

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

CRIMINAL APPLICATION NO. 1180 OF 2023

Dilip Yeshwant Gokhale

..Applicant.

Versus

State of Maharashtra

..Respondent

Mr. Niranjan Mundargi a/w. Chandansingh Shekhawat and
Yashovardhan Deshmukh i/b. Parinam Law Associates for
Applicant.

Mr. A. R. Patil, APP for State/Respondent.

CORAM : SARANG V. KOTWAL, J.

DATE : 15 SEPTEMBER 2023

PC :

1. The Applicant has challenged the order dated 05.09.2023 passed by the learned Additional Chief Judicial Magistrate, Pune, below Exhibit-166 in R.C.C.No.404990 of 2013. The Applicant had preferred said application for permission to travel to Thailand and Bangkok from 27.09.2023 to 06.10.2023. The learned Additional Chief Judicial Magistrate, vide the impugned order dated 05.09.2023 rejected that application. He observed that the applicant had filed the Criminal Revision

Application No.316 of 2019 before the Court of Sessions, at Pune and had obtained stay. For more than four years there was no progress in the trial and there were repeated applications made by him for permission to travel abroad. It is observed that the party concerned was required to get the revision application decided at the earliest and the trial cannot be kept idle in serious offences like U/s.406 and 420 of the I.P.C. On this ground, the application was rejected.

2. Learned counsel for the Applicant submitted that, on past three occasions permission was granted to the applicant to travel abroad and he has returned back without violating any conditions. The applicant has landed property in Pune. The dispute is between the brothers and sisters. The dispute resulted in registration of C.R.No.45 of 2013 at Shivaji Nagar police station, Pune. Learned counsel submitted that, it is pending since 10 years. There was a civil litigation between the parties. There is nothing to show that the applicant has contributed to the pendency of the criminal revision application before the Sessions Court.

3. Learned APP opposed this application. He submitted that the reasons given by the learned Magistrate are correct.

4. I have considered these submissions. If there is stay operating to the trial, it is for the State of Maharashtra to take appropriate steps as the case is a result of police investigation. Therefore, for pendency of the criminal revision application, the applicant cannot be unilaterally blamed. Even otherwise, it was not the subject matter for deciding the application to travel abroad. Learned counsel for the applicant relied on previous orders dated 12.09.2022, 17.03.2023 and 04.05.2023 by which the applicant was permitted to travel to different countries on different occasions. The applicant has abided by the conditions and he has returned to India. He has landed property in Pune. The dispute basically is between the brothers and sisters. Taking into account all these factors, permission can be granted to the applicant to travel abroad.

5. Hence, the following order:

O R D E R

- i) The Applicant is permitted to travel to Thailand and Bangkok between 27.09.2023 till 06.10.2023.
- ii) He shall furnish the itinerary and the contact numbers to the Investigating Officer.
- iii) On his return to India, he shall inform the Investigating Officer.
- iv) With these directions, the application is disposed of.

(SARANG V. KOTWAL, J.)