

Vinita

IN THE HIGH COURT OF BOMBAY AT GOA.
CRIMINAL MISC. APPLICATION NO. 63 OF 2022
IN
CRIMINAL REVISION APPLICATION NO. 24 OF 2019.

PRAKASH SHANKAR VELIP ... Applicant.
VS
CENTRAL BUREAU OF INVESTIGATION
ANTI-CORRUPTION BRANCH ...Respondent.

Mr. S. G. Bhobe, Advocate for the Applicant.

Ms. A. Desai, Special Public Prosecutor and Ms. N. Volvoikar, Advocate for the respondent.

CORAM: G. S. KULKARNI, J.
DATE: 12 SEPTEMBER 2022.

P.C.:

- 1.** By this application, a prayer is made for return of the passport to enable the applicant to renew the same for him to travel abroad.
- 2.** It is applicant's case that in the proceedings of six FIRs' which are Crime Nos. 35/2011, 9/2011, 36/2011, 37/2011, 39/2011, and 40/2011 registered at Cuncolim Police station were transferred to the respondent -CBI and registered as Regular Case Nos. 6/S/2011, 6/S/2012, 7/S/2011, 8/S/2011, 6/S/2011, 2/S/2011, 3/S/2011 respectively.
- 3.** On completion of the investigation, a charge-sheet was filed against 21 accused including the applicant under Section 143,146, 147, 148, 149, 153, 188,

323, 324, 332, 341, 353, 435 of the Indian Penal Code read with Section 150 and 151 of the Indian Railways Act and Section 3 and 4 of the Prevention of Damage to Private Property Act.

4. The trial Court by order dated 9.12.2013 framed charges against the accused nos. 1 to 7, 17, and 20 and discharged accused nos. 8 to 16, 19, and 21. The applicant was accused no.1. Such order, passed by the trial Court was challenged before this Court, which was set aside by this Court by an order dated 14.11.2014 passed in Criminal Revision Applications Nos. 3,4,5,6,7,8, 9, 10, and 11 of 2014. By such order the proceedings were remanded to the trial Court to be heard afresh. On such remand, the learned trial Court heard the parties and discharged all the accused before it, by an order dated 3.10.2015. Such order passed by the trial Court has been challenged in the above Criminal Revision Application No. 24 of 2019. The Criminal Revision application was admitted by order by a co-ordinate Bench of this Court (M. S. Jawalkar, J) by an order dated 10.2.2021 and is now pending final hearing. The present application has been filed in the said proceedings.

5. The contentions of the applicant as urged in the application can be noted: It is contended that during the investigation of the case, the applicant was arrested on 5.08.2011 and was released on bail pursuant to an order dated 11.8.2011 passed by the Sessions Court, South Goa at Margao. By such order, the Sessions Court directed the applicant to deposit his passport. The applicant accordingly deposited his passport bearing No. E0942101 before the Sessions Court. The passport was

valid up to 21.01.2012. It is stated that thus the passport has continued to remain deposited with the learned Sessions Judge, South Goa Margao, in Sessions Case No.12/2013.

6. It is the applicant's case that the applicant is discharged and is no longer an accused in the said criminal proceedings as discharged by order dated 3.10.2015. The applicant has contended that he is a senior citizen (69 years in age) and is presently serving as Chairman of the Goa Agricultural Produce and Livestock Marketing Board at Margao, Arlem Salcete, Goa, which is a Government body. It is stated that the applicant is also the Chairman of the Quepem Urban Multipurpose Cooperative Society at Quepem Goa. He is a respectable member of society holding a responsible official position. It is stated that he is also a permanent resident of Saraswati Niwas, Bharatkar Hegde Dessai Marg, Kusman, Quepem, Goa.

7. Mr. Bhobe, learned Counsel for the applicant has stated that in the above circumstances, the applicant is desirous of having his passport released and returned to him so that the applicant can get the same renewed so as to enable him to travel abroad for any personal or official work. Mr. Bhobe has also placed on record a letter dated 23.08.2022 addressed by "COSAMB", National Council of State Agricultural Marketing Boards, New Delhi, addressed to the applicant to attend the event to be held at Abu Dhabi from 19.10.2022 to 21.10.2022 in "*Global Food Security in the XXIs: Risks, Challenges and Solutions to ensure resilient and sustainable fresh food supply chains*" It is stated that as the applicant

is holding an official position which would need to travel to attend such event, hence, the applicant is seeking release of his passport.

8. Having heard the learned counsel for the applicant and learned Special Public Prosecutor for the respondent, in the facts and circumstances of the present case, I am of the opinion that it would be appropriate to grant the relief as prayed for in the present application. It is quite clear that the applicant has firm roots in the society, he is a permanent resident of Goa. He is also holding a responsible official position as noted above.

9. Mr. Bhobe has also drawn the Court's attention to an order passed by a co-ordinate Bench of this Court (Sandeep K. Shinde, J) in the case of ***Ramesh Bombo Tawadkar Vs Central Bureau of Investigation Anti Corruption Branch and others in Criminal Misc. Application No. 400 of 2022-F***, in which a similar relief was granted. In such case, the applicant was one of the accused in the same criminal proceedings initiated against the present applicant. Shri. Ramesh Bombo Tawadkar also stood discharged by the order dated 3.10.2015 passed by the trial Court under which the present applicant also has stood discharged.

10. In the light of above discussion it is clear that there is no immediate requirement to secure the presence of the applicant in any proceedings before the Sessions Court. It is thus, in the interest of justice that the passport of the applicant be not detained any further. The application is accordingly allowed in terms of prayer clause(a) which reads thus:-

This Honble Court may be pleased to direct that the applicant's Passport lying deposited with the Court of the Additional Sessions Judge, South Goa at Margao, in Sessions Case No.12/2013, be released and returned to the Applicant to enable the applicant to renew the same so that the applicant can travel abroad for any personal or official work reasons if required and occasion so arises.

11. The aforesaid orders are passed however with a condition that in the event the applicant at any stage of the proceedings of the above Criminal Revision Application is directed to deposit the passport, he shall without any default comply with such orders.

12. The necessary action to return the passport be taken by the Sessions Court within three days from today.

13. Application stands disposed of in the above terms.

14. Parties to act on the duly authenticated copy of this order.

G. S. KULKARNI,J.

VINITA VIKAS NAIK Digitally signed by VINITA VIKAS
NAIK
Date: 2022.09.12 19:15:36 +05'30'