

IN THE HIGH COURT OF JUDICATURE AT BOMBAY**CRIMINAL APPELLATE JURISDICTION****CRIMINAL APPLICATION NO. 411 OF 2025**

Jay Hitendra Shah

... Applicant

Versus

State of Maharashtra

... Respondent

.....

Ms. Sunaina Chakravartty, Advocate for the Applicant.

Mr. K.C.Shinde, APP for the State.

CORAM : SHIVKUMAR DIGE, J.**DATED : 3rd APRIL, 2025.****P C. :**

1. Leave to amend. Amendment be carried out forthwith.
2. By this application, applicant is seeking permission for travel to abroad and quashing and set the side the order passed by the Metropolitan Magistrate, Borivali dated 27.03.2025.
3. Learned counsel for the applicant submits that applicant is taking education in Canada and he has to appear for examination in Canada, hence applicant be given permission to travel abroad. Learned counsel for the applicant further submitted that in absence of applicant, Advocate for the applicant will conduct the trial, trial would not be hampered because of absence of the applicant. But this fact is not considered by the learned

Trial court, hence requested to allow the application. Learned counsel for the applicant filed affidavit of the applicant. The same is taken on record.

4. It is contention of learned APP that that applicant has been charged under section 354-D and 11 Sections of Indian Penal Code. If applicant is permitted to travel abroad, he may abscond or trial maybe prolonged. The Trial Court had passed well reasoned order and requested to reject the application.

5. I have heard both the learning counsel. Perused impugned order. The applicant is taking education in Canada. He wants to appear for examination. Yet charge has not been framed against the applicant. It may take time to conclude the trial. The applicant has filed undertaking along with Affidavit stating that in his absence his Advocate will proceed with the matter. If permission is rejected, the applicant's educational life will be ruined, considering these facts I pass following order.

ORDER

- i. The impugned order dated 27.03.2025 passed by Metropolitan Magistrate, Borivali, is quashed and set aside.
- ii. The applicant is permitted to travel Canada till September 2025. Though, the applicant is seeking permission to travel abroad till September-2026, such long permission cannot be granted. The applicant shall return to India in October

2025 or as per his convenience. He shall attend the Court dates if required and he can file fresh application for travel abroad till September-2026.

6. The Criminal application is disposed of.

(SHIVKUMAR DIGE, J.)