

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

CRIMINAL WRIT PETITION NO. 2688 OF 2018

Vikas Sawhney

...Petitioner

Versus

State of Maharashtra & anr.

...Respondents

Mr.Niranjan Mundargi i/b. Mr.Santosh Shankar Musale for the petitioner.

Mr.A.R. Patil, APP for the respondent – State.

Mr.V. Mannadiar i/b. Mannadiar and Company for respondent no.2.

CORAM : MRS. MRIDULA BHATKAR, J.

DATE : 30th JANUARY 2019

P.C. :

1. Rule. Rule made returnable forthwith.
2. The learned counsel waive notice of Rule.
3. Heard finally at the stage of admission by consent of the parties.
4. This Writ Petition is directed against the order dated 27th February 2018 passed by the 10th Jt. Judicial Magistrate, F.C.

Vashi in Order below Exh.50 in RCC No.722 of 2011 thereby directing the petitioner/accused to take prior permission of the Court to travel abroad.

5. The learned Counsel for the petitioner submits that he is not pressing the other prayer of renewal of passport for 10 years. The learned Counsel submits that the petitioner/accused needs to travel abroad for business and the offences for which the petitioner/accused is prosecuted are bailable offences. The learned Counsel further submits that by giving prior intimation, the petitioner/accused be allowed to travel abroad.

6. The learned Additional Public Prosecutor and the learned Counsel for respondent no.2 oppose the petition.

7. The main dispute is between the husband and wife and the husband is prosecuted for the offences punishable under Section 506 of Indian Penal Code, 1860 and Section 66C of the Information Technology Act, 2000.

9. Perused the impugned order dated 27th February 2018. In view

of the facts and nature of the offences committed by the petitioner, and after considering the submissions advanced by the learned counsel for both the sides, Rule is made absolute by passing the following order;

ORDER

- i) Condition no. B] of the order dated 27th February 2018 i.e. *“The accused no.1/applicant is directed to prior permission of this Court to travel abroad”* is substituted as *“The accused no.1/applicant is directed take prior permission of the Trial Court along with itinerary of destination of travel before he travels aboard.”*
- ii) Writ Petition stands disposed of.
- iii) All parties to act upon authenticated copy of this order.

[MRIDULA BHATKAR, J.]