

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL INTERIM APPLICATION NO. 2090 OF 2023
IN
CRIMINAL WRIT PETITION NO. 1975 OF 2023

Akhtar Hasan Rizvi

...Applicant

Versus

1. The State of Maharashtra
(Through Economic Offences Wing, Unit-V)

2. Union of India (Through the Ministry
of Home Affairs, Foreigners Division)

...Respondents

Mr. Rajiv Chavan, Senior Counsel a/w Ms. Priyanka a/w Ms. Shweta Ghose for the Applicant.

Ms. S.S.Kaushik, A.P.P for the Respondent No.1-State.

Mr. D.P.Singh for the Respondent No.2.

Mr. Babaram Shinde, PI, EOW, Mumbai.

**CORAM : REVATI MOHITE DERE &
GAURI GODSE, JJ.**
DATE : 19TH JUNE, 2023

P.C. :

1. Heard learned Counsel for the parties.

2. By this interim application, the applicant seeks the following substantive relief;

“(a) That this Hon’ble Court be pleased to suspend the purported Look-Out Circular issued against the applicant by the Respondent No.2 on recommendation of the Respondent No.1 for a period of 29 days commencing from 20th June, 2023 till 18th July, 2023.”

3. Perused the papers. It appears that the applicant is arraigned as an accused in connection with C.R.No. 786 of 2022 registered with the Vakola Police Station (subsequently transferred to EOW, Unit-V, Mumbai and re-registered as C.R.No.121 of 2022), for the alleged offences punishable under Sections 409, 420 r/w 34 of the Indian Penal Code and Section 3,4,8 and 13 of the Maharashtra Ownership of Flats (Regulation of the promotion of construction, sale, management and transfer) Act, 1963.

4. The applicant is aged 81 years. The other co-accused are the children of the applicant. The applicant being a Director of M/s Rizvi Land Developments Private Limited, which is now amalgamated into Rizvi Estates and Hotels Private Limited, is arraigned as an

accused in the said case. It appears that the applicant aged 81 years, is suffering from serious medical health issues, pursuant to which, the EOW had permitted him to travel abroad for medical treatment after suspending the Look-Out Circular issued against the applicant. It is not in dispute that the applicant returned to India, thereafter, *albeit* two months later, however, the reason given for the late return is the health condition of the applicant and as he was undergoing treatment in London at the Mayo Clinic Health Care. In this regard, learned Senior Counsel for the applicant relied on the medical case papers of the applicant, annexed to the application.

5. As far as the present application is concerned, learned Senior Counsel for the applicant states that the applicant intends to travel to London for his medical treatment as well as for his daughter's engagement in London, which is scheduled on 16th July, 2023. To the application, is annexed a copy of the engagement ceremony invite.

6. Learned APP when questioned, states that the complainant and his brother are alleged to have been cheated by the applicant and

other co-accused. At this stage, learned Senior Counsel for the applicant states that the applicant is protected by an interim order of 'not to arrest' by this Court. He further submits that the applicant was ready to deposit an amount of rupees 6 Crores and odd without prejudice to his rights, though the complainant has alleged that he has been duped for 2.80 Crores.

7. Considering the aforesaid and the fact that the applicant has travelled earlier and has returned back to India and having regard to the purpose for which the applicant intends to travel to London, the application is allowed on the following terms and conditions:-

ORDER

- (i) The applicant - Akhtar Hasan Rizvi is permitted to travel abroad during the period from 20th June, 2023 to 18th July, 2023;
- (ii) The applicant, before his departure, to furnish the full itinerary of his overseas travel with all details, including the address where he would stay, telephone/mobile/contact numbers, on which he can be contacted, during the said period to the concerned officer of the

Respondent No.1 – EOW, before his departure;

(iii) In order to enable the applicant to travel to London from 20th June, 2023 to 18th July, 2023, the LOC issued against the applicant by the Respondent No.2- Union of India on the recommendation of the Respondent No.1 – EOW, is suspended from 20th June, 2023 to 19th July, 2023.

(iv) The applicant to inform the office of the Respondent No.1 – EOW of his return within one week of his return.

(v) 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.1 – EOW has informed the Immigration Authorities or not.

8. 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.

9. Interim Application is disposed of on the aforesaid terms.

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

GAURI GODSE, J.

REVATI MOHITE DERE, J.