

(2012) 09 SC CK 0144

In the Supreme Court Of India

Case No : Writ Petition (Crl.) No. 118 of 2012.

Mahender Kumar Kundia - Petitioner @HASH Union of India

Date of Decision : 18-09-2012

Acts Referred:

Citation : (2013) 1 KLJ 604 : (2013) 1 KLT 344

Hon'ble Judges : Altamas Kabir and J. Chelameswar, JJ.

Bench : Division Bench

Advocate : S/Shri Pradeep Jain, Advocate, Prem Sunder Jha, AOR and Shubhankar Jha, Advocate, for the Petitioners; S/Shri Amarjit Singh Chandhiok, ASG (NP), Rajiv Nanda, Bhagat Singh, Vidit Gupta, Harleen Singh and A.K. Sharma, Advocates, for the Respondents

Final Decision : Allowed

Judgement

1. Having heard learned Counsel for the parties, we are of the view that no useful purpose will be served in keeping this matter pending. In this writ petition, the petitioner has prayed for an order and/or direction to the respondent No. 2 to conduct interrogation under Section 108 of the Customs Act, 1962, in the presence of his Advocate, who may be made to sit at a visible distance, but beyond audibility.

2. We have had occasion to pass similar orders in other matters. We see no reason to take a different view in this case and, accordingly, we allow the application and direct that the petitioner's Counsel will be allowed to be present at the time of interrogation, as indicated herein-above, within visible distance, though beyond hearing distance.

3. We also make it clear that this order will not permit the petitioner from not appearing before the Customs authorities, as and, when called upon to do so, and, that he shall co-operate at all times with the Customs authorities as far as the investigation is concerned.

4. The writ petition is disposed of accordingly.