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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 3679/2017**
CENTRAL BUREAU OF INVESTIGATION

..... Petitioner

Through: Mr.Sanjeev Bhandari, Spl. PP. With
Mr.Jagroop.G., Superintendent of
Police, Mr.R.A.Yadav, Dy.SP/IO and
Mr.Suresh Kumar, PP, CBI in person.

versus

GAUTAM KHAITAN

..... Respondent

Through: Mr.Sidarth Luthra, Sr. Advocate with
Mr.Pramod Kumar.Dubey, Ms.Roopa
Dayal and Mr.Saurabh Verma,
Advocates with the respondent
Gautam Khaitan in person.

CORAM:
HON'BLE MR. JUSTICE I.S.MEHTA

ORDER
12.10.2017

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This is a petition under Section 482 Cr.P.C. filed on behalf of the petitioner/CBI for quashing/setting aside of order dated 06.09.2017 passed by the Special Judge, CBI, Patiala House Courts, New Delhi permitting the respondent/accused Gautam Khaitan to travel abroad (USA).

Arguments of learned counsel for the parties heard on the petition. On a query put to the learned Special Public Prosecutor for the petitioner/CBI, whether at this stage, the CBI is looking for a complete restriction on the travel of the respondent Gautam Khaitan overseas or to certain countries only, as the dispute pertains to the limited countries only. On instructions

from Mr.Jagroop.G., Superintendent of Police and Mr.R.A.Yadav, Dy.SP/IO, Mr.Sanjeev Bhandari has submitted that at this stage the restriction pertains to certain countries only, namely, United Kingdom (U.K), Mauritius, Tunisia, UAE, USA, Singapore, British Virgin I Lands (BVI), Indonesia, Bahamas, Finland and Israel. He further submits that the learned Trial Court has taken cognizance of the offence on 11.10.2017. Learned Special Public Prosecutor for the CBI has further submitted that the submissions made by him today before this Court may not come in the way of the concerned Regional Passport Authority while taking decision in relation to cancellation and impounding of the passport of the respondent under the provisions of the Passport Act.

Mr.Sidarth Luthra, learned senior counsel appearing for the respondent, on instructions from the respondent Mr.Gautam Khaitan, who is present in Court in person, submits that insofar as Schengen Visa countries are concerned, the respondent undertakes not to enter and visit Italy or Switzerland, however, the respondent may be permitted to visit the remaining Schengen visa countries. He further submits that at this stage the respondent has no intention to travel the countries, namely, United Kingdom (U.K), Mauritius, Tunisia, UAE, USA, Singapore, British Virgin I Lands (BVI), Indonesia, Bahamas, Finland and Israel. However, the respondent may be given liberty to approach the concerned Court for variation of this order at an appropriate stage.

So far as request of learned senior counsel for the respondent regarding travel of the respondent to the remaining countries is concerned, the respondent is at liberty to move appropriate application before the Trial Court concerned for giving specific reasons for his visit to the said countries.

The said application shall be disposed of by the Trial Court in accordance with law.

Looking into the above facts and circumstances, the present petition is disposed of in terms of the undertaking given by the respondent to the Court today not to travel only to the 13 countries, namely, Italy, United Kingdom (U.K), Mauritius, Tunisia, UAE, USA, Singapore, British Virgin I Lands (BVI), Indonesia, Bahamas, Finland and Israel henceforth till further orders.

While disposing of the petition, the respondent is given liberty to approach the Trial Court at the appropriate stage for variation, if required, of the undertaking given above in relation only to the 13 countries mentioned above where he has undertaken not to travel the said countries at present and the Trial Court may consider the request of the respondent at that stage in accordance with law on its own merits.

The present petition is disposed of in the above terms.

Copy of this order be given *dasti* to the parties, as prayed.

I.S.MEHTA, J

OCTOBER 12, 2017

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