

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

CRLMP.NO.10117 OF 2012

IN

WRIT PETITION(CRL.)NO. 29 OF 2012

VIJAY SAJNANI & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ANR

Respondent(s)

O R D E R

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

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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 hereinabove.

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.

.....J.
(ALTAMAS KABIR)

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.....J.
(J. CHELAMESWAR)

.....J.
(RANJAN GOGOI)

NEW DELHI;
April 25, 2012.

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ITEM NO.MM-2-C

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

CRLMP.NO.10117/12
IN
WRIT PETITION (CRL.)NO. 29 OF 2012

VIJAY SAJNANI & ANR

Petitioner(s)

VERSUS

UNION OF INDIA & ANR
(for directions)

Respondent(s)

Date: 25/04/2012 This Petition was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ALTAMAS KABIR
HON'BLE MR. JUSTICE J. CHELAMESWAR
HON'BLE MR. JUSTICE RANJAN GOGOI

For Petitioner(s)
/applicant

Mr. Nikhil Jain,AOR.
Mr. Prashant Mishra, Adv.

For Respondent(s)

Mr. P.P. Malhotra, ASG.
Mr. Mariarputham, Sr. Adv.
Mrs. Shalini Chandra, Adv.
Mr. Arvind Kumar Sharma,AOR.

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

In terms of the signed order, the criminal miscellaneous petition, as well as the writ petition are allowed and it is directed 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.

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(Sheetal Dhingra)

COURT MASTER

(Juginder Kaur)

Assistant Registrar

[Signed order is placed on the file]