

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

***INTERIM APPLICATION NO.939 OF 2024
IN
CRIMINAL WRIT PETITION NO.3382 OF 2023***

Vivek Kudva

...Applicant

IN THE MATTER BETWEEN:

Vivek Kudva

...Applicant

Versus

Union of India and Ors.

...Respondents

Ms. Ankita Singhania a/w Mr. Sayeed Mulani i/b Mulani & Co., for the Applicant.

Mr. Dashrath Dube a/w Mr. Rupesh Dubey, for the Respondent No.1 – UOI.

Ms. Neha Bhide, for the Respondent Nos.2 and 3 – ED.

Ms. A. S. Gotad, A.P.P for the Respondent – State.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 4th MARCH 2024

P.C. :

1. Heard learned counsel for the parties.

2. By this interim application, the applicant seeks permission to travel overseas during the period from 18th March 2024 to 31st October 2024 i.e. for a period of 7 1/2 months, to United Kingdom, Singapore, Malaysia, Australia, Portugal and United States of America. During the said period it is prayed that the Look Out Circular ('LOC') issued as against the applicant be suspended.

3. Perused the application. It appears that an ECIR was registered as against the applicant on 23rd September 2020. Admittedly till date, no complaint has been filed in the said case, by the respondent – Enforcement Directorate ('ED'). It is not in dispute that the applicant has co-operated with the investigation and has attended the office of the ED, as and when called. The applicant is required to travel overseas to the countries as stated aforesaid, in relation to his work as well as to attend the said places for personal reasons.

4. Learned counsel for the applicant states that the applicant is ready to attend the office of the ED, as and when summoned. Statement accepted. It is also not in dispute that on two earlier occasions, the applicant was permitted to travel overseas. The said orders are dated 12th October 2023 and 7th December 2023 passed in Interim Application No.3672 of 2023 and Interim Application No.4442 of 2023 filed in the aforesaid petition.

5. Learned counsel for the respondent Nos.2 and 3 has no objection. She does not dispute the fact, that on both the earlier occasions, the applicant has abided by the terms and conditions, stipulated therein. She also does not dispute that the applicant has co-operated with the investigation, as and when called.

6. Considering what is stated aforesaid, the application is allowed on the following terms and conditions;

ORDER

(i) The applicant - Vivek Kudva, is permitted to travel overseas during the period from 18th March 2024 to 31st October

2024 i.e. for a period of 7 1/2 months, to United Kingdom, Singapore, Malaysia, Australia, Portugal and United States of America. During the said period of travel, the LOC issued as against the applicant, at the behest of the respondent–ED, shall stand suspended;

(ii) Every time, the applicant leaves the country to the places as stated aforesaid, the applicant, before his departure, shall furnish 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, to the respondent – ED, via e-mail/fax or any other electronic mode;

(iii) The applicant shall, on his return to India, within 48 hours, shall inform the ED of his return;

(iv) The respondent No.2–Joint Director, Directorate of Enforcement, Mumbai Head Office, shall inform the respondent No.4 – Bureau of Immigration, Ministry of Home Affairs, of the order passed today, forthwith and in any event within 48 hours of this order being uploaded;

(v) The Immigration Authorities, on all points of departure, shall 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 respondent No. 2 has informed the Immigration Authorities or not;

(vi) The applicant shall attend the office of the ED, as and when called, with prior notice of atleast two weeks.

7. 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.