

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 4975 OF 2021

Union Of India Through
Dy. Commissioner Of Customs ...Petitioner
Versus
Marin Kataigi And Anr. ...Respondents

Ms. Anuradha Mane, SPP (Custom) for the Petitioner.
Mr. Mohanlal A. Sachwani for the Respondent No.1.
Mr. Amit A. Palkar, APP, for the Respondent No.2-State.
Mr. Vaman Pinge Superintendent of Customs present.

CORAM : G. A. SANAP, J.

DATE : 1st NOVEMBER, 2023.

P.C. :

1. The learned Advocate for the Respondent No.1/Accused No.1 submits that the Accused No.1 was allowed to travel abroad. It is pointed out that despite having order in her favour due to the difficulty created by the Petitioner, she could not travel abroad.
2. The learned Advocate submitted that, Accused No.2 who has been allowed to travel abroad, pursuant to the order of this Court (Coram: Prakash D. Naik, J) dated 12th July, 2022, passed in Criminal Writ Petition No.4973 of 2021 is not being allowed to enter the Country by Emigration department.

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3. The learned Advocate for the Accused Nos. 1 & 2, Accused No.2 submits that, Accused No.2 is ready to come to India provided he is allowed to enter the Country. The learned Advocate for the Accused submits that, the presence of the Accused No.2 is necessary for expeditious disposal of the case.

4. The learned Advocate Ms. Anuradha Mane appearing for the Petitioner, on instructions, from the officer by name Mr. Vaman Pinge, Superintendent of Customs Department, submits that, as and when the Accused No.2 comes to India, he will be allowed to enter the India. The learned Advocate for the Accused No.2 submits that, the Accused No.2 will come back to India on or before 6th November, 2023.

5. The learned Advocate for the Accused No.2 shall provide the travel program/itinerary and communicate the same to the department. The department on the basis of information shall see that the Accused No.2 is allowed to enter the India.

6. The learned advocate for the Accused No.1 submits that, the very purpose of the order, to allow her to travel the Abroad has been frustrated. He submits that, instead of passing any order or modifying that order, the purpose of the Accused Nos. 1 and 2

purpose would be served, if the trial pending before the Court of Metropolitan Magistrate is expedited and decided at the earliest.

7. In view of this order, allowing the Respondent No.1/Accused No.1 to travel abroad is set aside.

ORDER

- i. The Petition is allowed in the above terms.
- ii. The learned Metropolitan Magistrate, before whom, this case is pending is directed to dispose of this case expeditiously and in any case within a period of three months from the date of the appearance of the Accused Nos. 1 and 2 before him.
- iii. The accused shall appear before the learned Metropolitan Magistrate on 10th November, 2023.
- iv. Petition shall stands disposed off.

(G. A. SANAP, J.)