

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

***INTERIM APPLICATION NO. 98 OF 2024
IN
CRIMINAL WRIT PETITION NO. 3694 OF 2023***

Chandra Prakash Khandelwal ... Applicant

Versus

Assistant Director, Serious Fraud
Investigation Office & Ors. ... Respondents

Mr. Hridhay Khurana a/w Mr. Adrish Majumder and
Ms. Sanjana Mehta i/b Trilegal for the Applicant

Mr. Vaibhav Gargade i/b Mr. Rahul Tiwari for the Respondent
No.1-SFIO
Ms. P. P. Shinde, A.P.P for the Respondent No.3-State

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.
WEDNESDAY, 10th JANUARY 2024**

P.C :

1 Heard learned counsel for the parties.

2 By this application, the applicant seeks permission to
travel to Dubai, U.A.E from 13th January 2024 to 23rd January
2024, for business purpose.

3 Learned counsel for the applicant submits that the applicant was earlier permitted to travel, pursuant to an order passed by this Court on certain terms and conditions. Learned counsel relied on the order dated 7th December 2023 passed by this Court (Coram : A. S. Gadkari and Shyam C. Chandak, JJ.) in an Interim Application No. 4445/2023 filed in the aforesaid writ petition.

4 Learned counsel for the respondent No. 1 does not dispute that the applicant travelled on the terms and conditions stipulated in the said order dated 7th December 2023 and that the applicant had complied with the terms and conditions stipulated therein. Learned counsel for the respondent No. 1 submits that similar conditions as imposed earlier by this Court, be imposed.

5 Perused the application. It appears that LOC has been issued as against the applicant, by which, he has been

restrained from travelling out of India. It is not in dispute that the offence which is being investigated is alleged to have taken place in 2006 and the case was registered in the year 2017. It is also not in dispute that the applicant has attended the office of the respondent No. 1 on several dates and that after June 2021, has not been summoned. The applicant had earlier travelled pursuant to an order passed by this Court dated 7th December 2022 and has complied with the terms and conditions stipulated in the said order. The applicant now intends to travel to Dubai, U.A.E from 13th January 2024 to 23rd January 2024 for business purpose, to meet his prospective and potential investors. That applicant has set-out his itinerary in para 21 of the application i.e. the places where he intends to travel and where he would be residing whilst at Dubai.

6 Considering the aforesaid, we do not find any impediment in allowing the application on the following terms and conditions :

(i) The applicant is permitted to travel to Dubai from 13th January 2024 to 23rd January 2024. During the said period of travel, the LOC issued at the instance of the respondent No.1-SFIO shall stand suspended;

(ii) The applicant, before his departure, shall 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;

(iii) A copy of the said affidavit-cum-undertaking shall also be furnished to the SFIO, before the applicant's departure;

(iv) The applicant, before his departure, shall deposit his wife's passport with the office of the SFIO;

(v) The applicant shall, on his return to India, within 48 hours, shall inform the SFIO of his return. On his return, the SFIO to hand over the wife's passport to the applicant.

(vi) The respondent No. 1 shall inform the Immigration Authorities of the order passed today, so as to enable the applicant to travel abroad, as permitted;

(vii) The Immigration Authorities, on all points of departure, 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;

(viii) The applicant shall not apply for extension of this order, until he returns to India;

(ix) Learned advocate for respondent No.1 to communicate this order to the Immigration Authorities forthwith and in any event within 24 hours of this order being uploaded.

7 Interim Application is allowed in the aforesaid terms and is disposed of.

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

MANJUSHA DESHPANDE, J. **REVATI MOHITE DERE, J.**