

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 492 OF 2026

James Leonard Watson

..Applicant

Versus

Union of India & Ors.

...Respondents

Mr. Zaman Ali, for the Applicant.

Mr. P S Gujar, for the Respondent No. 1 & 2 - UOI.

Mr. Kaushik Mhatre, Spl. PP a/w Mr. Sanket Dhawan, for the
Respondent No. 3 – State.

Mr. D J Haldankar, APP for the Respondent – State.

CORAM: N. J. JAMADAR, J.

DATE : 17th MARCH 2026

Oral Order:

1. Heard the learned Counsel for the parties.
2. By this application the Applicant – a Foreign National seeks a direction to the Respondent No. 2 – Foreigners Regional Registration Officer, Bureau of Immigration, Ministry of Home Affairs, Govt. of India to allow the applicant's application for an exit permit forthwith and allow him to leave India.
3. The applicant is arraigned in the CR No. 456/2025 registered at Bhiwandi Taluka Police Station, Bhiwandi, for the offences punishable under Sections 299, 302, 223, 3(5), 126(2) of the Bhartiya Nyaya Sanhita, 2023, Section 3 of the

Maharashtra Prevention and Eradication of Human Sacrifice and Other Inhuman, Evil and Aghori Practices and Black Magic Act, 2013 and Section 14 of the Foreigners Act, 1946.

4. By an order dated 29th October, 2025, the learned Additional Sessions Judge released the applicant on bail, subject to conditions including that, the applicant shall not travel abroad without obtaining prior permission of the Court of Session till completion of period of his visa or till conclusion of the said case whichever was earlier.

5. The applicant filed an application being Criminal MA No. 12/2026 before the Court of Session seeking permission to travel to United States of America purportedly to attend to his ailing mother, who is stated to be suffering from Stage II, HER2 - positive breast cancer.

6. By an order dated 27th February, 2026, the learned Additional Sessions Judge allowed the said application and permitted the applicant to travel abroad during the period 09th March, 2026 to 18th April, 2026.

7. On the basis of the aforesaid order dated 28th February, 2026, the applicant filed an application for an exit permit before

the Respondent No. 2. On 10th March, 2026, the Respondent No. 2 has informed the applicant that the application was not being processed further as the Investigating Agency has raised objection.

8. The applicant has thus invoked the inherent jurisdiction of this Court.

9. Mr. Ali, the learned Counsel for the applicant, submitted that, once the jurisdictional Court has permitted the applicant to travel abroad, the Respondent No. 2 could not have declined to process the application for exit permit. The denial of the exit permit frustrates the order passed by the Competent Court. The course adopted by the Respondent No. 2 is patently illegal. Reliance was placed on an order passed by the learned Single Judge of this Court in the case of *Cong Ling Chinese National Vs. FRRO Bureau of Immigration & Ors.*¹, wherein this Court has deprecated the action of the FRRO in withholding the exit permit despite the acquittal of the applicant therein.

10. In opposition to this, Mr. Mhatre, the learned Special P. P. submitted that, the charges against the applicant are grave. The prosecution has preferred a Revision Application being Cri.

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Revision Application (st) No. 5457/2026 assailing the legality and correctness of the order passed by the learned Sessions Judge. Having regard to the gravity of the accusation and the circumstances in which the applicant was apprehended alongwith incriminating books and documents, the applicant cannot be permitted to leave the country. Lest, the prosecution would suffer grave prejudice.

11. At this stage and in this proceeding, this Court cannot delve into the legality, propriety and correctness of the order passed by the learned Additional Sessions Judge. The prosecution would be required to assail the same in the proceeding; which it has already filed. What has to be seen in this application is legality and justifiability of the action of Respondent No. 2 in declining to process the application for exit permit. The stated reason of refusal to process the application for exit permit is the objection raised by the Investigating Agency.

12. The situation which thus obtains is that, there is an order passed by the Competent Court which permits the applicant to travel abroad. The said order was passed in pursuance with an earlier bail order, by which the applicant was directed not to

leave the country without obtaining the prior permission of the said Court. Can the Investigating Agency be permitted to overreach the orders of the Court and defeat the same by filing objection before the FRRO, is the question.

13. In the considered view of this Court, such a course cannot be countenanced. A judicial order of a Competent Court cannot be denuded of its meaning and content, in an indirect manner. Till the order permitting the applicant to travel abroad is in force, it commands obedience by the authorities. The binding efficacy and force of the order cannot be permitted to be diluted or otherwise defeated. If the Investigating Agency was aggrieved by the order passed by the learned Additional Sessions Judge permitting the applicant to travel abroad, the proper course for the Investigating Agency was to immediately assail the said order before the appropriate court. The FRRO was therefore not at all justified in refusing to process the application further on the ground that, the Investigating Agency has raised the objection.

14. Having regard to the limited nature of the controversy before this Court, the application stands allowed with a direction to FRRO (R-2) to process the application for exit permit

of the applicant within a period of two days from the communication of this order.

15. The FRRO shall have due regard to the order passed by the learned Sessions Court on 27th February, 2026 permitting the applicant to travel abroad and pass an appropriate order in accordance with law.

16. The application thus stands disposed.

17. All concerned to act on an authenticated copy of this order.

[N. J. JAMADAR, J.]