



2024:DHC:4888



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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

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Date of decision: 01st July, 2024

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CRL.M.C. 6505/2023, CRL.M.A. 24432/2023,**CRL.M.A. 24433/2023, CRL.M.A. 35111/2023,****CRL.M.A. 1432/2024, CRL.M.A. 18154/2024,****CRL.M.A. 18246/2024****ZENG SHANGHAI**

..... Petitioner

Through: Mr. Sandeep Sharma, Mr. Sulalit Singh Sisodia, Mr. Aman Dhyani, Ms. Kanchan Semwal, Mr. Saurav Kumar Singh, Mr. Moksh Kataria and Ms. Muskan, Advocates.

versus

DIRECTORATE OF REVENUE INTELLIGENCE

..... Respondent

Through: Mr. Satish Aggarwala Sr. Standing Counsel and Ms. Mala Sharma SPP.

CORAM:**HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA****J U D G M E N T (oral)**

1. A Petition under Section 482 Cr.P.C read with Article 226 and 227 of the Constitution of India has been filed on behalf of the petitioner against the Order dated 26.08.2023 of the learned ASJ-04, Patiala House Courts, New Delhi, vide which the permission to the petitioner to travel to the native country of People's Republic of China has been declined.
2. It is submitted in the petition that the petitioner's father was ailing for



which reason the application was filed for seeking permission to travel to China. However, because of misdescription of the ailment from which the father was suffering, the application has been dismissed by the learned Metropolitan Magistrate on 22.05.2023. A Revision was preferred before the learned ASJ, who has also found no ground to interfere with the Order of the learned M.M and dismissed the Revision Petition on 26.08.2023.

3. Learned counsel for the petitioner now submits that the father has expired on 03.06.2024. The burial has already been done, but the last ceremonies are to be performed over a period of 60 days and, therefore, the petitioner is required to go back home for performance of the requisite ceremonies.

4. It is further submitted that the allegations against the petitioner are only of default in payment of import duties. The petitioner has already paid Rs.5.62 Crores and a balance of approx.Rs.7 Crores now remains to be paid. The DRI has not done any concrete investigations after the matter was registered. The bail also had been granted under Section 167(2) of Cr.P.C. It is submitted that there is no flight risk and the petitioner be permitted to now travel to China for the performance of the last ceremonies of his father.

5. Learned Standing Counsel on behalf of the respondent submits that the Verification Report is yet to be received by the Department from Ministry of External Affairs in regard to facts as are now being stated by the petitioner about the demise of the father of the petitioner. It is further submitted that the Embassy of China had written a letter about the demise of the father of the petitioner on its own and not in response to any request so made by MEA.

6. **Submissions heard.**



7. Initially, the permissions were being sought on the ground of the sickness of the father, however, the cause has changed completely, since apparently the father of the petitioner has died on 03.06.2024. Learned counsel on behalf of the petitioner submits that despite there being due intimation from Embassy of China vide email dated 11.06.2024 which has also been filed by the respondent along with the documents on 28.06.2024, the respondents are still taking a plea that the factum of demise is yet to be confirmed through MEA. It is submitted that if the petitioner approaches the Trial Court, the stand of the respondents are not certain as they are shifty in confirming the demise of the father of the petitioner as is reflected in the stand being taken by the respondent. The apprehension is expressed that it may cause an inordinate delay on account of the evasiveness of the respondent.

8. Considering that the Embassy of China had sought the intervention of Government of India to let the petitioner to come back to China for the last ceremonies of his father who has been stated to have died on 03.06.2024, it may be considered that the factum of demise of the father of the petitioner on 03.06.2024 is not under challenge. However, the grounds on which now the petitioner may be able to justify to travel to China are different and are required to be considered afresh. Therefore, the petitioner is given a liberty to approach the learned Trial Court with an appropriate application seeking permission to travel to China for the performance of the last ceremonies of his father.

9. Considering the time constraint the learned Trial Court is directed to decide the application within seven days of its being filed before the Court. With this the petition is disposed of along with the pending applications.



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10. It is hereby clarified that the previous orders which were made in the context of ailment of the father of the petitioner, shall not in any way adversely affect the contentions of the petitioner to travel to China which is purely on fresh grounds.

11. Copy of the Order be given Dasti under the signatures of the Court Master.

(NEENA BANSAL KRISHNA)
JUDGE

JULY 01, 2024

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Signature Not Verified

Digitally Signed By: AHIL
SHARMA

Signing Date: 01.07.2024
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