



**IN THE HIGH COURT OF UTTARAKHAND AT NAINITAL**  
**Criminal Appeal No. 108 of 2014**

Sanjay Srivastava & others ... Appellants  
Vs  
State of Uttarakhand ... Respondent

Ms. Pushpa Joshi, Senior Advocate assisted by Mr. B.S. Adhikari, Advocate, present for the appellants.  
Mr. Arvind Vashisth, Advocate, present for the respondent/C.B.I.

**Hon'ble Sudhanshu Dhulia, J.**

Counter affidavits filed today in the Court on behalf of respondent/C.B.I. are taken on record.

The applicant/appellant – Sanjay Srivastava has been convicted under Sections 120B of I.P.C. read with Section 7, 12, 13(1)(d) of I.P.C. read with Section 13(2) of Prevention of Corruption Act, 1988. Although there was no specific order by this Court to deposit the passport, but it appears that during the investigation the appellant had deposited his passport with the Investigating Agency i.e. Central Bureau of Investigation (*in short* “C.B.I.”), which is a part of the lower court records.

An application (No. 2293 of 2015) has been moved by the applicant/appellant – Sanjay Srivastava with a prayer that his son has got admission in a Bachelor of Engineering course in the “University of Hong Kong” for which he seeks permission of this Court to escort his son to Hong Kong, for which he needs his passport.

Mr. Sanjay Srivastava (applicant) is present before this Court and given an undertaking that in case he is given his passport, he will positively returns to the country and will be present before this Court on 01.10.2015.



In view of the assurance given by the appellant/applicant himself before this Court, the Registry is directed to release the passport (original) of the applicant, after keeping the photocopy of the same for the purpose of proceeding of the Court. It is further made clear that the passport shall be duly handed-over to the appellant, in person.

It is further made clear that he is being given his passport considering the fact that the applicant is working as Deputy Superintending Geologist in Oil and Natural Gas Corporation Ltd. posted at Dehradun, and according the learned Senior Counsel – Ms. Pushpa Joshi, he will reach the age of superannuation only in the year 2025.

As far as the Court proceedings are concerned, he is not required to be personally present in the Court till the next date of listing, which is fixed for 01.10.2015. He is permitted to go abroad, but only in accordance with law, after exhausting all the formalities and following the provisions and requirement of law.

List this appeal on 01.10.2015 in the daily cause list.

Consequently, miscellaneous application (No. 2293 of 2015) stands disposed.

**(Sudhanshu Dhulia, J.)**

19.05.2015  
Aswal