

**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS
AT PANAJI**

**(Before Ms. Dvijple V. Patkar, Judicial Magistrate, F.C. 'C'
Court, Panaji.)**

Criminal Misc.Appln.No.47/2013/C.

Ana Luisa Onofre Alves Bento,
d/o Francisco Diego Alves,
45 years of age, Indian National,
r/o S-2, Sai Complex,
Near Honda Showroom,
Taleigao, Tiswadi-Goa.

.... Applicant

V/s

1. S T A T E
(Through P.I. attached to
CID, Economic Wing,
Panaji, Goa)

2. The Asst. Public Prosecutor,
attached to the JMFC Court,
Panaji-Goa.

... Respondents

Applicant represented by Learned Adv. Shri. N. Pawaskar at the time of arguments.

Respondents represented by Learned APP. Ms. J. Santamaria at the time of arguments.

O R D E R

(Delivered on this the 18th day of the month of February, of the year 2013)

This is an application for permission to travel abroad for a period of two weeks and to direct the investigating officer to return the passport of the applicant.

2. The respondent no.1 through the investigating officer has objected to the application by reply at Exh.D-2 on the ground that the investigation of this case is at preliminary stage. The accused/applicant is Portuguese national and is required for investigation. If her passport is released, then she might leave India and might not be available for investigation and during the trial.

3. Learned Adv. Shri N. Pawaskar argued on behalf of the applicant. Learned APP Ms. J. Santamaria argued on behalf of the respondents.

4. I have perused the material on record and also the case papers of the investigating officer and have considered the arguments. I have also heard the investigating officer.

5. Learned Advocate for the applicant has submitted that the complainant is the actual culprit and the applicant has not committed any offence as she became the Managing Director of the Company only in the month of May 2012. He has submitted that the applicant has to attend a Conference at Manchester relating to her business and that the applicant is ready to disclose her address and contact details to the investigating officer. He has also submitted that the applicant's husband and daughter reside in Goa and therefore, there are no chances of her absconding. He has prayed that the applicant be allowed to travel abroad for a period of two weeks in order to attend the conference at Manchester and to make some arrangements at Portugal.

6. Learned APP and the Investigating Officer have contended that the applicant is a foreign national and there is every possibility that once she is permitted to travel abroad, she might not return to India and thereby the investigation and the trial will be hampered.

7. The applicant is admittedly a Portuguese National and presently, the Managing Director of the accused company, Banners Brokers India Ltd. The applicant has placed on record letter dated 03/02/2013 which reveals that the Head Office of the accused company is hosting a Conference in Manchester, England from 22/02/2013 to 24/02/2013 and the applicant's presence at the Conference is required to report on the status of the company Banners Brokers India Ltd regarding sales, activity and current issues.

8. The applicant has stated that she wants to first travel to Portugal to arrange for the Conference, then to Manchester to attend the Conference and thereafter again to Portugal to make family arrangements and then to India. The applicant has undertaken to furnish her visit details to the Investigating Officer along with her whereabouts from time to time.

9. In my view, considering the reasons disclosed by the applicant for her travel to Portugal and England, the permission as sought can be granted on conditions. As regards the apprehension of the respondents that the applicant being a foreign national may abscond, it may be noted here that the request for defreezing of

accounts of the applicant and the company has been rejected. Since the accounts of the applicant and the accused company are freezed, there is no likelihood of the applicant absconding. Further, this Court has granted the applicant's request to release the office premises on condition that the same shall be released only after the applicant returns to Goa and reports to the investigating officer on 05/03/2013. Further, if security is taken from the applicant, the same will ensure her return to Goa.

10. Hence, the application is granted. The applicant is permitted to travel abroad i.e. to Portugal, then to Manchester, England and then again to Portugal for a period of two weeks from the date of this order on the following conditions: -

a) The applicant shall deposit an amount of Rupees Two Lakhs in this Court as security for her return to Goa.

b) The applicant shall furnish her address, contact details and whereabouts to the investigating officer and also inform the investigating officer about any change in the same,

c) The applicant shall return to Goa within the period of two weeks and shall report to the investigating officer on 05/03/2013 at 10:00 a.m.

d) The office premises of the accused company shall be released from attachment only after the applicant returns to Goa and reports to the investigating officer on 05/03/2013.

11. The investigating officer shall return the passport to the applicant to enable her to travel abroad as stated hereinabove. The applicant on her return to Goa shall deposit her passport with the investigating officer.

Pronounced in the Open Court.

(Ms.Dvijple V. Patkar)
Judicial Magistrate First Class, C-
Court, Panaji.

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