

W.P.(C)-3242/2024

24

IN THE HIGH COURT OF DELHI AT NEW DELHI
EXTRAORDINARY ORIGINAL JURISDICTION
WRIT PETITION (C) No. _____ of 2024

In the matter of:

Ramesh Kumar

... Petitioner

versus

Union of India & Anr.

... Respondents

MEMO OF PARTIES

Ramesh Kumar
S/o Sh. Kameshwar Prasad, aged 48 years,
R/o L-242,
DLF Park Tower, Park Drive,
Sector-54, Gurgaon - 122009, Haryana
Email: kumarramesh1975@yahoo.com
Contact: +91 9711308198

... Petitioner

versus

1. Union of India
Through Bureau of Immigration,
Ministry of Home Affairs,
East Block - 8, Level - 2, Sector-1, R.K. Puram,
New Delhi - 110066
E-mail: uoldhc@gmail.com / cgsc461@gmail.com
Contact: +91 9811191920
.... Respondent No. 1
2. Central Bureau of Investigation
Plot No. 5-B, 6th Floor,
CGO Complex,
Lodhi Road, New Delhi - 110003
Email: diaobldhc@gmail.com
Contact: +91-11-24302700
.... Respondent No. 2

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29 FEBRUARY 2024
NEW DELHI

Ramesh Kumar

RAMESH KUMAR
(PETITIONER)

THROUGH

Chinmay Kanojia

Vishal Gosain, Chinmay Kanojia,
Pravir Singh, Anushka Baruah and Nilanjan Dey
COUNSEL FOR THE PETITIONER
9, Lawyers Chamber, Delhi High Court,
New Delhi - 110003
+91 8860239826 | chinmay.k91@gmail.com

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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. Chhayan 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) along with 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.

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(7)

(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.

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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

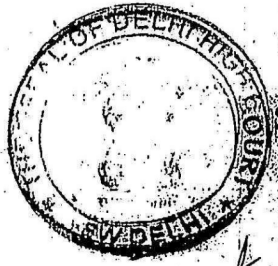
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by Mr. Ripudaman Bhardwaj, learned Counsel appearing for the Respondent No.2/CBI and the present Investigating Officer is accepted.

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.

MARCH 12, 2024
S. Zakir



Sd/-
SUBRAMONIUM PRASAD, J

[Signature]
TRUE COPY

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Most Urgent/Out at once

OFFICE OF THE PRINCIPAL DISTRICT & SESSIONS JUDGE (HQ): DELHI

No. 2/341-2146 Genl./HCS/2024

Dated, Delhi the _____

27 MAR 2024

Sub : Order dated 12.03.2024 passed by Hon'ble Mr. Justice Subramonium Prasad in Writ Petition (C) No. 3242/2024, titled "Ramesh Kumar Vs. Union of India & Anr."

A copy of the letter no. 7252-W/DHC/Writs/D-4/2024 dated 22.03.2024 bearing this office diary no. 696 dated 22.03.2024 alongwith copy of order dated 12.03.2024 passed by Hon'ble High Court of Delhi in the abovesaid matter is being circulated for immediate compliance/necessary action to : -

1. All the Judicial Officers posted in Central District, Tis Hazari Courts, Delhi.
2. The Ld. Registrar General, Hon'ble High Court of Delhi, New Delhi for information.
3. PS to the Ld. Principal District & Sessions Judge (HQs), Tis Hazari Courts, Delhi for information.
4. The Chairman, Website Committee, Tis Hazari Courts, Delhi with the request to direct the concerned official to upload the same on the Website of Delhi District Courts.
5. The Director (Academics), Delhi Judicial Academy, Dwarka, New Delhi for information as requested vide letter no.DJA/Dir.(Acd)/2019/4306 dated 06.08.2019.
6. Dealing Assistant, R&I Branch for uploading the same on LAYERS.
7. For uploading the same on Centralized Website through LAYERS.

Barkha Gupta

(BARKHA GUPTA)

Officer-in Charge, Genl. Branch, (C)
District Judge, (Comm. Court)
Tis Hazari Courts, Delhi.

Encls. As above

K. Q. P.
27/3/24

IN THE HIGH COURT OF DELHI AT NEW DELHI

Disposed of
Copy of Order

7252-W

No. DHC/WR/MS/D-1/2024
Dated 23/03/24

From

The Registrar General
Delhi High Court
New Delhi

To

1. Union of India Through Bureau of Immigration,
Ministry of Home Affairs,
East Block - 8, Level - 2, Sector-1, R.K. Puram, New Delhi - 110061
E-mail: uoidhc@gmail.com / egsc461@gmail.com
Contact: +91 9811191920
2. Central Bureau of Investigation
Plot No. 3-B, 6th Floor, CGO Complex, Lodhi Road, New Delhi - 110003
Email: dlaebidhc@gmail.com, Contact: +91-11-24302700
3. Principal District & Sessions Judge (HQs), Central District, Tis Hazari Court, Delhi.
4. Principal District & Sessions Judge, West District, Tis Hazari Court, Delhi.
5. Principal District and Sessions Judge, East District, Karkardooma Courts, Delhi.
6. Principal District & Sessions Judge, North East District, Karkardooma Courts, Delhi.
7. Principal District & Sessions Judge, Shahdara District, Karkardooma Court, Delhi.
8. Principal District & Sessions Judge, New Delhi District, Patiala House Court, Delhi.
9. Principal District & Sessions Judge, North West District, Rohini Court, Delhi.
10. Principal District & Sessions Judge, North District, Rohini Court, Delhi.
11. Principal District & Sessions Judge, South West District, Dwarka Court, New Delhi.
12. Principal District & Sessions Judge, South District, Saket Court, New Delhi.
13. Principal District & Sessions Judge, South-East, Saket Court, New Delhi.
14. Pr. District & Sessions Judge-cum-Spl. Judge (PC Act) (CBI), Rouse Avenue Court,
DDU Marg, New Delhi.
15. Pr. District & Sessions Judge, Family Court (HQs), Dwarka Court, Sector-10,
Dwarka, New Delhi



Genl. BY

P. D. & SJ (Hqs)
23/03/24

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WRIT PETITION (C) NO. 3242/2024

Ramesh Kumar
vs.
Union of India & Anr.

....Petitioner/s

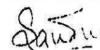
....Respondent/S

Sir/Madam,

I am directed to forward herewith a copy of order dated 12.03.2024 passed by ~~Hon'ble Justice J.S. Sandhu~~ of this Court in the above noted case along with a copy of memo of parties, for information and immediate compliance/necessary action.

Please acknowledge the receipt.

Yours faithfully,



21-03
AOJ (Writs)
For Registrar General

21.03.2024



[Redacted area]