

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

CRIMINAL WRIT PETITION NO. 3946 OF 2023

Alok A. Mehta

.... Petitioner

Versus

1. Central Bureau Of Investigation
2. Union of India through Bureau of Immigration
3. State of Maharashtra

.... Respondents

Ms. Mrunmai Girish Kulkarni, for the Petitioner.

Mr. Hiten Venegavkar, Special PP a/w Mr. Manoj Sabale, Mr. Ayush Kedia, for the Respondent No.1 – CBI.

Mr. D. P. Singh, for the Respondent No.2 – UOI.

Mrs. P. P. Shinde, A.P.P. for the Respondent No.3 – State.

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

DATE : 11th JANUARY 2024

P.C. :

1. The petitioner seeks quashing and setting aside/cancellation of the Look Out Circular (“LOC”), issued against him at the instance of the respondent No.1-CBI.

2. Learned Counsel for the petitioner submits that the petitioner was called by the respondent No.1-CBI, for recording of his statement in connection with the investigation of Case No. RC0772014A0004-CBI, BSFB, Mumbai. She submits that the statement of the petitioner was recorded way back on 19th October, 2023, after which he was not summoned even once, by the respondent No.1-CBI.

3. Learned Counsel for the petitioner submits that the petitioner is working as a Operations Manager at Dubai, UAE, where he is residing about 10 years with his family. She submits that the petitioner arrived in India at Mumbai on 23rd August, 2023, where he was stopped by the officers of the Immigration Bureau, at the airport and was not permitted to leave the airport, in view of the LOC issued against him. She states that pursuant thereto, the respondent No.1-CBI issued notice to the petitioner under Section 160 of the Cr.P.C.. The said notice (Exh-‘C’) is at page No.26 of the petition. She submits that the petitioner has not been arrayed as an accused in the said case and as

such, the LOC be cancelled/quashed and set aside, considering that the petitioner has to return to Dubai, UAE in connection with his job.

4. Mr. Venegavkar, learned Special PP for the respondent No.1-CBI, on instructions submits that the petitioner has not been arrayed as an accused in the said case. He submits that the petitioner's statement was recorded in the case as a witness. He further states that the respondent No.1 has no objection, if the petitioner returns to Dubai, UAE. Mr. Venegavkar, however, requests that an undertaking be submitted by the petitioner that he will attend the Court summons, as and whenever summoned by the Court, as a witness.

5. Learned Counsel for the petitioner has tendered an Affidavit cum undertaking of the petitioner, wherein he has stated that he would come to India from Dubai, UAE and assist the Investigating Officer of the respondent No.1-CBI, once in four months for a one year i.e. the period commencing from January 2024 till January 2025. In the said Affidavit, the petitioner has also undertaken to appear before the

concerned Court, as and when summoned as witness. The said undertaking is taken on record.

6. We have perused the petition. Admittedly, the petitioner is working in Dubai, UAE and residing there with his family. Admittedly, the petitioner is not an accused in the CBI Case. His statement is recorded as a witness. The petitioner is also undertaken to appear before the concerned trial Court and before the respondent No.1-CBI, as per the undertaking given by him today and as such, there is no justification for keeping the LOC pending against him.

7. Considering the aforesaid, there is no impediment in allowing the petition. Accordingly the petition is allowed in the following terms and conditions.

ORDER

(i) The Look Out Circular in Case No. RC0772014A0004-CBI, BSFB, Mumbai, issued against the petitioner, at the instance of the respondent No.1-CBI, is quashed and set aside.

(ii) The respondent No.1-CBI to forthwith inform the Immigration Bureau, of the Order passed today, in any event within 48 hours from the date of uploading of the present Order. Mr. Singh, learned Counsel for the respondent No.2 assures to inform the Immigration Authorities of this Order passed today forthwith, and in any event within 48 hours of from the date of uploading of this Order.

(iii) The petitioner to abide by the undertaking given by him.

(iv) The petition is allowed on the aforesaid terms and is accordingly disposed of.

(v) All the concerned to act on the authenticated copy of this Order.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.

CHAITANYA
ASHOK
JADHAV

Digitally signed
by CHAITANYA
ASHOK JADHAV
Date:
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