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

+ W.P.(CrI.) No.783/2020

VIVEK NAYAR

..... Petitioner

Through: Mr. Prem Chandra Singh, Advocate.

versus

THE STATE OF DELHI

..... Respondent

Through: Mr. Rahul Mehra, Standing Counsel
with Mr. Chaitanya Gossain,
Advocate.

CORAM:

HON'BLE MR. JUSTICE ANUP JAIRAM BHAMBHANI

ORDER

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20.04.2020

CrI. M.A. Nos. _____/2020 (exemption)

Exemptions allowed, subject to just exceptions.

Applications stand disposed of.

W.P.(CrI.) No.783/2020

The petitioner, who is a British national seeks permission to travel to the United Kingdom for a period of two months from the date of departure. The petitioner also seeks exemption from personal appearance for a period of two months before the court of learned Additional Sessions Judge where the petitioner is standing trial in criminal case SC No.75/2017.

Issue notice.

Mr. Rahul Mehra, learned standing counsel assisted by Mr. Chaitanya Gossain, Advocate appear for the State on advance copy

and accept notice.

Mr. Mehra points-out that other things apart, by order dated 13.06.2017 the petitioner, who is an under-trial facing prosecution for offences under sections 328/376/406/506 IPC, has been admitted to bail by the Trial Court upon certain terms and conditions as mentioned in order dated 13.06.2017.

Mr. Mehra further points-out that by a subsequent order dated 08.05.2018, the petitioner's prayers for release of his passport and for permission to travel abroad have also been granted, subject to other terms and conditions as mentioned in order dated 08.05.2018.

It is stated that petitioner has availed the above two orders; has travelled to U.K. ; and has also returned as required to face trial. At present the proceedings before the Trial Court are at the stage of final arguments, the petitioner's statement under section 313 Cr.P.C. having been recorded on 17.02.2020 ; and the matter is posted for final arguments on 04.05.2020. Mr. Mehra submits that the petitioner should have approached the Trial Court which has already granted the above orders and sought further directions/orders, instead of invoking the extraordinary jurisdiction of this court under Article 226 of the Constitution.

Mr. Prem Chandra Singh, learned counsel for the petitioner states that he had approached the Trial Court by way of an application on 19.03.2020 seeking permission to travel to U.K. to attend to his family, who are facing hardship in view of the lockdown prevailing in U.K. ; however for certain reasons, the application could not be taken-up in time and was subsequently withdrawn by the petitioner on 09.04.2020.

In view of the above, after making some submissions in the matter, counsel for the petitioner seeks leave to withdraw the present petition, with liberty to file an application again before the Trial Court seeking the relief in line with what is sought in the present petition.

Accordingly, the present petition is dismissed as withdrawn, with liberty to the petitioner to approach the Trial Court with an appropriate application seeking permission to travel to U.K. for the purposes as disclosed in this petition; with a direction that if the petitioner files such application before the Trial Court, the same will be taken-up and decided on an urgent basis, in accordance with law. The petitioner is also given liberty to approach this court again thereafter, if so advised.

Petition is disposed of in the above terms.

Pending applications, if any, also stand disposed of.

ANUP JAIRAM BHAMBHANI, J

APRIL 20, 2020

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