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

+ **CRL.M.C. 2290/2025**

M/S SURPAL CYCLES PVT. LTD. & ANR.Petitioners

Through: Mr. Kunal Tandon, Senior Advocate
with Mr. Saurabh Dev Karan Singh
and Ms. Natasha, Advocates.

versus

STATE OF NCT OF DELHI & ANR.Respondents

Through: Mr. Aman Usman, APP for the State
with Insp. Yograj Dalal.
Mr. Manoj Taneja, Advocate for R-2.

**CORAM:
HON'BLE MR. JUSTICE RAVINDER DUDEJA**

ORDER
04.04.2025

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CRL.M.A. 10353/2025 (Exemption)

Allowed, subject to all just exceptions.

The application stands disposed of.

CRL.M.C. 2290/2025, CRL.M.A. 10352/2025 (stay) & CRL.M.A. 10354/2025 (call of trial court record)

1. By virtue of present petition, petitioners are challenging the impugned order dated 02.04.2025, passed by the learned Chief Judicial Magistrate, upon an application filed by respondent No. 2, seeking permission to travel abroad from 05.04.2025 to 15.04.2025.
2. Vide aforesaid order, learned trial Court suspended the Look Out Circular ['LOC'], issued against respondent No. 2 and allowed him to



travel abroad, subject to imposition of certain conditions.

3. Mr. Kunal Tandon, learned Senior Advocate, has made two-fold contentions. Firstly, that there is no provision in Bhartiya Nagrik Suraksha Sanhita, 2023 ['BNSS, 2023'], empowering the Court of Magistrate to suspend/quash an LOC, it being an administrative action of the Investigating Agency and can only be called in for judicial review by Constitutional Courts.

4. The second leg of his contention is that, it is a case of huge cheating of approximately Rs. 22 crores but the conditions imposed, in particular, condition (a.) is very mild.

5. Mr. Manoj Taneja, learned counsel appearing for respondent No. 2 places reliance on the judgment of **Sumer Singh Salkan vs. Assistant Director and Ors.** [W.P. (Crl) 1315/2008], wherein it has been held that Subordinate Court jurisdiction in affirming or cancelling the LOC is commensurate with the jurisdiction of cancellation of Non Bailable Warrants or affirming the Non Bailable Warrants. It is thus submitted that the trial Court, while, granting permission to respondent No. 2 to travel abroad has power to put the LOC under suspension during the travel period.

6. With regard to the conditions imposed in the order, he has no objection in case more stringent conditions are imposed. He further submits that in compliance of the trial Court order, he has already furnished a surety of Rs. 1,00,000/- and has furnished an affidavit furnishing his itinerary along with copies of tickets for his travel and containing details of his e-mail id and even numbers on which he shall remain available at all times during the travel period. He further states that the flight tickets of 05.04.2025 are already booked and having complied with the conditions imposed by the



learned trial Court, respondent No.2 is scheduled to depart for Italy tomorrow i.e. on 05.04.2025.

7. After part arguments, learned Senior Counsel for the petitioners states that he does not press his arguments regarding lack of competence of the trial Court to put LOC under suspension as of now as the same would require deep consideration. Thus, the only contention pressed before the Court is for imposing more stringent conditions to ensure that respondent No.2 adheres to the travel itinerary and returns back on the scheduled date.

8. Since the cheated amount is stated to be to the tune of Rs. 22 crores, considering the overall facts and circumstances, the petition is disposed of with direction that respondent No. 2 shall furnish an FDR of Rs. 15,00,000/- and shall also furnish surety bond of the same amount before the learned trial Court as a condition for grant of permission to travel abroad and the same shall stand forfeited in case of violation of this order.

9. The remaining order passed by the learned trial Court shall remain the same.

10. The contention raised by the petitioner with regard to challenge to the power of Subordinate Courts to quash the LOC is kept open.

11. A copy of this order be given *dasti* under the signatures of the Court Master.

RAVINDER DUDEJA, J

APRIL 4, 2025/vd