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IN THE HIGH COURT OF DELHI AT NEW DELHI

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CRL.M.C. 2765/2024 & CRL.M.A. 10543/2024 (Stay)

AIR CUSTOMS

..... Petitioner

Through: Mr. Arun Khatri, Senior Standing
Counsel with Mr. Sahil Khurana,
Advocate.

versus

MUKHARRAMKHON JURAEVA

..... Respondent

Through: Mr. Arvind Pandey, Mr. Zahied F.
Chouhan, Mr. Saurabh A. Pandey and
Ms. Iquara Khan, Advocates.

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

26.04.2024

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1. The present petition under Section 482 of the Code of Criminal Procedure, 1973 seeks following prayers:-

“In view of the above facts and circumstances, it is most respectfully prayed before this Hon'ble Court pleased to:

a. Quash and set aside the impugned order dated 29.02.2024 passed by Sh. Yashdeep Chahal, Link MM-01, New Delhi District, Patiala House Court, Delhi in matter titled as Customs vs Mukharramkhon Juraeva.

b. Any other order which this Hon'ble Court may deem fit and proper in the interest of justice.”

2. Learned counsel appearing on behalf of the petitioner submits that the impugned order whereby the respondent has been granted permission to travel to Uzbekistan is liable to be set aside on account of the fact that the respondent is a foreign national and a resident of Uzbekistan and if allowed to travel abroad, there is every possibility for her to abscond and not



participate in the proceedings pending before the learned Trial Court.

3. Learned counsel appearing on behalf of the respondent submits that the permission to the respondent was given on account of the fact that her husband who is in Uzbekistan is in a precarious medical condition. It is submitted that since the husband of the respondent is on death bed, learned Trial Court has granted permission after due verification of the documents in pursuance of the application filed by the present respondent. It is pointed out that the said fact is duly verified by the Embassy of Uzbekistan and after keeping the same in consideration, the permission has been given. It is further submitted that the respondent is not involved in any other previous offences and the apprehension that the respondent will abscond is misplaced. Learned counsel appearing on behalf of the respondent further submitted that the Embassy of Uzbekistan is ready and willing to stand surety for the respondent for the purposes of travelling abroad.

4. Mr. Becnazar Askanrov, Head of the Counsellor Section, is present in Court and submits that he has instructions that the Embassy of Uzbekistan will stand surety for the respondent in the peculiar facts and circumstances of the case.

5. In totality of the facts and circumstances of the case and in the interest of justice, the order dated 29.02.2024 is modified to the extent that the condition with regard to the furnishing of the surety by the Embassy of the Uzbekistan through its Authorised Representative to the satisfaction of the Trial Court/Link Court shall be added in the conditions so recorded in the order dated 29.02.2024.

6. In view of the aforesaid directions, the present petition stands disposed of.



7. Pending application(s), if any, also stand disposed of.
8. Order be uploaded on the website of this court, *forthwith*.

AMIT SHARMA, J

APRIL 26, 2024/sn

Click here to check corrigendum, if any