

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION**

**WRIT PETITION NO. 2520 OF 2018**

Shaneen Ibrahimsultan

... Petitioner

Vs.

State of Maharashtra

... Respondent

...

Mr. Prashant Pande for Petitioner.

Ms. P.N. Dabholkar, APP for the State.

...

**CORAM : PRAKASH D. NAIK, J.**

**DATE : 14<sup>th</sup> JUNE, 2018**

**P.C.**

1. The petitioner is seeking permission to travel to Canada from 18<sup>th</sup> June 2018 to 20<sup>th</sup> January, 2019. The petitioner had preferred an application before the Sessions Court for seeking the said relief. In the application, it was stated that the petitioner's daughter is the resident of Canada who had delivered child in the month of June, 2017 and she is desirous of meeting her daughter and grand child and to reside with them for a period of six months to render due care. It is also stated that the petitioner's daughter requires helping hand in the aforesaid circumstance. The application was rejected by the Sessions Court on the ground that

the petitioner has not produced any medical certificate. Apparently, the<sup>3</sup> Court has assigned the said reason on account of the averment in the application preferred by the petitioner that the petitioner's daughter has to look after the child and manage the household work due to which she is suffering from physical and mental illness. In any case, there may not be any medical certificate in support of such an averment. It is pertinent to note that the applicant had earlier preferred an application seeking permission to travel to Canada to meet the aforesaid daughter as she has delivered child. The said application was allowed vide order dated 23<sup>rd</sup> March, 2017 and the petitioner was permitted to travel to abroad from April, 2017 to September, 2017. It was also directed that the applicant shall intimate the Police Officer after she returns to India in writing. Thereafter, the petitioner had travelled to Canada and than returned to India. She has also annexed the xerox copy of boarding cards and copy of intimation letter.

2. It is submitted that the FIR was registered against the petitioner for the offences under Sections 420, 465, 467, 468, 471 read with 34 of Indian Penal Code on 20<sup>th</sup> January, 2016. The chargesheet is filed, however, till today, the petitioner had not

received any intimation about the filing of chargesheet. It is submitted that there is no likelihood of trial commencing within a short span of time. It is further submitted that the petitioner will not delay the proceedings in any manner and in the event the chargesheet is filed, she will be represented by the Advocate. It is submitted that the petitioner undertakes to return to India within stipulated period and intimate the concerned Police Station about her return. It is further submitted that she is permanent resident of Mumbai. It is noted that petitioner was permitted to travel to Canada to visit her daughter as per the earlier order and the present application is also sought to travel at the same place for a period of six months.

3. Taking into consideration, the aforesaid circumstances, permission can be granted to the petitioner to travel Canada from 18<sup>th</sup> June, 2018 to 20<sup>th</sup> January, 2019. The petitioner shall furnished all the details to the Investigating Officer about the place of her visit and contact numbers.

### **ORDER**

(i) Petitioner is permitted to travel to Canada from 18<sup>th</sup> June, 2018 to 20<sup>th</sup> January, 2019;

- (ii) Petitioner shall furnish the details about the visit and contact numbers to the Investigating officer prior to travel and after she returns she shall intimate her return to the Investigating Officer in writing;
- (iii) Writ Petition is disposed of;
- (iv) Parties to act on an authenticated copy of this order.

( PRAKASH D. NAIK, J. )