

Special Case No.43/2017

CNR No. MHPU01-012364-2017

CBI, ACB, Pune.

Vs.

Lt.Gen. (Retd)Jatinder Singh and
others

ORDER BELOW EXH.271

1] Accused No. 3 **Raj Kamal Gupta** has filed this application and submitted that he wants to visit abroad (Dubai) for five days from 7/12/2023 to 11/12/2023 for personal reasons along with his family. It is further contention of applicant/accused No. 3 that he has been giving full co-operation to the investigating agency and this Hon'ble Court before and during the trial and no delay has ever occurred because of non co-operation of the accused No.3. He shall attend the hearing as and when directed by this Hon'ble Court/the investigating agency to do so. He is ready to abide by the terms and conditions imposed upon him. On these aforesaid grounds, he is seeking permission to go to Dubai and stay there for five days. Therefore, he prayed to allow this application.

3] CBI has filed the say vide Exh.283 and submitted that the present crime has been registered against accused persons under section 120-B r.w. 420 of Indian Penal Code and u/sec. 11, 13(2) r.w. section 13(1)(d) of the Prevention of Corruption Act. During the trial of the case the accused

applicant Raj Kamal Gupta and another accused Karan Kapoor had filed discharge applications, which were rejected by this Hon'ble Court. Subsequently, the accused persons had filed Revisions in the Hon'ble High Court of Bombay against the order passed by this court, which are still pending. The Hon'ble High Court vide Order dated 14/12/2021 has deferred the trial proceedings in Spl. Case No. 43/2017. The prosecution is making all possible efforts to vacate the stay so that the trial of the case can be conducted on regular basis. That inordinate delay has already been caused due to the Revisions pending in the Hon'ble Court of Bombay. Applicant/accused has not provided his address during his stay abroad and the complete schedule of visit. The presence of the accused is required for framing of charge and at the time of trial. If applicant / accused is allowed to travel abroad, there is reasonable apprehension that he may abscond. Hence, prayed to reject the application.

4] Heard both sides.

5] There are in all six accused in the present crime. Accused no.2 & 4 have been discharged. Applicant is **accused no.3**. Applicant along with accused no.5, 6 preferred revision against order of this Court dtd.01/04/2019 on discharge applications Exh.166 & 167. The case is stayed by Hon'ble Bombay High Court. The applicant / accused is ready to attend the court hearings as and when required. Application is supported with affidavit. He is ready to give schedule of travel.

He along with his family want to visit Duabi for 5 days i.e. from 07/12/2023 to 11/12/2023. The trial is not yet commenced.

5] Considering the facts stated by the applicant / accused Raj Kamal Gupta and allegations against him in the report, I do not think there is chance to flee him from the court of justice. The applicant / accused Raj Kamal Gupta has sought permission to travel abroad from **07/12/2023 to 11/12/2023**. In the present matter charge is yet not framed and the matter is stayed by Hon'ble Bombay High Court. If the presence of applicant / accused is required, he can be called at any point of time whenever required by the Court. He is ready to abide by all the terms and conditions which may be imposed upon him. Therefore, it would be proper to allow the applicant / accused to travel abroad for period as sought for. Therefore, I pass following order -

ORDER

- a] Accused No. 3 **Raj Kamal Gupta** is permitted to travel to Dubai and stay there from **7/12/2023 to 11/12/2023**.
- b] The order is subject to condition that accused shall furnish his email address, working mobile cell number and detailed address of his stay at Dubai during the aforesaid period. He shall give an undertaking that if his presence is required during the aforesaid period he shall come back on receipt of summons on his email address.
- c] Applicant / accused shall submit appearance report and copy of passport showing entries in respect of the schedule for which the permission is granted, after his

[4]

arrival in India.

Date – 06/10/2023

sd/-xxx
(A.S.Waghmare)
Special Judge (CBI-ACB cases)
Pune.

CERTIFICATE

I affirm that the contents of this PDF file order are same word for word as per original order

Name of Steno : Smt. S.R. Shaikh, stenographer grade 1

Court Name: : Shri. A.S.Waghmare
Special Judge (CBI-ACB), Pune.

Order signed by PO : 06/10/2023

Date of PDF : 06/10/2023

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