

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

**INTERIM APPLICATION NO.1977 OF 2023
IN
INTERIM APPLICATION (ST) NO.9284 OF 2023
IN
WRIT PETITION NO.3429 OF 2022**

YASHOVARDHAN BIRLA

)...APPLICANT

V/s.

THE STATE OF MAHARASHTRA & ANR.

)...RESPONDENTS

Mr.K.Setalvad, Senior Counsel a/w. Mr.Sunny Punamiya a/w. Mr.Dinesh Dubey, Advocate for the Applicant.

Mr.H.S.Venegaonkar a/w. Ms.Priya Dubey i/b. Pradeep Yadav and Divya G., Advocate for the Respondent No.2-SFIO.

**CORAM : ABHAY AHUJA &
M.M.SATHAYE, JJ.**

DATE : 28th JUNE 2023

PC. :

1. This is an application seeking modification of the operative part of order dated 26th May 2023 passed in Interim Application (Stamp) No.9284 of 2023 to delete Clauses (ii)(c) and (ii)(d) thereof.

2. Mr.Setalvad, learned Senior Counsel, appearing on behalf of the Applicant, tenders across the bar an additional affidavit affirmed on

26th June 2023 whereby it has been clearly stated by the Applicant that the Applicant has not travelled pursuant to the said order dated 26th May 2023. Learned Senior Counsel draws the attention of this Court to paragraph 4 of the said additional affidavit to submit that, with respect to the travel of the Applicant's children, his children did travel on 29th May 2023 and have returned by 16th June 2023, but the Applicant has not travelled during this period. Learned Senior Counsel further draws the attention of this Court to paragraph 5 of the additional affidavit and submits that, though the Applicant attempted to travel on 17th June 2023, after his three children were back in India, however, due to another Look Out Circular issued purportedly by UCO Bank, he could not board the flight and has been in India since then. Learned Senior Counsel would submit that, in this view of the matter, since the period of travel in the order dated 26th May 2023 is only up to 1st July 2023 and the Applicant has no plans to travel until then, the permission granted under the said order, in a way, has become infructuous. Learned Senior Counsel submits that, the Applicant is, however, concerned that the Condition (d) with respect to his children staying back in India, may be used as a precedent in any future application, that the Applicant may make for travel or suspension of any other Look Out Circular.

3. Mr.Venegaonkar, learned Counsel for the Respondent-SFIO, confirms that the Applicant has not travelled pursuant to the order dated 26th May 2023.

4. Having heard the learned Senior Counsel for the Applicant as well as the learned Counsel for the Respondent-SFIO and having perused the additional affidavit, we are of the view that no modification is required in the order dated 26th May 2023, as the Applicant has, admittedly, not travelled and as submitted by the learned Senior Counsel for the Applicant, not likely to travel pursuant to the said order.

5. We note from the additional affidavit that during the period that was granted for the Applicant to travel, pursuant to our said order, although the children travelled but the Applicant has not travelled, and as such, there has been no breach of the order dated 26th May 2023.

6. We may also clarify that the conditions imposed in the order dated 26th May 2023 may not be considered as a precedent in any future application(s) that may be made by the Applicant for travelling

abroad or for suspension of any other Look Out Circular and the same be decided on their own merits.

7. The application stands disposed in the above terms. No costs.

(M.M.SATHAYE, J.)

(ABHAY AHUJA, J.)