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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 245 OF 2018

Kishor K. Mehta ...Applicant/Org.Accd.

Vs.

Central Bureau of Investigation & anr. ...Respondents

....

Mr. Milan Desai with Ms. Tejashri Thakare i/b. Mr. Prashant
Parshurampurai for the applicant.

Mr. S.S. Pednekar, APP for State.

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CORAM : M.S.KARNIK, J.

DATE : 26th MARCH, 2018.

P.C. :

Learned Counsel for the applicant is challenging the
condition imposed in the order dated 15th June, 2017 being
condition No.2 which reads thus :-

“2. As per clause (d) of the order dated 13/06/2017
passed in Criminal Revision Application No. 532/2017,
the applicant/accused is required to simply submit an
undertaking that he will re-deposit his passport to the CBI
after return from abroad i.e. after expiry of six months
from 13/06/2017. The said undertaking is to be furnished
before the Ld. Trial Court and CBI. CBI is directed to
handover the passport of applicant/accused.”

2. Learned Counsel for the respondent No.1 submits
that the order passed by the learned Special Judge already

stands complied with and the undertaking as required in para 2 has already been furnished before the trial Court and CBI.

3. Learned Counsel for the petitioner, however, submits that the petitioner as of today is of 80 years of age. Learned Counsel invited my attention to the medical certificates on record to contend that the health condition of the applicant is not sound. In his submission, time and again the Special Judge has entertained the application filed by him for permission to travel abroad and the same has been granted on the conditions stipulated. The applicant has abided by all the conditions. He submits that on several occasions the condition for re-deposit of the passport was not imposed. He relies upon the decision of the Apex Court in the case of **Suresh Nanda vs. CBI in App. (Criminal) No. 179 of 2008** to contend that the condition of re-depositing the passport imposed by the learned Judge is harsh and contrary to law. Learned Counsel for the applicant submits that the passport has not yet been redeposited.

4. Be that as it may, as the order dated 15th June, 2017 already stands complied with, I am inclined to pass the following order in the interest of justice :-

ORDER

i. If an application for retaining the passport is made by the applicant to the trial Court within a period of two weeks from today on the grounds mentioned hereinbefore or any other ground which may be available to the applicant in law, learned trial Court to consider the said application on its own merits and in accordance with law.

ii. The applicant is permitted to retain the passport for a period of 10 weeks from today.

iii. The application may be considered on its own merits without being influenced by any observation made in this order.

5. The Criminal Application is disposed of in above terms.

(M.S.KARNIK, J.)