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

CRIMINAL APPLICATION NO.70 OF 2020

Chikelu Ugochi

...Applicant

Versus

Intelligence Officer,

Directorate of Revenue Intelligence

...Respondent

Mr. Advait Anil Tamhankar a/w Mr. Taraq Sayed, for the Applicant

Ms. M. H. Mhatre, A.P.P. for the Respondent – State.

CORAM : REVATI MOHITE DERE, J.

DATE : 23rd JUNE, 2020

P.C. :

1. Heard learned counsel for the Applicant.
2. By this application, the Applicant seeks relaxation of the condition no.3] of para 3] imposed by the learned District Judge – 2 and Additional Sessions Judge, Thane, vide order dated 21st December, 2019 in N.D.P.S. Special Case No.179 of 2019.
3. The condition of which relaxation is sought, reads thus:-
“3].
3]. Applicant shall produce photo identity, address

proof, mobile details of self and his two close relatives”

4. Learned Counsel for the applicant submits that the applicant is a Nigerian National and as such the said condition imposed vide order dated 21st December, 2019 can in no way complied with. He submits that the applicant being a Nigerian National there is no question of giving any photo identity proof or address proof of his two close relatives. He submits that the applicant is presently on cash bail and that the said condition i.e. condition no.3] be relaxed considering that the said condition can in no way be complied with by the applicant. He submits that even otherwise the applicant's passport is with the concerned authorities and that the applicant undertakes not to leave Mumbai and Thane without the permission of the trial Court. He submits that the Directorate of Revenue Intelligence (D.R.I) was informed that the matter was circulated for today and an e-mail to that effect was sent to the D.R.I Authority. He has produced a copy of the order dated 20th March, 2020 passed by this Court in the aforesaid application where it is clearly mentioned that if the respondents did not appear the Court would proceed to dispose of the said application and the matter was listed under the caption ‘for passing orders’. He submits that due to lock-down the aforesaid application could not be placed on board thereafter. As noted, on 20th March, 2020, none appeared on behalf of D.R.I. Even today

none appears on behalf of D.R.I, despite an e-mail being sent to the D.R.I authorities yesterday and despite the matter having being kept back. Hence, the matter is taken up for hearing.

5. As noted above, the learned District Judge – 2 and Additional Sessions Judge, Thane, vide order dated 21st December, 2019 in N.D.P.S. Special Case No.179 of 2019 has imposed a condition which is virtually impossible for the applicant to comply, considering that he is a Nigerian National.

6. Considering the aforesaid, the condition no.3] of para 3] imposed by the learned District Judge – 2 and Additional Sessions Judge, Thane, vide order dated 21st December, 2019, stands relaxed completely.

7. In addition to the conditions imposed by the learned District Judge – 2 and Additional Sessions Judge, Thane, vide order dated 21st December, 2019, the applicant, shall also inform his latest place of residence and mobile contact number where he is residing presently and/or change of residence or mobile details, if any, from time to time to the trial Court as well as to the concerned Police Station, in writing. The said condition to be complied with within two weeks from today. The

applicant's passport is with the authorities and as such no separate condition is required to be imposed on the applicant with respect to the same. Rest of the conditions imposed vide order dated 21st December, 2019, to remain as it is and the applicant shall comply with the same.

8. Application is allowed to the extent aforesaid and is accordingly disposed of.

9. All concerned to act on the copy of this order, digitally signed by the Private Secretary of this Court.

REVATI MOHITE DERE, J.