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WP2972-2023.doc

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO. 2972 OF 2023

Anil Mittal]
s/o Sh. Ved Prakash]
Residing At: R/o B1001,]
Ravechi Heights, Plot No. 25,]
Sector 7, Kharghar,]
Navi Mumbai -410210]...Petitioner

V/s.

1. The Union of India]
Through the Ministry of External Affairs]
Sought Block, E Block, Central Secretariat,]
New Delhi- 110001.]
Having its Mumbai address at:]
C-45 Bandra Kurla Complex Road, G Block,]
Bandra Kurla Complex, Mumbai -400098]

2. Bureau of Immigration]
Ministry of Home Affairs,]
Through the Immigration Officer,]
Government of India, East Block-VIII,]
Level-V, Sector-1, R. K. Puram,]
New Delhi-110066,]
having its Mumbai address at:]
Chhatrapati Shivaji Maharaj International]
Airport, Navpada, Vile Parle- East,]
Mumbai-400099]

3. Serious Fraud Investigation Officer No-1,]
6th Floor, Building 1, Mahatma Gandhi Road,]
Azad maidan, Fort, Mumbai, Maharashtra-400001]

4. State of Maharashtra]
Through the Officer of the Public Prosecutor]...Respondents

Mr. Rahul Agarwala, Mr. Tushar Agarwal, Ms. Jasmin Purani & Mr. Sajid Sayed for the Petitioner.

Mr. Akhileshwar Sharma i/b Mr. Pradeep Yadav & Ms. Divya Gontia for Respondent No. 3.

Ms. A. S. Pai, PP a/w Ms. M. H. Mhatre, APP for Respondent State.

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

DATE : 15th September, 2023.

JUDGMENT : (PER SHARMILA U. DESHMUKH J.) :

1. Rule. Rule made returnable forthwith and with the consent of the learned counsel for the respective parties taken up for hearing.
2. By this petition filed under Article 226 of Constitution of India, the Petitioner seeks permission to travel overseas to Dubai (United Arab Emirates) for business purpose for the period from 20th September, 2023 to 10th October, 2023 and for the said purpose seeks temporary suspension of the lookout circular issued against the Petitioner.
3. Mr. Rahul Agarwal, Learned counsel for the Petitioner submits that, vide Order No. F. No. 3/354/2019-CL-II (NR) dated 04.10.2019 the Respondent No. 3 SFIO was directed to investigate into the affairs of "Asian Colour Coated Ispat Ltd." of which the Petitioner was erstwhile Chief Operating Officer. He would submit that the lookout circular has been issued by SFIO and that he had co-operated with the SFIO and attended their office on four occasions during the

investigation.

4. Mr. Akhileshwar Sharma, learned counsel appearing for the Respondent No.3 raised an issue of maintainability that, the registered office of the company is situated at Haryana and the application ought to be filed before the High Court of Chandigarh. He would further submit that the investigation by SFIO is ongoing and the presence of Petitioner is required for investigation.

5. In response to the issue of maintainability, learned counsel for the Petitioner has pointed out the reply of the Respondent No. 3 filed before the Special Judge at Gurugram (page No.63 of the petition) in which Respondent No.3 has stated that the registered office of the company is not within the jurisdiction of the Court at Gurugram.

6. Considered the submissions and perused the papers.

7. The investigation by SFIO commenced in the year 2019 and has not concluded as yet. It is not disputed that on four occasions, the Petitioner had attended the office of SFIO and co-operated with the investigation.

8. As regards the issue of maintainability, it is the Respondent No.3 own case that, the registered office of the company is situated in Mumbai. The pleadings indicate that, the Petitioner had traveled overseas on number of occasions and returned to India. A detailed

itinerary has been given in paragraph No.5B (page No.17) of the petition.

9. Considering the above, we are inclined to temporarily suspend the lookout circular to enable the Petitioner to travel to Dubai from 20th September, 2023 to 11th October, 2023 on the following terms and conditions:

- (i) Petitioner– Anil Mittal is permitted to travel to Dubai (United Arab Emirates) during the period from 20th September, 2023 to 10th October, 2023;
- (ii) Petitioner, 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 Respondent No.3-SFIO;
- (iii) Petitioner shall not apply for renewal or extension of this Order until he returns to this country;
- (iv) The Immigration Authorities on all points of departure, will permit the Petitioner to pass through immigration and to board his flight or flights, irrespective of whether the immigration system has been updated and whether Respondent No.3 has informed the Immigration Authorities or not;
- (v) To enable the Petitioner to travel, the operation of LOC

placing travel restrictions on the Petitioner, is stayed from 20th September, 2023 to 11th October, 2023.

(vi) Upon his return to India on 11th October, 2023 the Petitioner to report to SFIO on or before 13th October, 2023.

10. Learned counsel for Respondent No.3 to communicate this Order to the Immigration Authorities forthwith upon the Order being uploaded.

11. Rule is made absolute in the above terms.

12. Stand over to 12th October, 2023 for recording compliance of the aforesaid Order.

13. All concerned to act on the authenticated copy of this Order.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)