

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO.336 OF 2018
IN
CRIMINAL WRIT PETITION NO.974 OF 2017**

Mrs. Kalpana Springwala : Petitioner.
Versus
State of Maharashtra and ors. : Respondents.

Mr. I S Thakur I/by MZM Legal for the Petitioner.
Mr. J P Yagnik, APP for the Respondent/State.
Mr. D P Singh for the Respondent No.3/Union of India.

**CORAM : R. M. SAVANT &
K. K. SONAWANE, JJ.**
DATE : 10th SEPTEMBER 2018

P.C.

1 Not on board. Mentioned for urgent reliefs before this bench as the regular bench is not available today.

2 The above Criminal Application has been filed for a direction to be issued to the Regional Passport Officer to restore passport facility to the Petitioner forthwith. The said relief is sought in the context of the communication dated 05/09/2018 (Exhibit-C) from the Regional Passport Office, Mumbai. It is stated in the said communication that as criminal cases are pending against the Petitioner, she may obtain and furnish permission from the Hon'ble Court to enable the said office to restore passport facilities in terms of GSR 570(E) issued by the Ministry.

3 The record discloses that an MECR came to be registered against

the Petitioner pursuant to the order passed by learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai and a charge-sheet came to be filed thereafter in the said MECR No.5/2016 registered with the Bhandup Police Station under Sections 406, 420, 465, 467 and 506 of the Indian Penal Code. The said MECR and the charge-sheet filed thereunder is a subject matter of the above Criminal Writ Petition No.974 of 2017. The said Criminal Writ Petition has been admitted on 28/09/2017 by a Division Bench of this Court, and interim relief in terms of prayer clause (c) has been granted, resultantly the proceedings being CC No.97/SW/2016 now merged to CC No.43/PW/2017 pending on the file of the learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai came to be stayed.

4 The Petitioner is desirous of travelling to the United States of America (USA) as her daughter Ziya Springwala is seeking admission in Columbia University in full-time MIA, MPA and MPA-DP programs. The daughter has been given appointment on 14/09/2018 between 12 pm and 1.00 pm for Information Session in the School of International and Public Affairs, Columbia University. The Petitioner had already booked her tickets for travel between Mumbai – Dubai and Birmingham on 01/05/2018. The flight is to depart on 11/09/2018 at 10.10 and she has to check in at 07.10 am tomorrow i.e. 11/09/2018. She has also booked herself for travel between London and Newark on 12/09/2018 and her flight is to depart from London

GB Heathrow Air Port at 12.00 hours and reach Newark at 15.00 hours. New York time.

5 The learned counsel appearing for the Respondent No.3/Union of India Shri D P Singh informs us that the impediment in the way of the Petitioner travelling is on account of the criminal case which is pending against her. He further informs us that as yet no coercive steps have been taken in respect of the Petitioner's passport and that the Petitioner would be entitled to travel if this Court grants her permission.

6 The learned APP Shri J P Yagnik appearing for the Respondent/State states that appropriate conditions be imposed on the Petitioner if this Court grants permission to the Petitioner.

7 In the facts and circumstances of the present case especially having regard to the fact that the proceedings which are pending before the learned Metropolitan Magistrate, 53rd Court, Mulund, Mumbai have been stayed by this Court by the order dated 28/09/2017, we deem it appropriate to issue the following directions :-

- [i] The Petitioner is permitted to undertake travel to United Kingdom (UK) and thereafter to the USA as per the bookings made by her

of the flights in question tickets of which are annexed to the above Criminal Application.

[ii] The Petitioner to forthwith inform the Bhandup Police Station through the Assistant Public Prosecutor (APP) Shri J P Yagnik of her itinerary and her local address both in the UK and the USA with telephone/mobile numbers.

[iii] The Petitioner on her return would report to the Bhandup Police Station immediately.

[iv] The learned counsel appearing for the Respondent No.3/Union of India Shri D P Singh to inform the Passport Authority of the instant developments.

[v] All concerned parties and persons to act upon an ordinary copy of the instant order duly authenticated by the Court Associate/Sheristedar.

[vi] The above Criminal Application is accordingly disposed of.

Laxmikant
Gopal
Chandan

[K. K. SONAWANE, J]

[R.M.SAVANT, J]

Digitally signed
by Laxmikant
Gopal Chandan

Date:
2018.09.10
18:19:55 +0530

lgc