



Gitalaxmi

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
INTERIM APPLICATION (L) NO. 16399 OF 2023
IN
WRIT PETITION (L) NO. 2536 OF 2023

Sanjay Dangi	...Applicant
<i>In the matter between</i>	
Sanjay Dangi	...Petitioner
<i>Versus</i>	
Union of India & Anr	...Respondents

Mr Prateek Seksaria, Senior Advocate, with Chandansingh Shekhawat & Samruddhi Bendbhar, i/b Parinam Law Associates, for the Applicant/Petitioner.

Mr SK Halwasia, with SS Halwasia, for Respondent No. 1.

**Mr AM Chimalker, with Aishwarya Sharma, for Respondent No. 2-
CBI.**

Mr Jaiveer Singh, PI, for CBI.

**CORAM: G.S. Patel &
Neela Gokhale, JJ.**

DATED: 23rd June 2023

PC:-

1. We have previously expressed our displeasure at the manner in which these Applications are being made with Applicants finalizing their itineraries even before they seek leave of the Court. This is not a question of whether or not there is a right that is

violated. In all these Applications it seems that Courts are more or less being taken for granted, that permissions will follow and that matters and, more importantly, that Applications will be taken up on a priority basis and even out of turn to permit the Applicants to keep to their itineraries. This is not acceptable. The parties seeking stay on any Look Out Circular (“LOC”) are required to apply to the Court in good time and not to attempt to pressurize the Courts. When last minute Applications are made like this, it is extremely disruptive. Our staff is greatly inconvenienced. Orders are to be drawn up after the order is passed, transcribed almost instantly, sometimes on the dais itself, then corrected, then signed and uploaded and we are supposed to believe that we are required to do this for a greater convenience of the Applicants, the disruption to Court being irrelevant. We will not entertain such Applications when they are made in this manner again. This is precisely what is happened in this case.

2. The matter was moved two days ago. Mr Halwasia for the 1st Respondent had not received a set of papers although he had filed a vakalatnama several months ago. An attempt was made to tell us that Mr Halwasia had not informed the Petitioner’s Advocates. A worse excuse and difficult to imagine. The online system reflects the appearance and the filing of the vakalatnama and yet an urgent order was sought there and then. We were told that the Petitioner was planning to leave that very night. We declined to take up the matter. An Application was made on the next day to impress upon us that there is some sort of conference or gathering of several people in New York. The Petitioner is supposedly the main person at this event. Hence the urgency. We were also told that others have

already made travel arrangements. We allowed the matter to be listed today on a supplementary board on this representation but made it clear that we would not let this pass without an order of costs.

3. The Respondents to this Petition are the Union of India and the Central Bureau of Investigation (“CBI”). A LOC has apparently being issued against the Petitioner and he was made aware of this on 25th June 2022 when the Petitioner was stopped at the CSMI Airport by the Immigration Authority. He found that the LOC was at the instance of the 2nd Respondent-CBI through the 1st Respondent, the Bureau of Immigration. The Application says that the Petitioner is not an accused in the CBI proceedings. There is no charge-sheet against him. No charges have been framed. He has been asked to submit documents and has been called as a witness. The Petitioner points out that he has given his No Objection to attachment of some properties as mentioned in his Reply of 29th September 2022 in other proceedings. The charge-sheet filed by the CBI in the Special CBI Court does not name the Petitioner. The Petitioner has attended Court whenever required and the Application contained an undertaking, which is reiterated by Mr Seksaria, not only to return to India at the end of the month but to continue to cooperate with the CBI in further proceedings in the Special Court. The Petitioner is put to notice that this is an undertaking to the Court and it is therefore no longer simply a matter between the CBI and a potential witness.

4. The request is for leave to travel to the United States and certain cities there, until 3rd July 2023 and then to London until 7th July 2023. The original departure date of 21st June 2023 has passed. The Petitioner is at liberty to leave at any time today or after today.

5. The LOC in question will remain stayed until 10th July 2023. The stay order is subject to the usual conditions noted below :

- (i) the Petitioner is to file an undertaking to return to this country at the end of this period, if not already done;
- (ii) the Petitioner is to file a detailed itinerary with his contact details and addresses overseas, if not already done;
- (iii) The Petitioner must file an undertaking (if not already done) not to apply for renewal or extension of this order until he returns to this country.

6. Subject to these conditions, the LOC in question against the Petitioner is stayed until 10th July 2023.

7. The immigration authorities at all ports of departure including all airports will permit the Petitioner passage and permit the Petitioner to take his flights out of the country.

8. The immigration authorities will not ask for a certified copy of this order but will act on presentation of an authenticated or digitally signed copy of this order.

9. In addition, for the reasons set out above, we believe this is an appropriate case for imposition of costs. We quantify this cost Rs. 50,000/- payable to St. Jude India Childcare Centres. This cost must be paid before Monday, 26th June 2023. This order will dispose of the present Interim Application.

(Neela Gokhale, J)

(G. S. Patel, J)