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

**INTERIM APPLICATION NO. 1740 OF 2024
IN
CRIMINAL APPEAL NO. 942 OF 2017**

Mona Arun Chopra

.. Applicant

Vs.

The State of Maharashtra & Anr.

.. Respondents

.....
Mrs.Sonali V. Parab for the applicant

Mr. M.G. Patil, APP for the respondent – State

Mr. Kuldeep S. Patil, Spl. PP for the respondent no.2 - CBI

.....

CORAM : PRITHVIRAJ K. CHAVAN, J.

DATED : 19th JUNE, 2024.

P.C.

1. The applicant who is admittedly a Cancer patient aged about 58 years seeks to travel to United States of America in the 1st week of July 2024 till 1st week of January 2025. Few facts germane for disposal of this application can be summarized as under.

2. Admittedly, the applicant has been convicted and sentenced by the Special Judge for CBI, Greater Mumbai on 5th October 2017 in connection with Special Case No.79 of 2004 for an offence

punishable under Section 12 of the Prevention of Corruption Act. The applicant has been sentenced to undergo imprisonment of 2 years and the fine of Rs.2,000/-. The judgment of conviction has been carried to this Court by way of an appeal, which came to be admitted on 30th November 2017. The appeal is now fixed for final disposal.

3. Learned Counsel for the applicant invites my attention to the fact of serious ailment with which the applicant has been suffering, in view of the medical discharge summary issued by Dinanath Mangeshkar Hospital and Research Center, Pune. The copy of the VISA at page 89 indicates that the applicant has been granted VISA by the US Consulate w.e.f. 22nd February 2024 till 20th February 2034.

4. The prosecutor on behalf of the CBI strongly objects the application mainly on the ground that there are no cogent and satisfactory reasons assigned by the applicant to travel to USA. The only reason, according to the learned Prosecutor as stated by the applicant, is that she was advised go for change of environment as a part of recovery mechanism. The application is also opposed *inter*

alia on the ground that the applicant has not given details of her properties which are located in India and, therefore, there is strong apprehension that she might not return as she is accompanied with her husband.

5. Having heard learned Counsel for the applicant and the learned Prosecutor and after perusing the additional affidavit of the applicant, it seems that the applicant and her husband both have properties at Pune, the details of which are given in the additional affidavit. Even otherwise, since it is B1/B2 VISA, the apprehension of the learned Prosecutor is devoid of any substance as the US Embassy will not allow stay of the applicant beyond six months. Apart from that, the applicant has given an undertaking that in case the appeal is heard by this Court finally, she would remain present. The said undertaking is accepted.

6. In view of the aforesaid reasons, I do not find any reason to refuse the prayer.

7. Consequently, the application is allowed in terms of prayer clause (a).

8. The applicant shall furnish her details as regards her stay and the communication details, including cell numbers to the respondent within a week.
9. The application is disposed of in the aforesaid terms.

(PRITHVIRAJ K. CHAVAN, J.)