considered the matter in a overall manner and finding that earlier the applicant has travelled abroad and remained out of India for a long duration, particularly a year and more, we have no materials before us to conclude that he would not be available at the hearing of this appeal or to face the consequences in the event the acquittal is overturned. The applicant has orally stated before us, apart from his undertakings, that he is ready and willing to furnish all the details of the places of his visit, the places where he would be

lodging and boarding, his contact numbers as also the business and other relations who can be approached in the event the presence of the applicant is necessary and all these details would be provided to the High Commissions / Embassies of India in these visiting countries. We accept all the statements made in the application and also orally today, as undertakings given to this Court. In the event the applicant breaches these undertakings, then, in addition to the consequences in contempt, we would not hesitate to attach and proceed against his properties and bank accounts. This Court has enormous and adequate powers to take care of such persons and thereafter, the applicant should not blame the Court for being unable to carry out his business or being deprived of his only source of livelihood. We hope that the applicant does not invite such severe and serious implications. The application is allowed with the above directions.

8 It is clear from the itinerary that the applicant is not going to remain out of India throughout. After his visit to Singapore, he is going to come back to India and again fly out. We are warning the applicant that this way of seeking relief will not

be tolerated hereafter and on such return, the applicant must deposit his Passport in this Court's Registry and thereafter seek fresh permission. We are warning the applicant that in the event he seeks such blanket permissions hereafter, we would reject the same.

SMT. BHARATI H. DANGRE, J.

S.C. DHARMADHIKARI, J.