

Special Case No-04/16

Reg No.02/22

CNR No. WBCS01 000002-2022

Order No.214

Order dated 19.06.24

Today is fixed for hearing on the reply petition of prosecution.

Ld. PP for CBI is present along with written objection.

Ld. Advocate on behalf of accused Sri Jaspal Singh Chandok (A-5) files a petition u/s 317 CrPC. Let it be kept with the record.

Record is taken up today for hearing of the petition dated 11.06.24 filed by accused Sri Jaspal Singh Chandok (A-5) praying for permission for business purpose to travel abroad i.e.Vietnam, Dubai, Kenya, Mexico, Panama, China and Russia from 20.06.2024 to 22.08.2024 and also Germany, USA, France, South Korea and Tanzania from 10.09.24 to 25.10.24 stating on the ground therein.

Ld. Advocate for the petitioner and Ld. PP for the CBI are very much present.

Heard their submissions. Considered.

Ld. Advocate appearing for the petitioner submits that accused Jaspal Singh Chandok (A-5) wants to go to travel abroad for business purpose i.e. Vietnam, Dubai, Kenya, Mexico, Panama, China and Russia and Germany, USA, France, South Korea and Tanzania and intends to leave India on 20.06.24. He shall return India after first term of foreign visit on 23.08.24. Thereafter he shall return India on 26.10.24 after his second term of foreign visit. The petitioner-accused must be present before court on 05.11.24 at 10:30 a.m positively without any excuse. He also submit that prior to this occasion the accused has been given permission to travel abroad.

Ld. PP for CBI files a written objection objecting the prayer of the accused petitioner that petitioner prays before court for visiting above mentioned countries for his business purpose to travel abroad to Vietnam, Dubai, Kenya, Mexico, Panama, China and Russia and Germany, USA, France, South Korea and Tanzania, inserting the ground stated therein. In course of his submission he also pointed out the fact that trial process of this case be hampered if the prayer of the accused petitioner is allowed and in that case due process of law may not be followed properly by the prosecution and as such he prays for rejection of the prayer.

Ld. PP in written reply stated that investigation has been completed and charge sheet has been submitted on 30.06.16 against 8 (eight) accused persons including this accused petitioner.

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It is further mentioned in reply that accused petitioner may hamper process of trial of this case. The accused petitioner has not submitted any itinerary i.e. air ticket, hotel booking , letter from trade fair authorities etc. of his said proposed tour in support of his contention and in absence of such documents his application is in no way justifiable.

I have heard submission of the Ld. Advocates of both sides and also have gone through the prayer of the petitioner as well as its objection filed by the Ld. PP for CBI. It appears from the record that no doubt it is a long pending case and commence of trial is yet to start and it also appears from the record that date has been fixed on 22.07.24 for hearing and supply of copy . As per submission of the Ld. Advocate verbally undertaking for the accused petitioner that the accused petitioner must remain present on the date fixed for charge and get to make ready for supply of copy and Ld. Lawyer of accused shall receive copies and copy of prayer of this petition serve before CBI for permission to travel abroad i.e. Vietnam, Dubai, Kenya, Mexico, Panama, China and Russia from 20.06.2024 to 22.08.2024 and also Germany, USA, France, South Korea and Tanzania from 10.09.24 to 25.10.24 vide his letter dated 10.06.24. So it is within the knowledge of prosecution-CBI.

So considering that fact and also after considering the objection as raised by the Ld. PP for CBI, this court is of view that prayer as has made by the accused petitioner should be considered and allowed permitting the accused petitioner to travel abroad i.e. Vietnam, Dubai, Kenya, Mexico, Panama, China and Russia and Germany, USA, France, South Korea and Tanzania. For several times accused petitioner Jaspal Singh Chandok (A-5) has prayed for permission for the business purpose to visit abroad i.e. vide order no. 21 dt. 30.06.14, vide order no.33 dt.27.10.14 and vide order no. 39 dt. 09.12.14 and so many times. There is no adverse report against this accused for foreign visit from C.B.I.

It appears from record that this petitioner on several occasions with permission of this court to visit abroad and return.

So I think petitioner should be permitted to visit abroad to the aforesaid countries on the following conditions:-

a) Petitioner shall furnish a bond of Rs.10,00,000/- (ten lakhs) to the satisfaction of this court with undertaking that the petitioner shall act in terms of the order and return to Kolkata.

b) The petitioner shall furnish roaming mobile number to the I.O and also furnish details of his visit to abroad.

c) The petitioner shall affirm an affidavit before this court regarding the above.

Petitioner must be present before court in person after returning abroad on 05.11.24 at sharp 10:30 AM failing which petitioner shall liable for non-compliance of order.

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Order No.214 (contd..)

Order dated 19.06.24

Thus the petition is disposed off on contest.

Let a copy of this order be supplied to the Ld. PP (in charge) for CBI for information in this matter.

To 22.07.24 for appearance of other accused persons and supply of copy and 05.11.24 for appearance of Jaspal Singh Chandok (A-5).

Sd/-
Judge, 3rd Special
(CBI Designated) Court,
Bankshall Court, Calcutta