

IN THE HIGH COURT OF BOMBAY AT GOA

CRIMINAL APPLICATION (MAIN) NO. 137 OF 2019

Mr. Churchill Alemao ... Applicant

Versus

The State

(Through Public Prosecutor)

... Respondent

Mr. Arun De Sa, Advocate for the Applicant.

Mr. S.R. Rivankar, Public Prosecutor for the State.

Coram : Prithviraj K. Chavan, J.

Date : 01st July, 2019.

P.C. :

Heard Shri. Arun De Sa, learned Counsel for the Petitioner. Shri. S.R. Rivankar, learned Public Prosecutor waives service on behalf of the Respondent.

2. The Petitioner who claims to be a member of the Legislative Assembly, has impugned the order passed by the Additional Sessions Judge, Panaji, in Special Case No. 6/2019, by which the learned Additional Sessions Judge refused to release the passport of the Petitioner permanently, on the ground that his presence should be ensured during trial.

3. It is submitted by the learned Counsel for the Petitioner that the Petitioner is a frequent flyer who has to travel abroad to the countries, namely, Bahrain and United Kingdom, due to various reasons, such as his routine medical checkup, as well as to visit his daughter who is studying in Bahrain.

4. On the other hand, Shri. Rivankar, learned Public Prosecutor submits that on previous occasions also, the passport of the Petitioner was released in order to facilitate him to travel abroad, and there was no breach of any conditions in the past.

5. The Petitioner is being prosecuted for an offence punishable under Sections 7, 8, 9 and 13 of the Prevention of Corruption Act, and under Section 120-B of the Indian Penal Code in Crime No. 93/2015. It is informed that a charge is yet to be framed against the accused in the said case, owing to the abscondence of one of the accused, against whom a proclamation under Section 82 of Cr.P.C. has been issued.

6. Under such circumstances, no fruitful purpose would be served by detaining the passport of the Petitioner permanently. The

order impugned needs to be modified accordingly.

7. The impugned order stands modified to the extent that the passport of the Petitioner bearing No.Z4648050, shall be released forthwith. It is made clear that whenever there is an occasion for the Petitioner to visit any foreign country, he should give 15 days advance intimation to the concerned Court, as well as details of his itinerary. The trial Court be informed accordingly. In view of the aforesaid observations, the application stands disposed of.

Prithviraj K. Chavan, J.

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