

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

***CRIMINAL WRIT PETITION NO.2404 OF 2022***

Naresh Chandra Sharma

...Petitioner

Versus

Central Bureau of Investigation and Anr.

...Respondents

Mr. Omprakash Jha i/b The Law Point, for the Petitioner.

Mr. Hiten S. Venegavkar, for the Respondent No.1- CBI.

Mr. V. B. Konde-Deshmukh1, A.P.P for the Respondent No.2 – State.

***CORAM : REVATI MOHITE DERE &  
SHARMILA U. DESHMUKH, JJ.***

***DATE : 20<sup>th</sup> JULY 2022***

***P.C. :***

1. Heard learned Counsel for the parties.

2. By this petition, the petitioner seeks the following  
substantive relief:-

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“a. *That this Hon’ble Court be pleased to issue an appropriate writ/direction suspending the Look-out Circular from 01.08.2022 to 30.08.2022 and permit the Petitioner to*

*travel Singapore from 01.08.2022 to 30.08.2022 on such terms and conditions that this Hon'ble Court may deem fit and proper."*

3. Learned counsel for the petitioner submits that the petitioner, aged 80 years intends to travel to Singapore from 1<sup>st</sup> August 2022 to 30<sup>th</sup> August 2022 to meet his son, who is currently residing in Singapore. He submits that the petitioner intends to travel to Singapore for the aforesaid period and to United Kingdom from 20<sup>th</sup> September 2022 to 5<sup>th</sup> November 2022. He submits that the petitioner filed an application before the learned Special Judge, (CBI), Court Room No.53, Greater Bombay, being CBI Misc. Application No.674 of 2022, seeking permission to travel to Singapore and United Kingdom, however, the learned Special Judge vide order dated 2<sup>nd</sup> July 2022 partly allowed the said application, inasmuch as, the petitioner was permitted to travel only to United Kingdom from the period 20<sup>th</sup> September 2022 to 5<sup>th</sup> November 2022, on such terms and conditions stipulated in the said order.

4. Learned Counsel for the petitioner submits that there was no real justification for the learned Judge to deny permission to the petitioner to travel to Singapore from 1<sup>st</sup> August 2022 to 30<sup>th</sup> August 2022, more particularly, when there is an extradition treaty between India and Singapore.

5. Mr. Venegavkar, learned Counsel appearing for the respondent No.1 – CBI opposed the petition.

6. Perused the papers. The petitioner aged 80 years has been arraigned as an accused in FIR case bearing No.RCBSM2019E0001 dated 4<sup>th</sup> January 2019 registered by the respondent No.1 – CBI, for the alleged offences punishable under Sections 120-B r/w 420 of the Indian Penal Code and under Sections 13(2) r/w 13(1)(d) of the Prevention of Corruption Act. Although, the aforesaid FIR was registered in 2019, we are informed that till date, charge-sheet has not been filed in the said case. It appears that the petitioner's one son is in Singapore and other in United Kingdom and hence, the petitioner

filed an application seeking permission to travel to Singapore from 1<sup>st</sup> August 2022 to 30<sup>th</sup> August 2022 and to United Kingdom from 20<sup>th</sup> September 2022 to 5<sup>th</sup> November 2022 for visiting his sons and for meeting his grand children residing there. The learned Special Judge vide order dated 2<sup>nd</sup> July 2022 permitted the petitioner to travel to United Kingdom from 20<sup>th</sup> September 2022 to 5<sup>th</sup> November 2022, on certain terms and conditions which have been stipulated in the said order. The reason for not permitting the petitioner to travel to Singapore was that the petitioner's son who is residing in Singapore can come and meet the petitioner in United Kingdom. *Prima facie*, we do not see any merit in the said reasoning, since the learned Special Judge once having permitted the petitioner to travel to United Kingdom was not justified in denying permission to the petitioner to travel to Singapore. It is not in dispute that there is an extradition treaty between India and Singapore. It appears that the petitioner intends to travel to Singapore to attend his granddaughter's first birthday which is on 19<sup>th</sup> August 2022 and to spend some time with his son and his family in Singapore. It appears that the petitioner's son

is employed in Singapore for the last 7 years and stays with his family. Several conditions have been imposed by the trial Court, whilst permitting the petitioner to travel to United Kingdom from 20<sup>th</sup> September 2022 to 5<sup>th</sup> November 2022.

7. Learned Counsel for the petitioner submits that the petitioner is ready to file an affidavit-cum-undertaking before the Registrar (Judicial – I), Appellate Side of this Court, that he will return to India on 30<sup>th</sup> August 2022, alongwith his itinerary giving details i.e. his contact details and addresses where he would be residing.

8. Considering the aforesaid, we allow the petition on the following terms and conditions;

### **ORDER**

(i) The petitioner – Naresh Chandra Sharma is permitted to travel to Singapore during the period from 1<sup>st</sup> August 2022 to 30<sup>th</sup> August 2022, in addition to the permission already granted by the learned Special Judge (CBI), Court Room No.53, Greater Bombay, vide order dated 2<sup>nd</sup> July 2022;

(ii) The petitioner, before his departure, to file an affidavit-cum-undertaking with the Registrar (Judicial-I), Appellate Side of this Court, setting out the full itinerary of his overseas travel with all details, including the addresses where he would stay, telephone/mobile/ contact numbers, on which he can be contacted during the said period. A copy of the said affidavit-cum-undertaking shall also be furnished to the respondent No.1 - CBI, before the petitioner's departure;

(iii) The petitioner before his departure shall also submit copies of his tickets for the onward and return journeys, to the respondent No. 1 – CBI as well as before the Registrar (Judicial-I), Appellate Side, of this Court;

(iv) 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.1 – CBI has informed the Immigration Authorities or not;

(v) In the meantime, the operation of the LOC issued against the petitioner, is stayed/suspended during the said period i.e. from 1<sup>st</sup> August 2022 to 30<sup>th</sup> August 2022;

(vi) The respondent No.1 – CBI to communicate this order to the immigration authorities at the earliest and in any event within 48 hours of this order being uploaded;

(vii) Needless to state, that the period to travel Singapore is in addition to the order dated 2<sup>nd</sup> July 2022, passed by the learned Special Judge (CBI), Court Room No.53, Greater Bombay.

9. Petition is allowed and disposed of in above terms.

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

***SHARMILA U. DESHMUKH, J.***

***REVATI MOHITE DERE, J.***