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\* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.MC No.3429/2011**

% Judgment delivered on:15<sup>th</sup> November, 2011

DRI ..... Petitioner  
Through : Mr.Satish Aggarwala, Adv.

versus

STATE ..... Respondent  
Through : Mr.Naveen Sharma, APP.

**CORAM:**  
**HON'BLE MR. JUSTICE SURESH KAIT**

- |                                                                                 |    |
|---------------------------------------------------------------------------------|----|
| 1. Whether the Reporters of local papers<br>may be allowed to see the judgment? | NO |
| 2. To be referred to Reporter or not?                                           | NO |
| 3. Whether the judgment should be reported<br>in the Digest?                    | NO |

**SURESH KAIT, J. (Oral)**

1 Learned counsel for the petitioner submits that the department had agreed to comply with the order dated 29.08.2011 & 24.09.2011, whereby the Chief Commissioner of Customs was directed to hold an inquiry and take appropriate actions against the erring customs officials and intimate the court in writing.

2 Learned counsel further submits that after passing the

order dated 29.08.2011; the department moved an application for recalling of the above mentioned orders. It is stated in the application that the Inquiry being conducted by the Investigation Officer shall be supervised by the Senior Officers of DRI, Delhi Zone.

3 It is further stated that the investigation is being conducted from every angle.

4 It is stated that the inquiry shall be fair and as per provisions of law.

5 On instructions of Sh. Devender Singh, Investigation Officer of DRI, learned counsel for the petitioner assured this court that the direction given by the learned trial court in the above stated two orders shall be complied with and inquiry/investigation shall be conducted by Senior officer, not below the rank of Joint Secretary of DRI against the erring Customs Officers, and the outcome of investigation shall be filed before the trial court.

6 In view of above, I modify the orders dated 29.08.2011 and 24.09.2011 passed by learned Trial Court to the extent

that the inquiry shall be conducted as stated in para No.5 above, within one month from today.

7 Accordingly, Crl.M.C.3429/2011 is partially allowed.

8 No order as to costs.

9 *Dasti.*

**CRL. M.A. 12169/2011(stay)**

The application has become infructuous & accordingly stands disposed of.

**SURESH KAIT, J**

**November 15<sup>th</sup> 2011**

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