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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ CRL.M.C. 1449/2022

+ CRL.M.C. 1488/2022

AJIT SINGH

..... Petitioner

Through: Mr. K. K. Manan, Sr. Adv. with Mr. Rahul Raheja, Mr. Gaurav Prakash, Mr. Rohit Raheja and Ms. Saumya Pandotra, Advs.

versus

DIRECTORATE OF REVENUE INTELLIGENCE Respondent

Through: Mr. Harpreet Singh, Sr. Standing counsel with Ms. Suhani Mathur and Mr. Jatin Kumar Gaur, Advs.

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Date of Decision: 24th May, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

1. The present petition has been filed under Section 482 Cr. PC seeking set aside of the order dated 23.12.2019 whereby the learned Additional Session Judge, Patiala House Court, New Delhi vide order dated 23.12.2019 in CRL. Revision Nos. 805/2019 and

806/2019 though granted permission to travel abroad but enhanced amount of surety and FDR to be furnished by the petitioner as per the conditions at serial (i) and (ii) of the order dated 23.12.2021 /21.11.2019 to 25,00,000/- (Twenty-five lakhs) instead of Rs.1,00,000/- (one lakh).

2. Sh. K. K. Manan, learned senior counsel for the petitioner submits that the learned Sessions Judge has enhanced the surety and the FDR amount without giving any reason. Learned senior counsel has further submitted that previously the permission to travel abroad had been granted numerous times and there has never been a violation of the conditions imposed by the Court. Learned senior counsel further submits that therefore this enhancement is totally illegal and without any basis.
3. Sh. Harpreet Singh, learned senior standing counsel for the DRI submits that the learned Sessions Court has enhanced the amount after taking into account the totality of the facts and circumstances.
4. I have considered the submissions and gone through the impugned order.
5. Without going into the merits of the case, it is a matter of the record that the learned Session Court has increased the surety and the FDR amount from Rs.1,00,000/- to Rs.25,00,000/- each and there is not even a single reason being given for the enhancement of the surety and the FDR amount.
6. In the counter affidavit filed by DRI, it has been submitted that the petitioner is a habitual offender and has committed the offence in another case of DRI in the year 2009. It has been further submitted

that the prosecution complaint has been filed against the petitioner and a personal penalty of Rs.5.90 crore has also been imposed upon him in the adjudication proceedings in the instant matter.

7. It has been further submitted that co-accused Komal Jain has also absconded from the proceedings and now she has been declared P.O.
8. It is a settled proposition that the Right to travel cannot be curtailed except for exceptional circumstances. It is a matter of record that earlier also petitioner was granted permission to travel abroad numerous times and the DRI has never submitted that any condition has ever been violated. The soul of any judicial order is the reason for passing any order. If the reasoning is not stated in a judicial order, it cannot be termed as a sound order. The sole purpose of giving reasons by the learned Court is to enable the litigant and the higher Court to understand the reasons and the thought process of the Court passing such an order.
9. In the absence of no cogent reason for the enhancement of the amount of surety and FDR from Rs.1,00,000/- to Rs.25,00,000/- each, the order dated 23.12.2019 is liable to be set aside. The rest of the conditions remain the same.
10. In view of the above, the present petitions are allowed and disposed of.

DINESH KUMAR SHARMA, J

MAY 24, 2023/Pallavi