

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.1378 OF 2019

Shawn Anthony Mendonca ... **Applicant**

Versus

The State of Maharashtra ... **Respondents**

.....

Mr.Manish Bohara i/b. I. M. Dlima, Advocate for the Applicant.

Mr.Vinod Chate, APP for the Respondent/State.

....

CORAM : A.M.BADAR J.

DATED : 11th OCTOBER 2019.

P.C. :

1 The applicant/accused is facing trial for offences punishable under Sections 354A, 509, 504 and 506 of the Indian Penal Code, by this application, is challenging the Order dated 17/07/2019 passed by the learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai rejecting his application for permission to travel abroad for the purpose of his work assignment.

2 Heard the learned Counsel appearing for the applicant as well as the learned Additional Public Prosecutor appearing for the State. The learned Additional Public Prosecutor opposed the application by contending that there is no Confirmation Letter from the clients residing in foreign countries in pursuant to the

letter of the Employer of the applicant and, therefore, the application deserves to be rejected.

3 As pointed out by the learned Counsel for the applicant, in past, during pendency of the trial, the learned trial Court has permitted the applicant to travel abroad at least for eight times and that on such occasions, the applicant after attending his work in foreign countries has returned to India. This aspect is not disputed even in the impugned Order.

4 The applicant/accused is Computer Software Engineer serving in Software Company 'C AHEAD' having global offices in several countries. He is directed by his employer to attend clients at Johannesburg in South Africa, California in USA, Dubai in UAE and London in UK for the period from 7th October 2019 to 10th February 2020.

5 The applicant, therefore, preferred an application for permission to travel abroad before the learned trial Magistrate and the same came to be rejected with a reason that the offence is serious one and if the permission is granted, there is possibility of absconding the accused. There is no iota of evidence in respect of these findings and particularly in the wake of grant of permission on earlier 8 occasions by the learned trial Magistrate. Hence, the impugned Order cannot be sustained.

6 In the result, the application is allowed.

7 The impugned Order dated 17/07/2019 passed by the learned Metropolitan Magistrate, 12th Court, Bandra, Mumbai in CC No.204/PW/2016 rejecting the application for permission to travel abroad moved by the applicant/accused is quashed and set aside.

8 The applicant is permitted to travel to Johannesburg in South Africa, California in USA, Dubai in UAE and London in UK for the period ending up to 10th February 2020 by furnishing his true itinerary to the prosecuting agency.

9 The applicant shall also provide his address of residence in foreign countries so also his contact number to the prosecuting agency.

(A.M.BADAR, J.)