

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.440 OF 2018

IN

CRIMINAL APPEAL NO.341 OF 2007

Arun Digambar Kulkarni ... **Applicant**
V/s.

The State of Maharashtra ... **Respondent**

.....

Mr.Madan Gupta, Advocate for the Applicant.

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

....

CORAM : A.M.BADAR J.

DATED : 22nd MARCH 2018.

P.C. :

1 This is an application by the appellant/accused for permission to travel to Cyprus between 15th April 2018 to 15th July 2018 and to visit North Carolina (U.S.) to meet his elder daughter between 16th July 2018 to 16th October 2018. The reasons stated for this journey to the foreign country are to the effect that the applicant is blessed with a grand-daughter and, therefore, he wants to visit Cyprus and then he wants to meet his elder daughter, who is residing in North Carolina (U.S.).

2 Heard the learned Advocate appearing for the applicant/accused. He drew my attention to several Orders passed by this Court annexed to the application permitting the applicant/accused to travel to foreign countries and submitted that after undertaking several journeys in past to foreign countries, the applicant has returned back to India by following conditions imposed on him. The learned Advocate further argued that as per Order of this Court dated 9th January 2018 passed in criminal Application No.1743 of 2017, documents of title of the applicant over the Share Certificate and registered Conveyance Deed of his Flat No.C1, Highway Co-operative Housing Society, Shiv Shrushti, Kurla (East), Mumbai – 400 024 are already with the Registry of this Court as the applicant had not taken back those documents on his return from Sydney, Australia in pursuant to the Order dated 9th January 2018.

3 The learned Additional Public Prosecutor opposed the application by submitting that he wants to verify whether the documents constituting the Share Certificate and registered Conveyance Deed are still with the Registry.

4 I have considered the submissions so advanced. The applicant/accused is convicted of the offence punishable under Section 7 as well as Section 13(2) of the Prevention of Corruption Act, 1988. He was the public servant at that time. The appeal

filed by him challenging the conviction and resultant sentence is still pending before this Court. The learned Advocate for the applicant/accused made a statement that he will work out the appeal even in absence of the appellant/accused, if the same is listed for final hearing in the intervening period.

5 In this view of the matter, the following Order :

ORDER

(i) The applicant is permitted to travel and visit Cyprus and North Carolina (U.S.) from 15th April 2018 to 16th October 2018 on the following conditions :

- (a) The applicant shall made arrangement for conducting the appeal through a duly instructed Advocate.
- (b) The applicant shall inform the prosecuting agency i.e. A.C.B., Mumbai of details of his travel programme i.e. the flight which he proposed to take, the addresses of the places where he proposed to stay, his contact numbers as well as e-mail address etc.
- (c) The applicant shall not withdraw the Share Certificate and registered Conveyance Deed of his flat No.C1, Highway Co-operative Housing Society, Shiv Shrushti, Kurla (East), Mumbai – 400 024 from the Registry of this Court till he returns to India after undertaking his journey.

(d) Parties to act on authenticated copy of this Order.

(ii) The application is accordingly disposed of

(A.M.BADAR J.)