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

+ **CRL.M.C. 8620/2024**

YOGESH VATS

.....Petitioner

Through: Mr. Ved Vyas Tripathi, Mr. Vaibhav
Verma, Advs. with petitioner.

versus

STATE GOVT. OF NCT OF DELHI

.....Respondent

Through: Mr. Pradeep Gahalot, APP for State
and SI Anshul, PS Dwarka North.

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

04.11.2024

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CRL.M.A. 32971/2024

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

CRL.M.C. 8620/2024

3. The present petition has been filed under Section 482 Cr.P.C. r/w Section 528 BNSS for setting aside the order dated 23.10.2024 passed by Ld. ASJ-02, Dwarka Courts, New Delhi in the matter titled as "*State vs. Pramod Singh Poradhan & Ors.*" bearing S.C. No. 843/2022.
4. It has been submitted that vide order dated 23.10.2024 the petitioner has been directed to not leave the country without prior permission of the Court. The impugned order was passed on an application being moved by the complainant for seizure of passport of the petitioner.



5. Issue notice. Learned APP for the State has accepted the notice.
6. Learned counsel for the petitioner submits at the outset that the petitioner had taken admission in a course of Cloud Security in Sheridan College, Ontario Canada and committed a mistake by going to Canada without taking permission of the Court. Learned counsel submits that during this period the petitioner has been appearing regularly before the Ld. Trial Court through VC.
7. Petitioner is present in person and submits that his course will be completed in August 2025 and if he does not report back urgently there would be difficulty in extension of his visa that is expiring in December 2024. The petitioner further states that, to meet the procedural requirement for the visa extension he must be in Canada before 15.11.2024.
8. In the impugned order, the Ld. Trial Court has passed a direction to the petitioner to not leave the country without prior permission of the Court. The petitioner admittedly did not move any application seeking permission to travel abroad for the purpose of completing his education. I consider that it would be in the fitness of the thing that the application to travel abroad be moved before the Ld. Trial Court. The application may be taken up on the same day when the application is filed and be decided in accordance with law.
9. With these observations, learned counsel for the petitioner seeks permission to withdraw the present petition with liberty to move an appropriate application before the Ld. Trial Court.
10. Liberty granted.
11. In view of the submissions made, the present petition stands disposed



of. However, it is made clear that this court has not gone into the merits of the case and no expression made herein shall tantamount to be an expression on the merits of the case.

12. Copy of this order be given *dasti* under the signature of Court Master.

DINESH KUMAR SHARMA, J

NOVEMBER 4, 2024/AR/KR..