

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

**CRIMINAL APPLICATION NO.516 OF 2017
IN
CRIMINAL WRIT PETITION NO.3271 OF 2017**

Rampat Shambhu Gupta

...Applicant

Versus

The State of Maharashtra & Anr.

...Respondents

.....

Mr. Rahul Tiwari for the Applicant.

Mrs. N.S. Jain, APP for the Respondent No.1-State.

CORAM : SMT. ANUJA PRABHUDESSAI, J.

DATED: 30th NOVEMBER, 2017.

P.C.:-

At the outset, it may be mentioned that the Applicant has restricted his relief to prayer clause (a) wherein he has sought leave to travel abroad.

2. The Applicant is facing prosecution for offences punishable under Sections 179, 188 and 420 r/w. 34 of the IPC. Accusations against the Applicant are that he being the Manager of Worldex India Exhibition and Promotion Pvt. Ltd. had evaded entertainment tax worth Rs.87,500/-. The Applicant has filed a Writ Petition No.3271 of 2013 for quashing of the said prosecution. Rule has been granted in

the said writ petition vide order dated 11th April, 2014 and the proceedings before the Trial Court have been stayed. The Applicant has stated that he wants to visit Bangkok to attend conference on 18th December, 2017. He will return to Mumbai on 19th December, 2017. The Applicant has therefore, sought leave to travel abroad from 17th December, 2017 and stated that he will return to Mumbai on 19th December, 2017. In the schedule of travel plan the Applicant has given his contact number. The Applicant has also given programme of the said conference, which is at Exhibit 'H'.

3. Mr. Rahul Tiwari, the learned counsel for the Applicant has stated that the Applicant was earlier permitted to travel abroad and that he has returned to India without violating the terms imposed by the Court.

4. It is to be noted that the Applicant has already paid tax of Rs.87,500/- which he had allegedly evaded. Considering the fact that the Applicant is seeking permission to travel abroad, which is only for a day and also considering the fact that the Applicant had earlier travelled abroad and had returned to India without violating any terms and conditions, imposed by the Court, in my considered view, there is

no reason to decline the permission to travel abroad. Hence, the following order is passed :

- (i) The Applicant is allowed to attend the conference at Bangkok on 18th December, 2017.
- (ii) The Applicant is permitted to depart from Mumbai on 17th December, 2017.
- (iii) The Applicant shall report to the Investigating Officer on his return from Bangkok latest by 22nd December, 2017.

5. The application stands disposed of. All concerned to act on an authenticated copy of this order.

(ANUJA PRABHUDESSAI, J.)