
(2012) 04 SC CK 0078

In the Supreme Court Of India

Case No : CRLMP No. 10117 of 2012 in Writ Petition (Crl.) No. 29 of 2012

Vijay Sajnani

APPELLANT

Vs

Union of India

RESPONDENT

Date of Decision : 25-04-2012

Acts Referred:

Citation : (2012) 211 TAXMAN 45

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

Bench : Full Bench

Advocate : Shri Nikhil Jain, AOR and Prashant Mishra, Advocate, for the Petitioner; Shri P.P. Malhotra, ASG, Arvind Kumar Sharma, AOR, Mariarputham, Sr. Advocate and Mrs. Shalini Chandra, Advocate, for the Respondent

Final Decision : Allowed

Judgement

1. CRLMP. No. 10117 of 2012, has been filed in Writ Petition (Crl.) No. 29 of 2012, inter alia, for interim directions to allow the learned counsel of the petitioners to be present at a visible distance, but beyond hearing range, at the time of interrogation of the petitioners by the custom authorities.

2. As will appear from Paragraphs 2 and 3 of the petition, the writ petition itself was filed for the same reliefs.

3. Similar matters have been filed before us earlier and in those matters, we had directed that during interrogation of the petitioner(s), his/their counsel would be allowed to be present within visible distance, but beyond hearing range. Inasmuch as, the same orders are being passed in these matters, we dispose of the writ petition by directing that in similar cases, in the event the person(s) summoned under Section 108 of the Customs Act, 1962, wish(es) for similar orders, he (they) may apply to the custom authorities concerned and a similar provision may be made for his/their interrogation in the presence of learned counsel, as indicated herein above.

4. Accordingly, we allow the criminal miscellaneous petition, as well as the writ

petition and direct that the petitioners' advocate should be allowed to be present during the interrogation of the petitioners. He/they should be made to sit at a distance beyond hearing range, but within visible distance and the lawyer must be prepared to be present whenever the petitioners are called upon to attend such interrogation.