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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 3346 OF 2023

IN

WRIT PETITION NO. 3135 OF 2023

Showik Indrajit Chakraborty ..Applicant
V/s.
Additional Superintendent of Police & Anr. ...Respondents

Mr. Ayaz Khan for the Applicant.
Mr. Kuldeep Patil for Respondent No.1-CBI.
Ms. A. S. Pai, PP a/w Ms. M. H. Mhatre, APP for Respondent No.2.

CORAM : A.S. GADKARI &
SHARMILA U. DESHMUKH, JJ.

DATE : 15th September, 2023.

P. C. :

1. Heard learned counsel for respective parties.
2. By this Interim Application, the Applicant seeks suspension of lookout circular for the period from 17th September, 2023 to 24th September, 2023, to enable him to travel to Australia.
3. Learned counsel appearing for the Applicant submits that, in NDPS Special Case No. 344/2021, the Special Court by its Order dated 6th September, 2023 has directed the NCB to return the passport of Applicant and permitted him to travel abroad for the period from 17th

September, 2023 to 24th September, 2023. He tendered a copy of the Order dated 6th September, 2023, which is taken on record. He would further submit that, the lookout circular in question has been issued by CBI, as FIR No. RC 2242020S0001 is registered against the Applicant on 6th August, 2020.

4. Mr. Kuldeep Patil, learned counsel for the CBI submits that, the investigation in the said FIR is going on by CBI. He would further submit that on 25th July, 2020, the FIR was registered at Rajeev nagar Police Station, Patna and therefore the application seeking suspension of lookout circular ought to have been filed at Patna.

5. Considered the submissions.

6. The Special Court has directed NCB to return the passport of the Applicant and has permitted the the Applicant to travel abroad. The lookout circular has been issued by CBI which is investigating into the present crime. It is not stated before this Court that, the Applicant is a flight-risk. It is also not disputed that the Applicant has strong ties in India as his parents and sister are residing in India.

7. Considering the above, we see no impediment to temporarily suspend the lookout circular issued against the Applicant, for the period from 17th September, 2023 to 25th September, 2023 to permit the

Applicant to travel to Australia on the following terms and conditions:

- (i) Applicant– Showik Indrajit Chakraborty is permitted to travel to Australia during the period from 17th September, 2023 to 25th September, 2023;
- (ii) Applicant, before his departure, to furnish the full itinerary of his overseas travel with all details, including the addresses where he would stay, telephone/mobile/contact numbers, on which he can be contacted during the said period, to Respondent No.1-CBI;
- (iii) Applicant to deposit the passports of his parents with the Registrar (Judicial-I) of this Court. The same to be kept in safe custody.
- (iv) Applicant shall not apply for renewal or extension of this Order until he returns to this country;
- (v) The Immigration Authorities on all points of departure, will permit the Applicant to pass through immigration and to board his flight or flights, irrespective of whether the immigration system has been updated and whether Respondent No.1 has informed the Immigration Authorities or not;
- (vi) To enable the Applicant to travel, the operation of LOC placing travel restrictions on the Applicant, is stayed from 17th September, 2023 to 25th September, 2023.

- (vii) Upon his return to India on 25th September, 2023 the Applicant to report to CBI office on or before 27th September, 2023.
8. Learned counsel for Respondent No. 1 to communicate this Order to the Immigration Authorities forthwith upon the Order being uploaded.
9. List the Interim Application for reporting compliance on 29th September, 2023.

(SHARMILA U. DESHMUKH, J.)

(A.S. GADKARI, J.)