

Jurisdiction under Article 226 of Constitution of India and/or it's Inherent jurisdiction under Section 482 of Criminal Procedure Code, 1973 and pass appropriate Orders or Directions to quash and/or set aside a Look Out Circular with respect to Investigation being Order No. 07/458/2015/-CL II (WR) passed on 14.10.2016 and Order No. 03/741/2018-CL-II (WR) on 07/01/2019.”

3. Mr. Setalwad, learned Senior Counsel for the petitioner submits that the petitioner is required to travel to U.K. during the period from 1st July, 2022 to 22nd July, 2022 for business related purpose as well as for leisure. He submits that the petitioner was permitted to travel earlier on several occasions, both by the MPID Court, as well as the PMLA Court. Learned Senior Counsel has relied on the orders passed by the said Courts which are annexed at annexures – D, E and F. He further submits that the petitioner has abided by the said orders and has returned to India as per the conditions imposed by said Courts. He further submits that the petitioner is required to travel to U.K. for business related work and that there are meetings arranged with various firms in the U.K. for expansion of the business activities, during the period i.e. 1st July, 2022 to 22nd July, 2022. Learned Senior Counsel relied on one such

letter which is at page 70 Exhibit – I to the said petition. Learned Senior Counsel submits that the petitioner is ready to file an affidavit giving therein his entire itinerary of his overseas travel including his addresses where he would be staying and the contact numbers. He further submits that in view of the LOC, the petitioner was once unable to travel, despite being permitted by the MPID Court to travel overseas vide order dated 13th June, 2022. He submits that the petitioner would be accompanied only by his wife.

4. Mr. Venegavkar, learned Counsel appearing for the respondent No.2 opposed the petition. He submits that four companies of the petitioner are being investigated by the SFIO, out of which, in one case, complaint would be filed within one week. He further submits that as far as other companies are concerned, investigation is still in progress and as such, the petitioner is required to furnish some more information. He further submits that as far as the invitation document which is on page 70 is concerned, the concerned officer contacted the person whose mobile number is given

on page 70, however, there was no response to the said call. He further submits that an e-mail was also sent at the e-mail address, however, the officer has not received any communication, pursuant to the said e-mail sent to the officer.

5. Perused the papers. It appears that the petitioner is facing prosecution under the MPID Act as well as under the PMLA. Both the cases are pending before the learned Special Court. It appears that in both the cases, the said Courts had earlier permitted the petitioner to travel abroad on an application made by the petitioner before the said Courts. It is not in dispute that the petitioner travelled and returned thereafter and as such, has complied with the said orders passed by both the Courts i.e. PMLA Court as well as MPID Court. In paras 10 and 11, the petitioner has given details of his earlier travel outside India during the period, from 2014 to 2019. It appears that the petitioner intends to travel for his business related work as well as for leisure from the period from 1st July, 2022 to 22nd July, 2022. It is not in dispute that the petitioner has abided by the earlier terms and

conditions, whilst travelling abroad, as spelt out by the PMLA and MPID Courts in its orders. It appears that the four companies of the Birla Group are being investigated by the SFIO i.e. the Respondent No.2 and out of the said companies, in one case, complaint would be filed within one week. As far as the other three companies are concerned, it appears that investigation is still in progress. It also appears that two summons were issued to the petitioner by the respondent No.2, one on 20th September, 2021 and second on 8th April, 2022. The said summonses have been replied to, by the petitioner. The investigation with respect to the three companies appears to be still pending.

6. Considering that the petitioner has travelled earlier and is ready to abide by the terms and conditions as may be imposed by this Court, the petition is allowed on the following terms and conditions;

ORDER

- (i) The petitioner–Yashovardhan Birla is permitted to travel overseas to London, United Kingdom during the period from 1st July 2022 to 22nd July, 2022;

(ii) The petitioner, before his departure, to file an affidavit cum undertaking with the Registrar Judicial-1, Appellate Side of this Court, setting out the full itinerary of his overseas travel with all details, including the addresses where he would stay, contact numbers etc. A copy of the said affidavit shall also be furnished to the Investigating Officer of the SFIO i.e. Respondent No.2, before the petitioner's departure;

(iii) The petitioner shall undertake not to apply for renewal or extension of this order until he returns to this Country; and that he will return to India, on or before 22nd July, 2022;

(iv) The petitioner to also state in his affidavit cum undertaking that he will not travel to any other country except United Kingdom.

(v) The Immigration Authorities on all points of departure, will permit the petitioner to pass through immigration and to board his flight or flights, irrespective of whether the immigration system has been updated and whether the Respondent No.2 – SFIO has informed the Immigration Authorities or not;

(vi) In the meantime, the operation of the LOC issued against the petitioner, is stayed during the said period i.e. between 1st July, 2022 to 22nd July, 2022;

(vii) The Respondent No.2 – SFIO to communicate this order to the immigration authorities at the earliest and in any event within 24 hours of this order being uploaded.

7. The Writ Petition is disposed of in the aforesaid terms.

8. All concerned to act on the authenticated copy of this order.

V. G. BISHT, J.

REVATI MOHITE DERE, J.