

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.1726 OF 2025

Juan Fernando Doncel Rivera ...Petitioner

Versus

Foreigners Regional Registration Office and Ors. ...Respondents

Mr. Taraq Sayed a/w Mr. Devashish Dhanjode and Ms. Ashwini Achari
for the Petitioner.

Mr. D. P. Singh, for the Respondent No.1-Foreigners Regional
Registration Office.

Mr. M. P. Dalvi, Addl.P.P. for the Respondent No.2-Narcotics Control
Bureau.

Mr. K. V. Saste, Addl.P.P. for the Respondent No.3-State.

***CORAM : REVATI MOHITE DERE &
DR. NEELA GOKHALE, JJ.***

DATE : 30th APRIL 2025

P.C. :

1. By this petition, the petitioner seeks a direction to the
respondent No.1-Foreigners Regional Registration Office (FRRO) to
issue an exit permit or in the alternative to legalize the stay of the
petitioner in India by issuing necessary Visa.

2. It appears that the petitioner was arrested on 15th February 2012 in connection with C.R. No.4 of 2012 for the offences punishable under the provisions of the Narcotic Drugs and Psychotropic Substances Act, ('the NDPS Act'). After a full-fledged trial, the learned NDPS Special Judge, City Civil and Sessions Court, Greater Bombay, convicted the petitioner vide Judgment and Order dated 6th January 2020 and sentenced the petitioner to undergo rigorous imprisonment for 15 years and to pay a fine of Rs.2,00,000/-, in default, to suffer further rigorous imprisonment for 3 years. The petitioner being aggrieved by the said order of conviction and sentence, filed an appeal before this Court being Criminal Appeal No.168 of 2020. This Court vide order dated 7th May 2024, quashed and set aside the Judgment and Order of conviction and sentence passed by the trial Court and as such set the petitioner at liberty.

3. The petitioner is a citizen of Colombia and has filed the aforesaid petition in view of the order of his Acquittal passed by this

Court.

4. On the last date, time was granted to the learned Addl.P.P. appearing on behalf of the respondent No.2-Narcotics Control Bureau (NCB), as to whether they intend to challenge the order of Acquittal.

5. Today, the learned Addl.P.P. appearing on behalf of the respondent No.2-NCB submits that he has received a mail from the NCB authorities, informing him, that the proposal send by the office of the NCB, Mumbai, was not found fit for filing an SLP. The said communication addressed to Mr. Jay Prakash Dubey by the NCB, Mumbai, is taken on record.

6. In view of the aforesaid, the learned Addl.P.P. appearing on behalf of the respondent No.2-NCB states that necessary 'No objection' will be given by the NCB, Mumbai, to the respondent No.1-FRRO, within three days from today. Statement accepted.

7. As soon as the 'No objection' is received from the respondent No.2-NCB, the respondent No.1-FRRO to process the petitioner's application and permit him to exit India.

8. Petition is allowed and disposed of in above terms.

All concerned to act on the authenticated copy of this order.

DR. NEELA GOKHALE, J.

REVATI MOHITE DERE, J.