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

CRIMINAL REVISION APPLICATION NO.495 OF 2018

Dipak Panchal	...	Applicant
V/s.		
CBI and anr	...	Respondents

Mr. Rahul Arote, for the Applicant.
Ms. Ameeta Kuttikrishnan, for respondent CBI.
Mrs. M. H. Mhatre, APP for respondent State.

CORAM : N. J. JAMADAR, J.

DATE : 11th December, 2019.

PC. :

- 1] Heard the learned counsel for the parties.
- 2] The challenge in this application is to an order passed by the learned Special Judge, CBI, Greater Bombay, on application [Exh.137], in CBI Special Case No.48 of 2007, whereby the prayer of the applicant/original accused No. 1 to return his passport, which was seized in the year 2007, came to be rejected.
- 3] The applicant is arraigned in C.R.No. RC/3-E/2006, registered with CBI BSF Mumbai, for the offences punishable under Section 120(B), 420, 467, 468 and 471 of the Indian penal Code and Section 68(A) of the Companies Act and Section 13(2), 13(i) (d) of the Prevention of Corruption

Act.

4] The applicant came to be released on bail on the condition that the applicant shall not leave the country without permission of the Court.

5] In the order, it is recorded that the applicant was granted permission by the Special Court, to travel abroad. It is further recorded that the applicant has abided by the conditions imposed on him. The learned Special Judge, however, observed that in the event applicant desires to travel abroad, he shall seek permission of the Court and there was no reason as to why the applicant should seek release of his passport permanently.

6] Having regard to the fact that the applicant has abided by the conditions subject to which permission to travel abroad was granted, there was no justification for withholding the passport, especially when it was allegedly seized prior to 12 years.

7] It is submitted that the charge in Special Case No.48 of 2006 has yet not been framed against the applicant.

8] In the circumstances, the ends of justice would meet if the passport is returned to applicant subject to the condition that the applicant shall seek prior permission of the Court whenever applicant intends to travel abroad. Hence, the following order.

Order

i] The application stands allowed.

ii] The impugned order dated 9th August, 2018, whereby the application to return the passport was rejected, stands quashed and set aside.

iii] The Investigating Agency is directed to return the passport to the applicant subject to the condition that the applicant shall seek prior permission of the Special Court, before leaving the country.

iv] The Revision application stands disposed of.

[N. J. JAMADAR, J.]