

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****INTERIM APPLICATION NO. 4481 OF 2023****IN****CRIMINAL WRIT PETITION NO. 3046 OF 2023**

Roopa Kudva

.. Applicant
(Org. Petitioner)

Versus

Union of India & Ors.

.. Respondents

Mr. Venketesh Dhond, Senior Advocate, a/w. Ms. Ankita Singhaniya and Sayeed Mulani i/b. Mulani and Co. for the Applicant.

Mr. Dashrath Dube, a/w. Rupesh Dubey, for Respondent No.1-Union of India.

Mr. V. B. Konde-Deshmukh, A.P.P., for Respondent-State.

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

DATE : 7th DECEMBER, 2023.

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

1) Heard Mr. Dhonde, Senior Advocate for the Applicant, Mr. Dube, for Respondent No.1-UOI and Mr. Konde-Deshmukh, learned APP for Respondent-State.

2) By this Interim Application, the Applicant seeks suspension of lookout circular/notice or any other document imposing travel restrictions on her and for permission to visit Portugal during the period from 22nd December, 2023 to 6th January, 2024, on account of personal reasons.

3) Mr. Dhond, learned Senior Advocate appearing for the Applicant submits that, the Application has been filed because a lookout circular/communication to that effect has been issued by the Respondent-Directorate imposing travel restrictions upon the Applicant. 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. But the Applicant is not an accused either in the FIR registered by EOW or in the ECIR registered by Directorate. He would submit that the Applicant has co-operated in the investigation. He would submit that after filing of the said FIR, the Applicant has traveled overseas on various occasions and has returned to India. Hence, the Applicant may be permitted to travel abroad.

4) Learned Advocate appearing for the Respondent Nos.1, 2 and learned APP for Respondent No.5 have opposed the Application.

5) The Applicant has in the past traveled overseas on several occasions after the lodging of the FIR and has returned back to India. The Applicant's husband based in India. Looking at the earlier Orders, the Applicant is not a flight risk.

6) Considering the above, and the other grounds stated in the Application, we do not find any impediment to allow the application. We

Order accordingly.

- (i) Applicant– Roopa Kudva is permitted to travel to Portugal during the period from 22nd December, 2023 to 6th January, 2024;
- (ii) Applicant, before her departure, to furnish to Respondent No.2 the full itinerary of her overseas travel with all details, including the addresses where she would stay and telephone/mobile/contact numbers, on which she can be contacted during the said period;
- (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 22nd December, 2023 to 6th January, 2024;

- 7) Learned Advocate for Respondent Nos. 1 and 2 to communicate this order to the Immigration Authorities forthwith and in any event within 24 hours of this order being uploaded.
- 8) Interim Application is disposed of in the aforesaid terms.
- 9) All the concerned to act on the authenticated copy of this Order.

(SHYAM C. CHANDAK, J.)

(A. S. GADKARI, J.)