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

+ CRL.M.C. 3726/2022, CRL.M.A. 15564/2022

DIRECTORATE OF ENFORCEMENT

..... Petitioner

Through: Mr. Arun Bhadwaj, Sr. Adv. with Mr. Anupam S Sharma, Special Counsel for ED with Mr. Abhishek Sharma, Ms. Harpreet Kalsi, Mr. Riput Daman Sharma and Mr. Abhishek Batra, Advs.

versus

ANOOP KUMAR GUPTA

..... Respondent

Through: Mr. Anirudh Bhakhru and Mr. Shadman Ahmad Shidqi, Advs.

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Date of Decision: 3rd February, 2023

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

J U D G M E N T

DINESH KUMAR SHARMA, J. (Oral)

The present petition was filed against the impugned order dated 02.08.2022, whereby, the respondent was granted the permission to travel abroad i.e. to Singapore from 10.08.2022 to 18.08.2022, which included Malaysia in between on 16.08.2022.

Directorate of Enforcement challenged this order before this Court and an interim stay of operation of impugned order dated 02.08.2022 was granted vide order dated 08.08.2022. However, now since the period for which the permission was granted has already expired. The petition accordingly, became infructuous. However, both the parties have an apprehension that the impugned order dated 02.08.2022 and order dated 08.08.2022 passed by this Court may be cited by either of the parties while applying for further permission to travel abroad. This Court directs that the order dated 02.08.2022 passed by the learned Special Court shall not be taken as a precedent. In case, the respondent moves an application for permission to travel abroad, the learned Special Judge shall decide the same in accordance with law afresh on the basis of contentions of both the parties as well as the merits of the case. No expression made herein shall tantamount to be an expression on the merits of the case.

As far as the interim order passed by this Court dated 08.08.2022 is concerned, the same stands subsumed with the present order.

In view of the above, the present petition along with pending application stands disposed of.

DINESH KUMAR SHARMA, J

FEBRUARY 3, 2023

Pallavi