

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.433 OF 2018

IN

CRIMINAL APPEAL NO.543 OF 2007

Shri. Purushottam Sitaram Burde

...Applicant

V/s.

The State of Maharashtra & Anr.

...Respondent

Ms. Yogini Ugale i/b. Mr. V. N. Shingnapurkar, Advocate for the Applicant.

Ms. Ameeta Kuttikrishnan, Advocate for Respondent/CBI.

Mr. Prashant Jadhav, APP for the Respondent/State.

CORAM : A.M.BADAR J.

DATED : 21st MARCH 2018.

P.C. :

1 This is an application filed by the convicted accused/ applicant for permission to travel to Nepal, United Kingdom and Scotland from 24.03.2018 to 30.07.2018. The applicant/accused was convicted for the offences punishable under Sections 7, 13(2) r/w. 13(1)(d) of Prevention of Corruption Act, 1988. His appeal has already been admitted by this Court and the same is pending for hearing.

2 Heard the learned Advocate appearing for the applicant/accused. She argued that the applicant is the General Secretary of NGO named “Parivaar” A National Confederation of Parent's Organizations for persons with Intellectual and Development Disability. He has been nominated by the said NGO to attend the conferences and therefore, he wants to travel abroad. The learned Advocate for the applicant drew my attention to the letter dated 17.11.2017 issued by the CBI to Regional Passport Officer intimating the fact that the passport of the applicant, which was kept with the CBI under orders of the Court, is not traceable.

3 The learned Advocate appearing for CBI has opposed this application.

4. I have considered the rival submissions. Though under orders dated 25.11.1998 and 14.06.1997 passed by the learned trial Court as well as this Court respectively, the passport of the present applicant/accused was deposited with the CBI, the same has been lost by the CBI and therefore, the applicant had applied for fresh passport and has received the same on 27.02.2018. As the applicant has to undertake the journey to the foreign countries, it seems that it was not possible for him to deposit the passport with the CBI again in terms of the orders of this Court as well as the trial Court. This lapse on the part of the applicant needs to be condoned in the light of the fact that he has to undergo the journey to the foreign countries shortly.

5 The purpose of travel to Nepal, United Kingdom as well as Scotland is to attend the Inclusion International World Congress for the purpose of the object of the NGO of which the applicant is the General Secretary. The appeal is not likely to be heard within short span of few months. On earlier occasion, this Court vide order dated 15.11.2017 passed in Criminal Application No. 1421 of 2017 in Criminal Appeal No. 543 of 2007 (Smt. Anuja Prabhudessai, J.) had granted similar permission to the applicant, however, the applicant could not avail the same.

6 In this view of the matter, I see no reason to deny the prayer made by the applicant in this application. Therefore, the order.

ORDER

- i] Application is allowed.
- ii] The applicant Mr. Purushottam Sitaram Burde is permitted to travel Nepal, United Kingdom and Scotland for the period from 24.03.2018 to 30.07.2018.
- iii] As a condition of this order, the applicant should deposit cash security of Rs. 1,00,000/-(Rs. One lakh) with the Registry of this Court and he shall be entitled to get back the same on his return to India.

- iv] The applicant to follow the period of journey as stated in Prayer Clause (a) of this application strictly.
- v] He should furnish itineraries, contact numbers as well as places of residence in foreign countries to the Prosecuting Agency i.e. CBI.
- vi] On return he should submit his Passport to the Prosecuting Agency i.e. CBI.
- vii] With this, application stands disposed off.

(A.M.BADAR J.)