

CBI Vs. Rakesh Tiwari & Ors.

CC No.354/2019

RC No. 14(A)/2018

17.07.2020

Present : Sh. Om Prakash, Ld. PP for CBI.

Ms. Aastha Nigam Advocate for applicant Neeraj Raja Kochar.

This urgent application of applicant Neeraj Raja Kochar seeking permission to travel abroad has been taken up through video conferencing hosted by Sh. R.C.Verma, Reader of this court in terms of orders of Hon'ble Delhi High Court bearing no.R-235/RG/DHC/2020 dated 16.05.2020 and 16/DHC/2020 dated 13.06.2020.

Reply to this application has been filed by the Ld. PP for CBI through email on 16/07/2020 and e-copy of the same has already been supplied to the Ld. Counsel for the applicant.

This application has been filed on behalf of approver Neeraj Raja Kochar who initially was accused A-2 seeking permission to travel abroad from 01.08.2020 to 31.07.2021 in intervals for business purposes.

Ld. PP for CBI has opposed the application and has argued that this application is not an urgent application and can not be taken up for hearing when physical hearing of matters is not allowed and courts are only taking urgent matters.. Further travelling abroad during this pandemic is not advisable and can affect the health of the applicant who is now an approver and earlier also he fell ill in June 2020 at London and could not return to India as scheduled and his undue absence can delay the trial and this application should be dismissed.



Ld. Counsel for the applicant on the other hand has argued that earlier also the applicant was permitted to travel abroad and has never misused the permission. His visit to various countries as mentioned in the application is essential as most of the clients of applicant are abroad and the application is urgent as the earlier permission to travel abroad is expiring on 31st July 2020 and applicant is ready to give undertaking that he will be present in court on each and every hearing and trial shall never suffer because of this permission.

Heard. As per record, applicant Neeraj Raja Kochar who is now an approver has never misused nor violated the conditions imposed on him while permitted to visit abroad on earlier occasions. Earlier similar applications of Neeraj Raja Kochar have been allowed. Whether his visit abroad to meet his clients is necessary and urgent is to be decided by the applicant himself and the court cannot substitute its opinion for him. In fact, this application is allowed. Applicant/approver Neeraj Raja Kochar is permitted to travel different countries from 01.08.2020 to 31.12.2020 as mentioned in para no. 6 of this application. The terms & conditions to travel abroad mentioned in order dated 06.08.2019 shall remain the same. It is further directed that applicant shall furnish an undertaking that he will be present in court on each and every date of hearing and will never seek exemption nor adjournment on the ground that he is abroad. The application stands disposed off.

This order is being scanned after my signature and scanned PDF file is being transferred to the reader for onward uploading the same on the website. Reader shall supply the copy

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of the order to I.O.,Ld.PP and the Ld. Counsel for the applicant.

A copy of order shall also be retained on the record to be put in the judicial file as and when the normal court working stands resumed.

(AMIT KUMAR)

**Special Judge, PC Act, CBI-04
Rouse Avenue Courts, New Delhi
17.07.2020**