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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **CRL.M.C. 5558/2024 & CRL.M.A. 21184/2024**
BASIL Y.S. BARADEIYAPetitioner

Through: Mr. Anand Mishra, Ms. Vandita Nain
and Ms. Ayushi Rajput, Advs.

versus

STATE (GOVT. OF NCT OF DELHI)Respondent
Through: Mr. Satinder Singh Bawa, APP. for
State.
SI Rishi Kant Mishra, PS, VK North

CORAM:
HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

% **22.07.2024**

CRL.M.A. 21185/2024 (*Exemption*)

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.C. 5558/2024

3. The present Petition under Section 528 of BNSS has been filed on behalf of the petitioner seeking set aside of Order dated 15.07.2024 passed by the learned ASJ-01 (POCSO), Patiala House Courts, New Delhi in SC No. 240/2022 titled as "*State vs. Basil Y.S Baradeiya*" and consequently to grant extension of permission to travel/stay abroad to him until 10.08.2024.
4. It is stated that the petitioner has a small child of two years and his wife is not in a position to travel alone with her to India.
5. The wife of the petitioner is facing health issues and the petitioner is



required to stay back not only to complete the VISA formalities of his wife and son but also to take care of the ailing wife and the minor son.

6. It is further asserted that the petitioner is a *bona fide* resident of India and has established his truth worthiness and credibility in running his business in the name of “*B International Trading Co.*” which is involved in the trade of export of various items, including edibles, spare parts for automobiles, handicrafts, furniture, home furnishing etc.

7. The petitioner has no ill intension to leave India or to evade the ongoing trial.

8. It is submitted that the next date of hearing is 05.10.2024 and granting the additional permission till 10.08.2024 would not hamper the trial in any manner.

9. Hence, the request is made that the permission to stay in Tunisia may be extended till 10.08.2024 and the Order dated 15.07.2024 passed by the learned ASJ declining further extension of permission, be set aside.

10. Learned Additional Public Prosecutor has opposed the present petition and states that *vide* Order dated 2.05.2024, the petitioner was granted time till 15.07.2024 with directions to appear physically in the Court on 16.07.2024.

11. The petitioner instead of appearing on 16.07.2024 has sought further extension till 15.08.2024 which had been declined *vide* Order dated 15.07.2024 with the specific direction to the petitioner to appear in the Court on 23.07.2024.

12. Submissions heard.

13. The Order of the learned Trial Court dated 24.05.2024 was categorical in granting time to the petitioner to travel to Tunisia to facilitate the VISA



formalities of the wife and two year old son, to be able to travel to India.

14. Despite the specific time frame being given with the direction to the petitioner to return to India by 15.07.2024, the petitioner has failed to return and again he sought extension of time to stay in Tunisia to be able to get the VISA for the son.

15. On specific queries, learned counsel for the petitioner submits that there is no time frame for grant of VISA, though the application for VISA had been submitted much prior to the petitioner travelling to Tunisia, the same has not yet been granted till date.

16. In the circumstances, when the time of sanction/grant of VISA itself is not certain, the present petition filed by the petitioner seeking extension of time till 10.08.2024 and to set aside the Order dated 15.07.2024 is without merit which is hereby dismissed along with pending application, if any.

NEENA BANSAL KRISHNA, J

JULY 22, 2024/NG