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

+ **CRL.M.C. 5335/2024**

SAI CHANDRASEKHAR

.....Petitioner

Through: Mr. Siddharth Sharma, Mr. Pranav
Diesh, Mr. Kartik Venu, Mr. Shikhar
Sharma, Mr. Paras Nath Mishra,
Advs.

versus

DIRECTORATE OF ENFORCEMENT

.....Respondent

Through: Mr. Zoheb Hossain, Special Counsel,
Mr. Vivek Gurnani, Retainer counsel,
Mr. Ashish Ranjan, Mr. Kartik
Sabharwal, Mr. Pranjal Tripathi, Ms.
Abhipriya, Advs.

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+ **CRL.M.C. 5344/2024**

SAI CHANDRASEKHAR

.....Petitioner

Through: Mr. Siddharth Sharma, Mr. Pranav
Diesh, Mr. Kartik Venu, Mr. Shikhar
Sharma, Mr. Paras Nath Mishra,
Advs.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Priyanka Dalal, APP for State
and Insp. Ashwani K., PS EOW.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER



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28.08.2024

CRL.M.A. 20433/2024 in CRL.M.C. 5344/2024

Exemption allowed, subject to all just exceptions.

Application stands disposed of.

CRL.M.C. 5335/2024 & CRL.M.C. 5344/2024

1. The present petitions have been filed under Section 528 BNSS challenging the order dated 05.07.2024, passed by Ld. Special Judge (NDPS/AS) Saket District Courts (South), whereby the learned Sessions Judge has declined the application of the petitioner seeking permission to travel abroad and consequent directions allowing the petitioner to travel abroad to the United Kingdom from 14.08.2024 till 14.10.2024 and directions for releasing passport No. 517928203, expiring on 12.10.2015 as well as OCI Card No. A2072543, belonging to the petitioner.
2. Learned counsel for the petitioner submits that the petitioner has applied to travel abroad for the reason that the petitioner's daughter's education is at a crucial juncture, and it is necessary for the petitioner to be present there to complete formalities for her admission in the university in the United Kingdom. Learned counsel submits that earlier also in the year 2018 petitioner was granted permission to travel abroad to Colombo, Sri Lanka for a period of one week and the same was not misused by the petitioner in any manner. Learned counsel submits that unfortunately the wife of the petitioner has expired who was a British citizen. Learned counsel submits that the visit of the petitioner is also necessitated to complete the formalities regarding the release of pension of his deceased wife. Learned counsel submits that some



formalities are also required to be completed regarding the insurance policy of the deceased wife of the petitioner.

3. Learned Special counsel for ED and learned APP for the State has opposed the petitions on the ground that the petitioner is holding a British Passport and is involved in serious cases registered by the EOW and the Enforcement Directorate. It has been submitted that earlier in the year 2018 when the permission was granted to the petitioner to travel abroad to Colombo, Sri Lanka for a period of one week, the circumstances were different. It has been submitted that at that time the wife of the petitioner and daughter were in the country and therefore there was lesser possibility of petitioner not coming back to India. It has been submitted that now the wife of the petitioner has expired and the daughter who is also a British citizen has gone to United Kingdom. Hence, the petitioner in all likelihood will not come back to India. It has also been submitted that two other accused are also absconding.
4. I have considered the submissions. There is no doubt in the mind of the court that the permission to travel is one of the facets of fundamental right and can be curtailed only in the exceptional circumstances. The petitioner herein is facing trial in the EOW case as well as the case filed by the Enforcement Directorate. The allegations made in the complaint are quite serious in nature. Allegedly, the petitioner is involved in an offence relating to inducing one M/s Hassad Netherlands BV to provide 70% bank guarantee of the loan amount of Rs. 750 crores taken by the accused company M/s Bush Foods Overseas Pvt. Ltd. from the Bank of India consortium on the basis of various misrepresentations, non-existent stock/inventory etc. in conspiracy with Vinod Sirohi,



Virkaran Awasthy and Ritika Awasthy. It is a matter of record that co-accused Virkaran Awasthy and Ritika Awasthy are absconding. It has also been alleged the proceeds of crime of about Rs. 20.97 crores have been transferred to the petitioner.

5. Learned counsel for the petitioner submits that in fact it was a inter se dispute between the directors of the company. However, the plea cannot come to the rescue of the petitioner keeping in view the overall case against the petitioner.
6. I consider, after taking into account the facts and circumstances of the case, the permission to travel abroad to United Kingdom cannot be granted to the petitioner. However, all the contentions of the petitioner are left open to be taken up at an appropriate stage to be considered in accordance with law.
7. In view of the discussion made herein above, the present petitions stand disposed of.

DINESH KUMAR SHARMA, J

AUGUST 28, 2024/AR/KR..