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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
INTERIM APPLICATION NO. 713 OF 2024
IN
CRIMINAL WRIT PETITION NO. 440 OF 2023

Ramesh Himatlal Shah ...Applicant
Versus
The Union of India & Ors. ...Respondents

Mr. Siddharth Samantray a/w Ms. Kalyani Wagle i/b T.N.Tripathi & Co., for the Applicant.

Mr. S.K.Halwasia for the Respondent Nos.1 and 2.

Ms. Anuja S. Gotad, A.P.P for the Respondent-State.

**CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.**
DATE : 21st FEBRUARY, 2024

P.C. :

1. Heard learned Counsel for the parties.
2. By this interim application, the applicant seeks permission

to travel abroad i.e. to Moscow (Russia) via Abu Dhabi from Mumbai, for the period from 24th February, 2024 to 5th March, 2024 and to New York from Mumbai, for the period from 30th March, 2024 to 10th April, 2024, for business purpose, on such terms and conditions, as the Court may deem fit and proper. It is prayed for during the said period i.e. from 24th February, 2024 to 10th April, 2024, the Look Out Circular ('LOC') issued against the applicant be suspended.

3. Perused the application. It is not in dispute that the Interim Applications filed by the applicant seeking suspension of his LOC and permission to travel abroad were allowed by this Court on eight occasions. The said orders are annexed to the application from Exhibit 4 at page 15 onwards i.e. order dated 11th April, 2022, 16th December, 2022, 21st February, 2023, 21st April, 2023, 21st June, 2023, 9th August, 2023, 26th October, 2023 and 12th December, 2023.

4. According to the applicant, he is required to travel for business purpose, since he is in the business of diamond export and

import for the last 35 years. It is the applicant's case that his major business is in Moscow, New York, Hong-Kong, Antwerp etc. and as such, he is required to travel to all the aforesaid places relating to his business.

5. Learned Counsel for the SFIO does not dispute the fact that the applicant has travelled earlier on eight occasions and that he has complied with all the terms and conditions stipulated in the said orders.

6. In view of the aforesaid, there is no impediment in allowing the application and as such, permitting the applicant to travel during the period as prayed for by the applicant. Accordingly, the application is allowed on the following terms and conditions:

ORDER

(i) The applicant - Ramesh Himatlal Shah is permitted to travel abroad i.e. to Moscow via Abu Dhabi from Mumbai, for the

period from 24th February, 2024 to 5th March, 2024 and to New York from Mumbai, for the period from 30th March, 2024 to 10th April, 2024.

(ii) The applicant, before his departure, on both the aforesaid occasions, 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 respondent No. 2 - SFIO, before the applicant's departure either by e-mail / fax;

(iii) The Immigration Authorities, on all points of departure, shall permit the applicant to pass through immigration and to board flight or flights, irrespective of whether the immigration system has been updated and whether the SFIO has informed the Immigration Authorities or not;

(iv) The respondent No.2 -SFIO shall inform the Immigration Authorities of the order passed today, at the earliest and in any event within 48 hours of this order being uploaded;

(v) In the meantime, the operation of the 'LOC' issued against the applicant, is stayed during the said period i.e. between 24th February, 2024 to 10th April, 2024.

8. Interim Application is allowed and disposed of in above terms.

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

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.