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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.1919 OF 2018

Yunus Habibbhai Memon

..Petitioner.

V/s.

The State of Maharashtra

..Respondent.

Mr.Navin Y. Memon for the petitioner.

Mr.PH. Gaikwad, APP for the respondent-State.

Mr.Sandesh Patil i/b. CBI for respondent No.1.

Mr.Vishambar D.Meena,Sub-Inspector – present.

CORAM: NITIN W.SAMBRE, J.

DATE : APRIL 26, 2018

PC.:-

The petitioner-accused is facing trial in Special Case No.69/2005 before the Special Judge (CBI), Mumbai. On earlier occasions, the petitioner was permitted to leave the country. However, since recording of evidence has commenced, the prayer of the petitioner was leaving the country i.e. for travelling to Hong Kong for eight days from May 5,2018 to May 12, 2018 came to be rejected by the impugned order.

2. Heard respective counsel.
3. The fact that there is a Extradition Treaty between Hong Kong and India is not in dispute. On earlier number of occasions, the petitioner was permitted to leave the country and he had returned back and attended the trial is a fact which is not in dispute.
4. The petitioner is intending to leave the country for eight days i.e. from May 5,2018 and come back on May 12, 2018. He assures this Court that after the period of about eight days, he shall not seek any exemption from personal appearance in the trial and shall co-operate with the Special Case in deciding the matter at the earliest.
5. In this backdrop, the following order is passed :-
 - (a) The petition is allowed in terms of prayer clauses (a) and (b);
 - (b) The petitioner is permitted to leave India for a period of 8 days from May 5, 2018 to May 12, 2018;

(c) The petitioner shall furnish the details of his place of residence in Hong Kong and also phone / mobile number within one week from today to the Special Court and also to the prosecution agency;

(d) He shall also file an undertaking before the Court below that but for above period, he shall attend the trial regularly by appearing in person and shall return back to India on May 12, 2018

6. With the above observations, the petition stands disposed of.

(NITIN W.SAMBRE, J.)