

**IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS JUDGE,
(SPE/CBI)-III, ERNAKULAM**

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Wednesday the 14th day of February, 2024/25th Makha, 1945.

Crl. M.P. No.178/2024

in

SC PMLA No.04/2023

Petitioner/Accused No.26 : Davy Varghese, Aged 75 years,
S/o.Varghese, Thattil Pidiyan House,
Caico Road, Chelakkottukara P.O.,
Thrissur, PIN – 680 005.

Represented By : Advs. A.S. Dileep, P. Binod, Suseela
Dileep and Sudeep Aravind Panicker.

Respondent/Complainant : Assistant Director, Directorate of
Enforcement, Government of India,
Cochin Zonal Office, Kanoos Castle,
A.K. Seshadri Road, (Mullassery
Canal Road West, Cochin -682011.

Represented By : Adv. M.J. Santhosh, Public Prosecutor.

This petition coming on for hearing on 14th day of February, 2024 in the presence of Counsel on both sides having stood over for consideration on the same day the Court passed the following:-

ORDER

Petition filed by the petitioner seeking the return of his passport for renewal

and also seeking permission to visit his garment manufacturing company in Tirupur, Tamil Nadu at least two days in a month.

2. Petitioner is accused No.26 in this case. He has filed this petition seeking the return of his passport to renew it and also to permit the petitioner to visit his garment manufacturing company at Tirupur. The case is registered for the offences under the Prevention of Money Laundering Act. The petitioner was granted bail by this court vide Order dated 20.12.2023 with conditions that the petitioner shall not leave the State without prior permission of this court and also to surrender his passport etc. Accordingly, petitioner surrendered his passport. The said passport is going to be expired on 17.03.2024. In order to apply for renewal, the previous passport has to be necessarily submitted along with the renewal application.

3. Petitioner is a businessman and he is managing a garment manufacturing company in the name and style "SPENCER KNITTING COMPANY" at Soli Palayam, 1st Street, 15 Velampalayam, Anupparpalayam Post, Tirupur – 6411652 in the State of Tamil Nadu which belongs to his son and is run on the strength of a Power of Attorney. For the last few years, his son has been working abroad. But from 20.12.2023 onwards he has not been able to visit his company in Tirupur by virtue of the restrictions imposed in the bail order. The absence of the petitioner to manage and look after the affairs of the company has

already caused considerable damage to its business. Therefore, he filed this petition.

4. Respondent did not file any written objection. But during the hearing, the learned Special Public Prosecutor fairly conceded that though the respondents have no serious objection to allowing this petition, some safeguards are necessarily to be imposed while leaving the State by the petitioner.

5. Heard both sides.

6. The point for determination is, whether there is sufficient ground to allow the petition?

7. **The point:-** The petitioner is seeking permission to return his passport for the purpose of its renewal since the passport is going to be expired on 17.03.2024 and also seeking permission to leave the State to manage his garment manufacturing company in Tirupur at least on two days per month. The learned Prosecutor fairly conceded that the respondents have no serious objection in allowing the petition, however submitted that some safeguards should be imposed while leaving the State by the petitioner for the smooth conduct of the trial of this case.

8. Taking into consideration the delay in commencing the trial and recognizing the humanitarian aspect of petitioner's request, and also considering the submission made by the learned Special Prosecutor, this Court is in exercise of

its discretionary power inclined to allow the petition subject to the following conditions:-

1. Petitioner shall execute a bond for Rs. 1,00,000/- (Rupees One Lakh only) with two solvent sureties each for the like sum.

2. He shall surrender his new passport within 7 days from the date of receipt of the new passport.

3. Petitioner is allowed to go to “SPENCER KNITTING COMPANY” at Soli Palayam, Tirupur, Tamil Nadu for the purpose of managing the affairs of its business.

4. Before leaving the State petitioner shall intimate the Investigating Officer at least two days before his journey to Tirupur in writing and also inform the Investigating Officer immediately on arrival to this State.

Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 14th day of February, 2024.

Sd/-

Shibu Thomas

Special Judge, (SPE/CBI) – III

Appendix: Nil.

Id/-

Special Judge, (SPE/CBI) – III

Typed by :-
Com by :-