

IN THE HIGH COURT OF JUDICATURE AT MADRAS
DATED: 28.05.2020

CORAM

THE HONOURABLE MR.JUSTICE K.RAVICHANDRABAABU

W.M.P.No.9077 of 2020

in

W.P.No.3949 of 2020

Shri Ahmed A.R.Buhari,
S/o.Shri Abdul Rahman Buhary Syed,
No.8, Subba Rao Avenue,
3rd Street, College Road,
Chennai-600 006.

... Petitioner

Vs

1. Union of India
Rep. by Secretary,
Ministry of Home Affairs,
Government of India,
East Block - VIII,
Level-V, Sector-I,
R.K.Puram, New Delhi - 110 066.

2. The Directorate of Enforcement

Rep. by its Deputy Director,
Chennai Zonal Office,
Government of India,
2nd & 3rd Floor,
Murugesan Naicker Complex,
No.84, Greaves Road,
Chennai-600 006.

... Respondents

Prayer:

Writ Miscellaneous Petition filed praying to extend the permission to travel abroad granted to the petitioner vide order dated 10.03.2020 by another three months from 31.05.2020 till 31.08.2020 and suspending the LOC issued against him till 31.08.2020.

For Petitioner : Mr.B.Sathish Sundar
For Respondent : Mr.N.Ramesh
Special Public Prosecutor, for R2

ORDER

This matter is taken up for hearing through Video-Conferencing mode.

2. This Miscellaneous Petition is filed to extend the permission to travel abroad granted to the petitioner in the order passed by this Court dated 10.03.2020 by another three months from 31.05.2020 till 31.08.2020 and suspending the LOC issued against the petitioner till 31.08.2020.

3. Counter filed and Mr.N.Ramesh, learned Special Public Prosecutor appeared on behalf of the respondents.

4. The petitioner herein filed the above writ petition for mandamus to forthwith lift the Lookout Circular in F.No.ECIR/CEZO/I/01/2018 and allow the petitioner herein to travel to Singapore, Korea, United Kingdom, Europe, Bangladesh, Malaysia, Indonesia, Japan and China from February, 2020 till 31.05.2020.

5. After hearing both sides, this Court disposed the writ petition on 10.03.2020, by suspending the LOC issued by the second respondent till 31.05.2020 so as to enable the petitioner to travel abroad Singapore, Korea, United Kingdom, Bangladesh and China from 10.02.2020 to 31.05.2020, subject to fulfilment of certain conditions, which are as follows:

“a) The LOC issued by the 2nd respondent shall remain suspended till 31.05.2020, so as to enable the petitioner to travel abroad, namely Singapore, Korea, United Kingdom, Bangladesh and China from 10.02.2020 to 31.05.2020, subject to fulfilment of the following conditions.

- i) *The petitioner shall furnish FDR of Rs.50 lakhs and submit the same before the 2nd respondent within a period of seven days from the date of receipt of a copy of this order.*
- ii) *The petitioner shall furnish his details itinerary to the 2nd respondent before the departure.*
- iii) *The petitioner shall give his mobile number to the 2nd respondent and keep the said number in working condition throughout the above period.*
- iv) *The petitioner shall give details of his stay in countries where he wants to travel.*
- v) *The petitioner shall not try to contact any of the witnesses or tamper any of the evidence in any manner.*
- vi) *The petitioner shall appear before the Enforcement Directorate as and when directed by the said Investigating Agency.*
- vii) *In case of violation of the above conditions, the FDR submitted by the petitioner shall stand forfeited.”*

6. Now, the present miscellaneous petition is filed seeking for extension of time by stating that in view of the present lock down situation existing at Singapore and that the Indian Government is not permitting international flights to operate, the petitioner is not in a position to comply with the time frame fixed by this Court. It is stated that the petitioner had complied with the above conditions imposed by this Court and travelled to Singapore on 13.03.2020 and now, he is at Singapore with his family. Therefore, it is contended that the petitioner will not be in a position to return to India before the last date viz., 31.05.2020 as ordered by this Court and therefore, he needs extension of time till 31.08.2020.

7. The respondents, though filed a counter affidavit and opposed the application by raising the contentions on merits of the issuance of the LOC, it is an undisputed fact that as a result of spread of Covid-19, the lock down situation is continuing in most of the countries and more particularly, in Singapore, where the petitioner is now staying. This is totally an unforeseen circumstance and thus, the present miscellaneous petition

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deserves consideration.

8. Considering the above stated facts and circumstances, this Court is of the view that the petitioner can be granted extension of time till 31.08.2020. Accordingly, the order passed by this Court on 10.03.2020 and the time granted therein to the petitioner upto 31.05.2020 is extended to 31.08.2020. In other words, the suspension of LOC issued against the petitioner by the second respondent shall continue till 31.08.2020. This miscellaneous petition is ordered accordingly.

सत्यमेव जयते

28.05.2020

Note: Issue copy on 28.05.2020

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