

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

***CRIMINAL INTERIM APPLICATION NO.1434 OF 2023
IN
CRIMINAL WRIT PETITION NO.440 OF 2023***

Ramesh Himatlal Shah Applicant

In the matter between

Ramesh Himatlal Shah Petitioner

Vs.

Union of India and Ors. Respondents

Mr. Prathamesh Kamat a/w. Mr. T. N. Tripathi & Ms. Kalyani
Wagle i/b T. N. Tripathi & Co. for the Applicant-Petitioner.

Mrs. P. P. Shinde, APP for Respondent-State.

Mr. S. K. Halwasia, Addl. PP a/w. Mr. Yash Palan & Mrs. Divya
Gontia for Respondent Nos.1 and 2.

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

DATE : 21 APRIL 2023.

P. C.

1. By this Interim Application, the applicant is seeking
direction to travel abroad i.e. to Moscow via Dubai from
29/4/2023 to 7/5/2023 and from Dubai to New York from
8/5/2023 to 13/5/2023 and to return from New York to Mumbai
via Abu Dhabi on 15/5/2023 for business purpose and as such

seeks suspension of LOC issued by Respondent No.2- Assistant Director, (Investigation) Serious Fraud Investigating Office.

2. Heard Mr. Prathamesh Kamat, learned counsel for the Petitioner, Mrs. P. P. Shinde, learned APP for Respondent-State and Mr. S.H. Halwasia, learned Additional Public Prosecutor for Respondent Nos.1 and 2.

3. Learned counsel appearing for the applicant submits that the applicant has received letter of invitation dated 5/4/2023 to participate in the public auction of rough diamonds scheduled from 1/5/2023 in Moscow. He further submits that the permission to travel is sought for the purpose of business and he has produced the entire itinerary of his visit in paragraph No.6 of the application. He would further submit that the applicant was permitted to travel abroad on earlier occasions vide order 11/4/2022, 16/12/2022 and 21/2/2023 passed by this Court.

4. Learned counsel appearing for Respondent Nos.1 and 2 do not oppose the application. He submits that the applicant

may be permitted to travel on the terms and conditions which were imposed by the Court in the previous orders.

5. The record indicates that the applicant was permitted to travel by this Court vide orders dated 11/4/2022, 16/12/2022 and 21/2/2023 and the applicant had returned to India within the stipulated period. It is not disputed that the applicant has also complied with all the terms and conditions imposed upon him while permitting him to travel abroad.

6. In view of the fact that the conditions stipulated in the earlier orders were not breached by the applicant and he returned to India within the stipulated period, we are inclined to allow the Interim Application and to suspend the LOC issued by Respondent No.2 for the period from 29/4/2023 to 16/5/2023 and permit the applicant to travel to Moscow via Dubai from 29/4/2023 to 7/5/2023 and from Dubai to New York from 8/5/2023 to 13/5/2023 and to return from New York to Mumbai via Abu Dhabi on 15/5/2023 on the following terms and conditions:

- i) The applicant to share his travel itinerary

alongwith the addresses at Moscow and New York and the contact numbers of the applicant with Respondent No.2;

ii) After the applicant's return to India on 16/5/2023, the applicant to intimate the Respondent in writing about his return on or before 28/5/2023.

7. The Application is allowed in the aforesaid terms.

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

SHARMILA U. DESHMUKH, J. REVATI MOHITE DERE, J.