

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

CRIMINAL WRIT PETITION NO.1495 OF 2016

Ahmad Lebbe Alawuddin and Ors.

...Petitioners

vs.

The Union of India and Ors.

...Respondents

**WITH
CRIMINAL WRIT PETITION NO.978 OF 2016
WITH
CRIMINAL WRIT PETITION NO.977 OF 2016
WITH
CRIMINAL WRIT PETITION NO.979 OF 2016
WITH
CRIMINAL WRIT PETITION NO.1812 OF 2016**

Mr. Sagar Kasar a/w Mr. Amol Wagh for the Petitioners.

Mrs. Aruna Pai for Union of India and FRRO in WP No.977/2016, 1812/2016, WP 1495/2016, WP 978/2016 and WP 979/2016.

Mr. Y. N. Katpitia a/w Ms. Ankeeta Appanna for the Respondent Nos.3 and 4.

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
DATE : 17/01/2019.**

P.C.:

. Upon oral request of Mrs. Pai, learned counsel her appearance in the earlier order is corrected to be read as appearance for respondent Nos.1 and 2.

2. This writ petition was disposed of on 10/1/2019 along with Writ Petition Nos.977/2016, 978/2016, 979/2016 and 1812/2016. However for reasons recorded in separate orders passed in the present matter on that day matter was adjourned.

3. Today learned counsel for the petitioners has made available a legible typed copy of revisional order dated 19/11/2018 for our perusal, which is taken on record as Exhibit 'A'. Learned counsel appearing for Union of India and FRRO has made available the number of visits by the petitioners to this country and the duration thereof. Chart which contains reference to the disposed of petitions is taken on record as Exhibit 'B'. Only first entry therein pertaining to the present writ petition is relevant and it is marked as Exhibit 'C'.

4. The operative order at Exh 'A' shows that three women petitioners were wearing ornaments on their person which were noticed by the Custom Authorities. Thus there was no concealment, the only lacunae was the ornaments were not declared. Revisional Authority has observed that mere non submission of declaration cannot be used against the revision applicants.

5. Though respective counsel for respondent Nos.1 to 4 pointed out frequent visits by the petitioners, we find that the petitioner No.1 has paid 46 visits from 25/1/2009 to 10/6/2014, petitioner No.2 his wife has paid 17 visits petitioner No.3 his daughter has paid 5 visits and petitioner No.4 another daughter has paid 6 visits. These visits are on tourist/business visa. It appears that the petitioner No.4 is even today a minor.

6. In this situation, we grant the petitioners leave to make appropriate application to the Ministry of Affairs for permission to enter India pointing out the reasons and occasions therefor. Such requests shall be looked into as per law independently by the Ministry. With this liberty we partly allow the writ petition and dispose of the same.

(REVATI MOHITE DERE, J.)

(B. P. DHARMADHIKARI, J.)