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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3912 OF 2023.

IN

CRIMINAL WRIT PETITION NO.440 OF 2023

Ramesh Himatlal Shah

...Applicant

In the matter between:

Ramesh Himatlal Shah

...Petitioner

vs.

Union of India & Ors.

...Respondents

Mr. Sidharth Samantaray a/w. Ms. Kalyani Wagle i/b M/s. T.N. Tripathi &
Co. for Applicant/Petitioner

Mrs. A.S. Pai, PP for Respondent Nos.1 and 2

Mr. Avinash Khamkedkar for Respondent No.3- State

**CORAM: A. S. GADKARI AND
SHYAM C. CHANDAK, JJ.**

DATE : 26th OCTOBER, 2023.

ORDER:- PER [SHYAM C. CHANDAK, J]

1) By this Interim Application, the Applicant is seeking the following reliefs:

(a) Permit the Applicant to travel abroad i.e. New York and Moscow via Abu Dhabi from 28th October, 2023 to 11th November, 2023 and to travel from Mumbai to Hong Kong via Bangkok from 26th November, 2023 to 2nd December, 2023 for business purpose upon

such terms and conditions as the Hon'ble Court may deem, fit and proper.

(b) That look out circular ("LOC") against the Applicant may kindly be suspended from 28th October, 2023 to 2nd December, 2023.

2) As stated in the application, the applicant is in business of Diamond Export/Import business for the last 35 years and as such is required to travel to various countries in connection with his work. It also appears that there is an SFIO investigation going on since 2018 and it is at the instance of the SFIO that the Look Out Circular has been issued as against the Applicant. It is not in dispute that the applicant has on six earlier occasions travelled on terms and conditions stipulated in the said order, pursuant to the orders passed by this Court.

3) By this Interim Application, the Applicant is seeking permission to travel to New York and Moscow via Abu Dhabi from 28th October, 2023 to 11th November, 2023 and to travel from Mumbai to Hong Kong via Bangkok from 26th November, 2023 to 2nd December, 2023 for business purpose. Accordingly the applicant seeks suspension of his LOC during the said period of travel.

4) Learned counsel for the applicant has tendered a compilation of the

Orders passed by this Court permitting him to travel to various countries on earlier occasions, on certain terms and conditions as well as his schedule for travel to New York and Moscow via Abu Dhabi and schedule for travel from Mumbai to Hong Kong via Bangkok. The said compilation is taken on record.

5) Considering the aforesaid, we permit the applicant to travel abroad i.e. to New York and Moscow via Abu Dhabi from 28th October, 2023 to 11th November, 2023 and to travel from Mumbai to Hong Kong via Bangkok from 26th November, 2023 to 2nd December, 2023 for business purpose on the following terms and conditions:

(i) During the said period i.e. from 28th October, 2023 to 2nd December, 2023 LOC issued at the instance of the SFIO shall stand suspended.

(ii) The applicant, before his departure/s as above, to file an affidavit-cum-undertaking with the Registrar (Judicial-I), Appellate Side of this Court, setting out 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. A copy of the said affidavit-cum-undertaking

shall also be furnished to the SFIO, before the applicant's departure/s.

(iii) The applicant before his departure/s shall also submit copies of his tickets for the onward and return journeys, to the SFIO as well as before the Registrar (Judicial-I), Appellate Side, of this Court; and also inform the SFIO of his return back to India within one week of his return.

(iv) The Immigration Authorities on all points of departure/s, 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 SFIO has informed the Immigration Authorities or not.

(v) Learned PP for Respondent No.2 -SFIO also assures to inform the immigration authorities of the orders passed today within 48 hours of the order being uploaded.

6) Interim Application is disposed of in the aforesaid terms.

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

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)