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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ **W.P.(C) 11598/2021 and CM APPL. 35787/2021, 10277/2023, 10286/2023**

GILES KNAPTON

..... Petitioner

Through: Mr. Manik Dogra, Mr. Sandeep Das,
Mr. Ninad Dogra and Mr. Dhruv
Pande, Advocates.

versus

MINISTRY OF HOME AFFAIRS AND ORS Respondents

Through: Ms. Nidhi Raman with Zubin Singh,
Advocates for R-1 to 3. (M:
9555672532)

CORAM:

JUSTICE PRATHIBA M. SINGH

ORDER

% **02.03.2023**

1. This hearing has been done through hybrid mode.

CM APPL. 10286/2023

2. The present application has been filed by the Petitioner - Giles Knapton in view of the new visa which has been granted to him with the condition that employment, business, study is not permitted as he is facing a court trial.

3. It is submitted by Id. Counsel for the Petitioner that vide order dated 12th October, 2021 passed by this Court, certain interim protections had been granted to the Petitioner. The same ought to be extended *qua* the present visa as well during the pendency of this writ petition.

4. Ld. counsel for the Respondent submits that he wishes to seek instructions and file a reply. Let the reply to the application be filed within four weeks. Rejoinder, thereto, be filed within four weeks.



5. It is made clear that the new visa which has been annexed with the application shall also be subject to the same conditions as contained in the order dated 12th October, 2021.

6. The said order is extracted hereinbelow for ready reference:

“1. Pursuant to the last order, Ms. Raman, learned counsel for the respondent has obtained instructions and submits that the petitioner’s business visa has been converted into X-Miscellaneous Visa as the petitioner after having been named as an accused in an FIR is presently facing trial. She submits that the Business Visa requires to be renewed on a yearly basis, which renewal is based on good conduct and, therefore, the respondents cannot be faulted for converting the petitioner’s Business Visa into X-Miscellaneous Visa. She further submits, on instructions, that even though the petitioner’s X-Miscellaneous Visa has presently been extended till 15.10.2021 as the next date of hearing before the learned Trial Court at Goa is 14.10.2021, the said visa will be suitably extended upon the petitioner providing information regarding the next date of hearing before the Trial Court.

2. In the light of the stand taken by the respondent, it is deemed necessary to call for a counter affidavit from them for which purpose four weeks’ time is granted. Rejoinder thereto, be filed within four weeks thereafter.

3. Keeping in view the fact that the petitioner has been running two hotels for the last many years in India, it is directed that till the next date he may, subject to outcome of the present petition, file his tax returns, operate his bank accounts and release salaries in favour of the employees engaged in these hotels. It is, however, made clear that the petitioner would not be entitled to start a new business or enter into any new agreement with any third party during this period.

4. List on 20.12.2021.”



Considering the fact that the above order is already operating in favour of the Petitioner, it is directed that the said directions would apply and extend to the new visa issued to the Petitioner.

CM APPL. 10277/2023

7. Issue notice. Let the reply to the application be filed within four weeks. Rejoinder, thereto, be filed within four weeks.

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8. List on 26th July, 2023.

PRATHIBA M. SINGH, J.

MARCH 2, 2023

dj/kt