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

+ **CRL.M.C. 6205/2024**

SARVESH SHARMA

.....Petitioner

Through: Mr. S.S. Ahluwalia, Mr. Yuvraj
Jaiswal and Ms.Saniya Zehra,
Advocates.

versus

STATE NCT OF DELHI

.....Respondent

Through: Ms. Richa Dhawan, APP for the State
with IOI/SI Arisal, PS Vasant Vihar.

CORAM:

HON'BLE MS. JUSTICE NEENA BANSAL KRISHNA

ORDER

09.08.2024

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CRL.M.A. 23695/2024 (Exemption)

1. Exemption allowed, subject to all just exceptions.
2. The application stands disposed of.

CRL.M.C. 6205/2024 (under Section 482 CrPC filed by the petitioner)

3. The Petition under Section 482 CrPC has been filed on behalf of the petitioner for setting aside the Order dated 29.07.2024, passed by the learned Judicial Magistrate, First Class-07, Patiala House Courts, New Delhi, *vide* which he has been declined permission to travel abroad.
4. It is submitted in the Petition that the Regular Bail has been granted to the petitioner by the learned ASJ *vide* Order dated 09.07.2024 though a condition was imposed that he shall seek prior permission to travel the abroad. The petitioner having his official business in Dubai, sought



permission to travel abroad for a period of three months but the same has been declined *vide* Order dated 29.07.2024.

5. It is submitted by the petitioner that his business is based in Dubai and his wife, two minor children and parents are dependent upon him. His wife is not working. He is the sole bread earner of the family. Since the entire business of the petitioner is in UAE, which is his bread and butter and due to official necessity and business commitments, he is required to travel abroad. Hence, permission is sought to travel abroad for three months.

6. The Investigating Officer is present.

7. **Learned APP for the State**, on instructions from the IO, submits that the physical presence of the petitioner is required to confront him with other two co-accused Ajam Khan and Rajesh Gogna. It is further clarified that the 82 CrPC proceedings have been initiated against both these accused because they are absconding. However, co-accused Rajesh Gogna has sought cancellation of his proceedings under Section 82 Cr.PC and is likely to be physically available for joining investigations.

8. Considering the submissions, the IO is at liberty to ask the petitioner to join the investigations in the next seven days after which the petitioner may travel to his place of business, after furnishing the address of the place of business and residence in UAE and also giving his Contact number to the IO and also to submit the same in the Trial Court.

9. He is permitted to travel abroad for three months, subject to the condition that in case, his physical presence is required by the IO for completion of investigations, IO may serve a Notice under Section 41A CrPC through, Mobile/WhatsApp after which he would join the investigations within seven days of receipt of such Notice.



7. In these terms, the Petition is hereby disposed of.

NEENA BANSAL KRISHNA, J

AUGUST 9, 2024/RS