

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

**CRIMINAL WRIT PETITION NO.2210 OF 2022**

Yashovardhan Birla

.. Petitioner

***Versus***

The Deputy Director,  
Directorate of Enforcement and Anr.

.. Respondents

.....

Mr.Sunny Punamiya, Advocate for the Petitioner.

Mr.Hiten Venegaonkar, Advocate for Respondent No.1 (E.D.)

Mr.Arfa Sait, APP for the Respondent No.2-State.

.....

**CORAM : PRAKASH D. NAIK J.**

**DATED : JULY 01, 2022.**

**P.C. :**

Not on Board. Mentioned. Taken on Board.

2                      Leave to amend prayer clause. Amendment be carried out  
forthwith.

3                      This is an application seeking permission to travel  
outside India i.e. London, UK from 4<sup>th</sup> July, 2022 to 22<sup>nd</sup> July, 2022.

4                      The petitioner was permitted to travel to England *vide*  
order dated 14<sup>th</sup> June, 2022, passed by Additional Sessions Judge in

PMLA Special Case No.25 of 2018 during the period from 15<sup>th</sup> June, 2022 to 30<sup>th</sup> June, 2022.

5 In view of the lookout notice, which was in-force, the petitioner could not avail of the permission granted by the Special Court/Sessions Court. The applicant had also preferred an application before the Special Court in MPID Case No.4 of 2014, seeking permission to travel out of India for a period from 15<sup>th</sup> June, 2022 to 30<sup>th</sup> July, 2022. The said application was allowed.

6 The petitioner had preferred criminal Writ Petition No.2175 of 2022 before the Division Bench of this Court (Coram : Revati Mohite Dere & V.G. Bisht, JJ.), challenging the lookout notice issued against the petitioner and the Division Bench *vide* order dated 30<sup>th</sup> June, 2022, passed the following order:

*1 Heard learned Counsel for the parties.*

*2 By this petition, the petitioner seeks following substantive relief;*

*“(a) This Hon’ble Court be pleased to invoke it’s Writ 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 1<sup>st</sup> July, 2022 to 22<sup>nd</sup> 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. 1<sup>st</sup> July, 2022 to 22<sup>nd</sup> 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 13<sup>th</sup> 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 1<sup>st</sup> July, 2022 to 22<sup>nd</sup> 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 20<sup>th</sup> September, 2021 and second on 8<sup>th</sup> 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 1<sup>st</sup> July 2022 to 22<sup>nd</sup> July, 2022;*

(ii) *The petitioner, before his departure, to file an affidavit cum undertaking with the Prothonotary & Senior Master 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 22<sup>nd</sup> 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 1<sup>st</sup> July, 2022 to 22<sup>nd</sup> 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.”*

7 Hence, it is prayed that the applicant may be permitted to travel as stated above from 4<sup>th</sup> July, 2022 to 22<sup>nd</sup> July, 2022.

8 Learned counsel for respondent no.1 submitted that the petitioner could have moved before the same Court for modification of order dated 14<sup>th</sup> June, 2022. Learned counsel for the petitioner submitted that the petitioner had preferred an application before the same Court, which was withdrawn since it would amount to review of the previous order. It is also submitted that the petitioner is required to travel from 4<sup>th</sup> July, 2022, and, that he had already booked tickets for said travel.

9 In the light of the order dated 30<sup>th</sup> June, 2022 passed by the Division Bench of this Court in Criminal Writ Petition No.2175 of 2022, order dated 13<sup>th</sup> June, 2022, passed by the Special Court/Sessions Court in MPID Case No.4 of 2014 and the previous order passed by the Special Court on 14<sup>th</sup> June, 2022, in PLMA Special case No.25 of 2018, the relief as prayed in this application can be granted.

10           The applicant is permitted to travel to England from 4<sup>th</sup>  
July, 2022 and to 22<sup>nd</sup> July, 2022, on the same terms and conditions  
as stipulated in order dated 14<sup>th</sup> June, 2022, passed by Special PMLA  
Court.

11           Writ Petition stands disposed of accordingly.

(PRAKASH D. NAIK, J.)