



Patil-SR

3288-23.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3288 OF 2023

IN

WRIT PETITION NO. 3046 OF 2023

Roopa Kudva

...Applicant.

V/s.

Union of India and Ors.

...Respondents.

Mr. Venkatesh Dhond, Senior Advocate a/w Ms. Ankita Singhania, Ms. Syeed Y. Mulani i/by Mulani and Co. for the Applicant.

Ms. Neha Bhide for Respondent Nos.1 to 4.

Ms. A.S. Pai, Public Prosecutor a/w Mr. S. S. Hulke, APP for Respondent-State.

**CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.**

DATE : 11th September, 2023.

P. C. :

1. Heard.

2. By this Interim Application, the Applicant seeks suspension of lookout circular/notice or any other document imposing travel restrictions on the Applicant, and for permission to the Applicant to visit Hong-Kong for the period 9th September, 2023 to 15th September, 2023 and to visit Copenhagen, Denmark from 2nd October, 2023 to 7th October, 2023.

3. Mr. Dhond, learned Senior Advocate appearing for the Applicant submits that, the Application has been filed on the belief that a lookout circular/communication to that effect has been issued by the Respondent-Directorate imposing travel restrictions upon the Applicant, as there was no response to the email dated 20th August, 2023 issued by the Applicant calling upon the Respondents to verify as to whether there was any other restriction imposed on her. He would further submit that an Enforcement Case Information Report bearing No.ECIR/MBZO-1/10/2021 was registered by the Respondent-Directorate pursuant to the First Information Report bearing No.12 of 2020 dated 23rd September, 2020 registered by EOW, Chennai, and the Applicant is not an accused either in the FIR registered by EOW or in the ECIR registered by Directorate. He would submit that pursuant to the summons issued to the Applicant, the Applicant had appeared before the Respondent-Directorate on 29th March, 2023, 30th March, 2023 and 31st March, 2023, and thereafter, the Applicant has not been summoned to the office of Respondent-Directorate. He would further submit that after the filing of the FIR on 23rd September, 2020, the Applicant has traveled overseas on six occasions and has returned to India as her husband and her father are residents of India and she has deep ties in India.

4. Ms. Bhide, learned counsel appearing for the Respondent Nos.1 to 4 submits that she is unable to assist the Court for want of instructions and would request for time.

5. The Affidavit of service filed by the Applicant indicates that the Interim Application was served upon the Respondent Nos.1 to 4 on 4th September, 2023. We have proceeded to consider the relief prayed for in the Application, as it has been submitted to this Court that the Applicant's presence is required at Hong-Kong for delivering a lecture, tomorrow i.e. on 12th September, 2023.

6. Pursuant to the summons issued to the Applicant, the Applicant had made herself available before the Respondent-Directorate on three occasions, namely, 29th, 30th and 31st March, 2023. It is the specific assertion that Applicant was informed on 31st March, 2023 that her questioning stood concluded. There is no reason to doubt the assertion of the Applicant that the Applicant is not named as accused in the FIR of EOW or ECIR. The Applicant has in the past traveled overseas on about five occasions after the lodging of FIR and has returned back to India. The Applicant's husband and father are based in India and it is not stated that the Applicant is a flight risk.

7. Considering the above, we do not find any impediment to

allow the application. We are inclined to consider the Application for the first leg of the Applicant's travel to Hong-Kong from 9th September, 2023 to 15th September, 2023. Accordingly, the Application is allowed on the following terms and conditions :

- (i) Applicant– Roopa Kudva is permitted to travel to Hong-Kong during the period 9th September, 2023 to 15th September, 2023;
- (ii) Applicant, before her departure, to furnish the full itinerary of her overseas travel with all details, including the addresses where she would stay, telephone/mobile/contact numbers, on which she can be contacted during the said period, to Respondent No.2;
- (iii) Applicant shall not apply for renewal or extension of this Order until she returns to this Country;
- (iv) The Immigration Authorities on all points of departure, will permit the Applicant to pass through immigration and to board her flight or flights, irrespective of whether the immigration system has been updated and whether Respondent No.2 has informed the Immigration Authorities or not;
- (v) To enable the Applicant to travel, the operation of the LOC/document placing travel restrictions on the Applicant, is stayed from 9th September, 2023 to 16th September, 2023.

8. Learned counsel for Respondent Nos.1 and 2 to communicate this order to the immigration authorities forthwith upon the order being uploaded.
9. Liberty to the Applicant to file a fresh application for the second leg of the Applicant's travel to Copenhagen, Denmark for the period from 2nd October 2023 to 7th October 2023.
10. Interim Application is disposed of in the aforesaid terms.
11. All concerned to act on the authenticated copy of this order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)