

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

***CRIMINAL INTERIM APPLICATION NO.2194 OF 2023
IN
CRIMINAL WRIT PETITION NO.440 OF 2023***

Ramesh Himatlal Shah

...Applicant
(Orig. Petitioner)

IN THE MATTER BETWEEN :

Ramesh Himatlal Shah

...Petitioner

Versus

Union of India and Ors.

...Respondents

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

Mr. S. K. Halwasia, for the Respondent Nos.1 and 2.

Mr. V. B. Konde-Deshmukh, A.P.P for the Respondent No. 3 – State.

***CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.***

DATE : 21st JUNE 2023

P.C. :

1. Heard learned counsel for the parties.
2. By this interim application, the applicant has sought the following substantive reliefs:-

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- (a) *Permit the Applicant to travel abroad i.e. Moscow via Istanbul from 24/06/2023 to 27/06/2023 and from Moscow to New York via Istanbul from 27/06/2023 to 02/07/2023 and to return from New York to Mumbai via Abu Dhabi on 09/07/2023 for business purpose upon such terms and conditions as the Hon’ble Court may deem, fit and proper;*
- (b) *Permit the Applicant to travel abroad i.e. Hong Kong via Bangkok from 16/07/2023 to 21/07/2023 for business purpose upon such terms and conditions as the Hon’ble Court may deem, fit and proper.”*

3. Learned counsel for the applicant submits that permission is sought to travel to the aforesaid places for business purposes and for the same it is prayed that the L.O.C. issued by the respondent No.2 – Assistant Director (Investigation), Serious Fraud Investigating Office (SFIO), be suspended during the said period.

4. Perused the papers. It is not in dispute that on 4 earlier occasions, the applicant was permitted to travel abroad to the countries mentioned in the said orders. The orders by which the applicant was permitted to travel abroad, have been annexed to the

application from Exhibit - 'D' to Exhibit - 'G' respectively i.e. order dated 11th April 2022 passed in Writ Petition No.3009 of 2021; order dated 16th December 2022 passed in Criminal Writ Petition No.4612 of 2022; order dated 21st February 2023 passed in Interim Application No.693 of 2023 in Criminal Writ Petition No.440 of 2023 and order dated 21st April 2023 passed in Criminal Interim Application No.1434 of 2023 in Criminal Writ Petition No.440 of 2023. Admittedly, on all the 4 occasions, the applicant has returned as stipulated in the said orders.

5. Learned counsel for the respondent Nos. 1 and 2 states that although the earlier orders were passed, today he has no instructions from the SFIO. At this stage, learned counsel for the applicant states that the copy of the application was served on the office of the SFIO on 17th June 2023 and 20th June 2023 respectively. Despite service, the respondent No.2 has not given instructions to the counsel appearing for the said respondent.

6. It appears that the applicant is a carrying on diamond Export/Import business, which requires him to travel and participate/attend the business meetings. According to the learned counsel for the applicant at times, the applicant is required to travel abroad urgently for business purpose.

7. We are informed that till date, investigation is still in progress. As noted above, the applicant was permitted to travel abroad on 4 earlier occasions and that he has complied with the terms and conditions stipulated therein.

8. Considering the aforesaid, the application is allowed on the following terms and conditions;

ORDER

(i) The applicant – Ramesh Himatlal Shah is permitted to travel abroad during the period from 24th June to 2023 to 21st July 2023, as prayed in prayer clauses (a) and (b);

(ii) The applicant, before his departure, to furnish 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 to the respondent No.2 via e-mail/fax or any other electronic mode;

(iii) The applicant on his return to India, shall intimate his return in writing to the respondent No.2, within two weeks of his arrival;

(iv) The Immigration Authorities on all points of departure, will permit the applicant 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 has informed the Immigration Authorities or not;

(v) To enable the applicant to travel, the operation of the LOC issued against the applicant, stands suspended during the said period i.e. from 24th June to 2023 to 21st July 2023.

9. Learned counsel for the respondent Nos.1 and 2 to communicate this order to the immigration authorities forthwith and in any event within 24 hours of this order being uploaded.

10. Interim Application is allowed and disposed of in above terms.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.