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

+ **W.P.(CRL) 33/2024**

IMRAN KHAN

..... Petitioner

Through: Mr. Akashdeep Pandey,
Mr. AF Faizi, Mr. Shakir
Shabir and Mr. Sazid S. R.
Shah, Advs.
Petitioner in person.

versus

STATE (GOVT. NCT OF DELHI) Respondent

Through: Mr. Amol Sinha, ASC for
the State with Mr. Kshitiz
Garg, Mr. Ashvini Kumar
and Ms. Chavi Lazarus,
Advs.
Inspector Raj Kumar
Singh, PS – Prasad Nagar.

CORAM:

HON'BLE MR. JUSTICE AMIT MAHAJAN

ORDER

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09.01.2024

CRL.M.A. 287/2024 (*exemption from filing certified copies of the annexures, fair typed copies of the dim annexures and documents and also for not leaving proper margins*)'

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

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3. The present petition is filed, *inter alia*, challenging the order dated 02.12.2023 (hereafter '**impugned order**'), passed by the learned ACMM-2, Central District, Tis Hazari Courts, Delhi, whereby the petitioner's application seeking permission to go to China on account of a business trip was dismissed. The petitioner



also prays that permission be granted to him to travel abroad, that is China, for the purpose of his business.

4. This Court, by order dated 21.09.2023, admitted the petitioner on bail in FIR No. 30/2021, under Sections 406/420/120B of the Indian Penal Code, 1860 read with Sections 4/20/21/25 of the Indian Telegraph Act, 1885 and Section 65 of the Information Technology Act, 2000, registered at Police Station Hauz Qazi, on the condition that the petitioner shall not leave India without prior permission of the learned Trial Court.

5. As mentioned above, the learned Trial Court, by impugned order, dismissed the application filed by the petitioner for permission to travel to China.

6. An affidavit of itinerary has been filed by the petitioner stating that he has been involved in the business of cutting tools, and had travelled to China on earlier occasions also for the said purpose. His business involves purchase and sale of tools, and importing them to India.

7. Pursuant to his release on bail, the petitioner has obtained a business visa on 14.11.2023 from China. The petitioner had also booked the flight tickets for travel to China on 06.01.2024 and return from China on 16.01.2024, however, he could not travel due to the pendency of the present petition.

8. The petitioner has deposed in his affidavit that he is to travel to Guangzhou in Guangdong Province, and from there to Tauhou City, Zhenjiang Province, by road.

9. He has further deposed that other persons who were to travel along with the petitioner have already reached Tauhou City, and have booked an accommodation in Taizhou Peace, International Hotel, Tauhou City, Zhenjiang Province.

10. He further submits that the accommodation has been

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booked in the name of one of his associates, namely Mr. Amjad Khan.

11. He submits that he has to visit the hardware market in New Mechanical and Electrical Hardware City for the purpose of purchasing cutting tools. The petitioner has rescheduled his visit for the period from 11.01.2024 till 19.01.2024. The concerned flight tickets have been annexed along with the affidavit.

12. The learned ACMM, by the impugned order, had dismissed the application solely on the ground that India does not have any extradition treaty with China, and therefore the presence of the accused cannot be secured.

13. The learned Additional Standing Counsel for the State opposes the grant of permission for travel to China to the petitioner on the same ground as mentioned by the learned ACMM.

14. On being asked, it is informed that the petitioner lives in India with his family, which consists of his eight year old son and wife.

15. This Court is of the opinion that only because India does not have an extradition treaty with China, cannot be a ground to refuse permission to the petitioner to travel there for the purpose of his business.

16. It has specifically been deposed by the petitioner in his affidavit, that he had also travelled to China for the purpose of his business on earlier occasions.

17. The petitioner has a family which consists of his eight year old son, and therefore the apprehension of the petitioner fleeing, or not being present for the purpose of trial, seems to be without any basis.

18. The next date of hearing before the learned Trial Court is
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on 29.01.2024. The learned counsel for the petitioner, on instructions, undertakes that the petitioner would return before the said date, and will not seek any adjournment on the ground that the petitioner is travelling.

19. In view of the above, this Court considers it apposite to allow the present petition. The petitioner is permitted to travel to China for the period from 11.01.2024 till 19.01.2024.

20. It is made clear that no further extension to stay in China would be granted.

AMIT MAHAJAN, J

JANUARY 9, 2024

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