

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO(s). 39 OF 2011

GIAN CHAND

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

O R D E R

In this writ petition the petitioner has challenged the detention order, which had been passed against him under Section 3(1) of the Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974 (hereinafter referred to as 'the COFEPOSA Act'), being order of detention F.No.673/21/201-Cus.VIII dated 20th September, 2010. In relation to the same charges, detention order had been issued against one Ribu K.Ninan and Sumeet Saluja. The said detention orders were quashed by the Delhi High Court on 20th December, 2010. Since the petitioner is also similarly situated, as far as the other two accused are concerned, on grounds of parity, his sentence may also be considered in the same manner in which it was dealt with by the High Court.

Incidentally, the detention orders against the said two accused were quashed mainly on the ground that they have not been served with all the papers relating to the detention, and, in fact, all the documents resulting in the passing of the detention order had not been placed before the Detaining authority while making the impugned order of

detention.

2. Same is the case as far as this writ petitioner is concerned, though, according to Mr. Rohatgi, there are other points as well, including the fact that under the Exim Policy of 2011, the policy relating to export of non-basmati rice has since been altered.

3. Accordingly, having heard learned counsel for the parties, we allow the writ petition and quash the impugned order of detention passed against the petitioner, referred to hereinabove.

4. There will be no orders as to costs.

(ALTAMAS KABIR)

.....J.

.....J.
(CYRIAC JOSEPH)

NEW DELHI;
March 07, 2011.
ITEM NO.31

COURT NO.2

SECTION X

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS
WRIT PETITION (CRL.) NO(s). 39 OF 2011

GIAN CHAND

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(With appln(s) for ex-Parte stay and office report))

Date: 07/03/2011 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE CYRIAC JOSEPH

For Petitioner(s)

Mr. Mukul Rohatgi, Sr. Adv.
Mr. Atul Nanda, Sr. Adv.
Mr. Saurabh Kirpal, Adv.
Mr. Ravindra Keshavrao Adsure, Adv.
Mr. Sujay Kantawala, Adv.
Ms. Jyoti Taneja, Adv.

For Respondent(s)

Mr. Mohan Parasaran, ASG.(N.P.)

Mr. Naresh Kaushik, Adv.
Mr. B.K. Prasad, Adv.

UPON hearing counsel the Court made the following
O R D E R

The writ petition is allowed and the
impugned order of detention passed against the
petitioner is quashed in terms of the signed
order.

There will be no orders as to costs.

(Sheetal Dhingra)
Court Master

(Juginder Kaur)
Court Master

[Signed order is placed on the file]