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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ W.P.(CRL) 2962/2018, CRL.M.A. 33195/2018, CRL.M.A. 48479/2018, CRL.M.A. 49198/2018, CRL.M.A. 49382/2018

SH. PRADEEP KONERU

..... Petitioner

Through: Mr. Sudhir Nandrajog, Sr. Advocate
with Ms. Neeha Nagpal, Advocate.

versus

CENTRAL BUREAU OF INVESTIGATION Respondent

Through: Mr. Sanjeev Bhandari, SPP for CBI
alongwith Mr. Prateek Kumar,
Advocate.

CORAM:

HON'BLE MR. JUSTICE NAJMI WAZIRI

ORDER

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10.01.2019

CRL.M.A. 242/2019 (by petr. seeking permission to travel abroad)

The applicant/petitioner seeks permission to travel outside India to Singapore and Switzerland for business purposes. A Status Report has been filed by the CBI verifying the particulars of the proposed travel.

By the order dated 18.12.2018, the petitioner was permitted to travel outside the country. He has travelled as permitted and returned to the country. The said order *inter alia*, reads as under:-

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It is the petitioner's case that he has travelled outside the country a number of times prior to issuance of the aforesaid FIR; that indeed the LOC had been suspended by the learned Trial Court on 12.09.2018 for the period from 17.09.2018 to 23.09.2018 for him to travel to China for

business purposes; that he could not travel to China due to unavoidable reasons. He claims to be a respectable member of Society with deep financial and social roots. The issuance of the aforesaid LOC is causing difficulty in his free movement for his business pursuits.

By the present application, the petitioner seeks to travel Dubai for an urgent business work. On 12.09.2018, the learned Special Judge (PC Act): CBI-03, Patiala House Courts, New Delhi, while granting permission to the applicant/petitioner to travel to China had observed as under:

“The fact that applicant/accused has been joining investigation as and when he is given notice by the 10 and in the absence of any material to indicate the possibility of applicant/accused leaving the country to evade trial/arrest, the plea of CBI is too general and vague. Moreover, Look-Out Circular issued against the main accused Moin Alditar Qureshi has been recalled by the previous court, therefore, in the. Facts and circumstances, on parity, there is no reason for continuation of Look-Out Circular against the applicant/accused.”

This Court had passed the following orders on 11.12.2018 and 14.12.2018:

Order dated 11.12.2018

“CRL.M.A. 49382/2018 (by petr. seeking permission to travel abroad & for addl. documents)

The petitioner seeks to travel to cities in West Asia on business between 12.12.2018 and 05.01.2019. However, it is submitted that the date of travel can be changed as per the directions of this Court. The petitioner was earlier granted permission by the Trial Court to travel to China. He submits that the said permission to travel to China could not be availed because of personal difficulty and the respondent had

been duly intimated of the same by a letter dated 21.09.2018.

The learned counsel for the CBI submits that the previous orders of this Court have not been complied with by the petitioner and that the petitioner has also not specified the details of assets owned by him.

In the circumstances, the petitioner is directed to file a fresh affidavit including the extent of his shares in the lands specified in the affidavit dated 05.12.2018 and whether the said lands are free from all encumbrances.

At the respondent's request, list on 14.12.2018."

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The petitioner has now filed an additional affidavit dated 17.12.2018 to the effect that in fact the FDRs have been encumbered. The learned Senior Advocate for the petitioner submits that the petitioner shall now furnish fresh/unencumbered FDRs for an amount of Rs.6 crores, in terms of the previous order, to the satisfaction of the Investigating Officer, CBI. Let the original FDRs be filed by 20.12.2018. The petitioner shall also file a fresh affidavit by tomorrow, supplying a copy of the same to the concerned I.O., detailing therein the place/address where he wishes to stay in Dubai and other contact numbers on which he could be contacted there. He shall also annex with the affidavit, copies of all his travel documents i.e. copy of his passport, air ticket etc. All the conditions imposed by the learned Trial Court vide the aforesaid order dated 12.09.2018, in addition to the conditions imposed by this Court, shall be complied with by the petitioner.

In view of the aforesaid and subject to the terms imposed, the petitioner/applicant is permitted to travel to Dubai up to 07.01.2019. It is directed that he shall return to India by 08.01.2019. For the said period the LOC shall remain suspended.

In the interim, the CBI may examine the list of assets

furnished by the petitioner. Upon the petitioner's return to India, the FDRs will be liable to be returned to him.

Renotify on 16.01.2019.

A copy of this order be given dasti to the learned counsel for the parties under signature of the Court Master."

In view of the above, the petitioner is permitted to travel to aforesaid countries from 12.01.2019 to 28.01.2019 on the same terms and conditions as were for his travel by the order dated 18.12.2018. He shall intimate the Investigating Officer of the addresses at which he would be staying outside India and the telephone numbers on which he could be contacted. For the aforesaid period the LOC shall remain suspended.

The petitioner shall return to India by 29.01.2019 and intimate the Investigating Officer.

A copy of this order shall be delivered by the respondent to the FRRO by tomorrow, in addition to such letters for modification of the LOC as may be requisite.

The learned Special Public Prosecutor for the CBI submits that due action in this regard has already been taken. Nevertheless, he shall ensure that there is no impediment in the order being given effect to.

The application is allowed in the above terms.

A copy of this order be given *dasti* to the learned counsel for the parties under the signature of the Court Master.

NAJMI WAZIRI, J

JANUARY 10, 2019

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