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* IN THE HIGH COURT OF DELHI AT NEW DELHI

+ W.P.(C) 3242/2024

RAMESH KUMAR

..... Petitioner

Through: Mr. Vishal Gosain, Mr. Pravir Singh
and Ms. Anushka Baruah, Advocates.

versus

UNION OF INDIA & ANR.

..... Respondents

Through: Ms. Nidhi Raman, CGSC with Mr.
Zubin Singh, Advs for R-1/UoI.
Mr. Chitvan Singhal, GP for UoI.
Mr. Ripu Daman Bhardwaj, SPP for
CBI with Mr. Kushagra Kumar and
Mr. Abhinav Bhardwaj, Advs.

CORAM:

HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD

ORDER

12.03.2024

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1. The Petitioner has approached this Court with the following prayers:

"A. Issue an order revoking or setting aside any order, Look Out Circular, instruction or direction issued by the Investigating Agency to restrain the Petitioner from travelling abroad; and/or

B. Issue directions to the Respondents to update their processes and systems when dealing with compliance of judicial orders revoking any order, Look Out Circular, instruction or direction issued by the Investigating Agency to stop individual from travelling abroad; and/ or

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C. Pass any further orders as this Hon'ble Court may deem fit and necessary."

2. Material on record indicates that a Look Out Circular had been opened against the Petitioner at the instance of Respondent No.2/CBI. The Petitioner herein, who wanted to go out of the country, approached the Ld. Trial Court seeking suspension of LOC and by an Order dated 15.12.2023 passed by the Ld. Trial Court, the LOC opened against the Petitioner was suspended for a period of six months, subject to the following conditions:

"8. In the light of the aforesaid discussion, the present application is allowed with following conditions:

(i) The applicant/accused will furnish a personal bond of Rs. 5,00,000/- (Rupees Five Lakhs only) alongwith one surety of like amount.

(ii) Applicant shall also furnish security in the sum of Rs. 5 lakhs in the form of an FDR (with automatic renewal clause) which shall be liable to be forfeited in case the applicant/accused fails to comply with terms and conditions of this order.

(iii) The applicant/accused shall file his itinerary along with details of the places where he would stay and the contact numbers of the persons/place where he will stay before leaving the country.

(iv) Applicant shall not change the venue of stay mentioned therein without prior intimation.

(v) The applicant/accused shall be available through VC as and when required by IO or this Court, subject to availability of network connection.



(vi) As an apprehension has been shown by the Ld. PP for CBI that accused may influence the witnesses or may tamper with the evidence in the foreign countries where the investigation is going on through Ministry of Home Affairs, the applicant is directed that he shall not directly or indirectly make any inducement, threat or promise to any person acquainted with the facts of the case so as to dissuade him/her to disclose true facts to the Court or to any other authority.

(vii) The applicant/accused shall file photocopies of the travel tickets and Visa permission, if any.

(viii) The LOC in question shall remain suspended for a period of six months from today. IO is directed to send necessary intimation to the appropriate authority in this regard immediately.

(ix) Applicant/accused may visit abroad (USA, China, UAE, Malaysia, Maldives and Vietnam) during the said six months period, subject to other applicable law/rules.”

3. On 02.02.2024, since the Petitioner had satisfied all the aforesaid conditions, the following Order was passed by the Ld. Trial Court:

“In term of the order dated 15.12.2023, the applicant has furnished details of his stay in abroad for the period from 24.02.2024 to 01.03.2024 along with bail bonds along with FDR, copy of travel tickets, Visa permission and itinerary. Same are perused and accepted.

2. Applicant is directed to intimate the Court within one week of his return to India.

3. Accordingly, copy of the order passed today



as well as previous order dated 15.12.2023 be sent to the CBI for information and compliance. Copy of the order be given dasti, if desired.”

4. Despite the fact that the LOC had been suspended, the Petitioner was stopped at the airport on 24.02.2024 which was 22 days after the Order dated 02.02.2024 was passed by the Court. What is more surprising is that the Order dated 02.02.2024 was passed in presence of the learned Counsel for the CBI and a copy of the Orders dated 15.12.2023 and 02.02.2024 was also intimated to the CBI by the Court itself.

5. Mr. Ripudaman Bhardwaj, learned Counsel appearing for the Respondent No.2/CBI, states that this mistake occurred because the then Investigating Officer superannuated on 30.12.2023 and he failed to communicate the Order to the Bureau of Immigration and as soon as the new Investigating Officer took charge, he has taken all the requisite steps to inform the Bureau of Immigration regarding the Orders passed by the Court.

6. However, Mr. Ripudaman Bhardwaj, learned Counsel appearing for the Respondent No.2/CBI, and the present Investigating Officer profusely apologise for the inaction on their part to intimate the Bureau of Immigration regarding the aforesaid Orders passed by the Court and the inconvenience caused to the Petitioner.

7. In order to avoid recurring of such instances in future, Courts while suspending the LOCs are directed to intimate the Bureau of Immigration by sending a copy of the Order suspending the LOCs to the Bureau of Immigration. The CBI is also directed to be more careful in future to ensure that the rights conferred under Article 21 of the Constitution of India to the citizens are not taken away because of such mistakes. The apology tendered



by Mr. Ripudaman Bhardwaj, learned Counsel appearing for the Respondent No.2/CBI and the present Investigating Officer is accepted.

8. In view of the above, the writ petition is disposed of, along with pending application(s), if any.

9. Let a copy of this Order be circulated to all the District Courts in Delhi.

SUBRAMONIUM PRASAD, J

MARCH 12, 2024

S. Zakir

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE
WEST DISTRICT, TIS HAZARI COURTS, DELHI


No. 8958 - 9038 /Genl./West/THC/2024

Dated 22.3.24

Sub:- Order Dated 12.03.2024 in the Case Bearing No. W.P.(C) No. 3242/2024 Titled as Ramesh Kumar Vs. Union of India & Anr. of Hon'ble High Court of Delhi.

Forwarded copy of Order Dated 12.03.2024 in the Case Bearing No. W.P.(C) No. 3242/2024 Titled as Ramesh Kumar Vs. Union of India & Anr. of Hon'ble High Court of Delhi, New Delhi for the information and compliance/necessary action to:-

1. All the Ld. Judicial Officers of West District, Tis Hazari Courts, Delhi.
2. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request for uploading the same on Centralized Website through LAYERS as well as on the Website of West District.
3. Reader to the Ld. Principal District & Sessions Judge, West District, Tis Hazari Courts, Delhi.
4. The R&I Branch, West District, Tis Hazari Courts, Delhi with the request for uploading the same on LAYERS.


(Ajay Gupta)
District Judge (Commercial Court) - 05/
Officer Incharge, General Branch,
West District, Tis Hazari Courts, Delhi

Enclosure:- As above.