

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT:

THE HONOURABLE MR. JUSTICE A.MUHAMED MUSTAQUE

MONDAY, THE 7TH DAY OF SEPTEMBER 2015/16TH BHADRA, 1937

WP(C).No. 24489 of 2015 (I)

PETITIONER:

**N.S.MAHESH, AGED 43 YEARS,
S/O. SREEDHARAN, RESIDING AT NAMBIYATH HOUSE,
PALLURUTHY, KOCHI TALUK, ERNAKULAM DISTRICT.**

BY ADV. SRI.M.S.SAJEEV KUMAR

RESPONDENT:

**THE COMMISSIONER OF CUSTOMS,
OFFICE OF THE COMMISSIONER OF CUSTOMS,
WILLINGDON ISLAND, COCHIN-682009.**

**BY ADVS. SRI.JOHN VARGHESE,SC,
SRI.THOMAS MATHEW NELLIMOOTTIL,SC**

**THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION
ON 07-09-2015, THE COURT ON THE SAME DAY DELIVERED THE
FOLLOWING:**

PJ

WP(C).No. 24489 of 2015 (I)

APPENDIX

PETITIONER(S)' EXHIBITS

**EXHIBIT P1- TRUE COPY OF THE SHOW CASUE CUM DEMAND NOTICE IN F.NO.
SIIB/50/2014 DATED 24-12-2014.**

EXHIBIT P2- TRUE COPY OF THE INTERIM REPLY DATED 15-01-2015.

EXHIBIT P3- TRUE COPY OF THE REPLY DATED 03-05-2015.

EXHIBIT P4- TRUE COPY OF ORDER DATED 10-06-2015.

EXHIBIT P5- TRUE COPY OF THE CALL LETTER DATED 03-08-2015.

RESPONDENT(S)' EXHIBITS

NIL.

/ TRUE COPY /

P.S. TO JUDGE

PJ

A.MUHAMED MUSTAQUE, J.

W.P.(C)No.24489 of 2015

Dated this the 7th day of September, 2015.

J U D G M E N T

The petitioner has been served with notice under the Customs Act. The petitioner gave an interim reply. In the interim reply, the petitioner sought for examination of certain witnesses. This was declined by Ext.P4 stating that the petitioner has not specifically rebutted any of the allegations/contraventions raised in the show cause notice or has brought any facts/findings to support the case of the noticee. Therefore, the request for cross examination cannot be considered at this stage for want of specific rebuttal of the allegations/contraventions.

2. The petitioner submits that he is proposed to file a reply within a week.

3. In that view of the matter, the cross examination of the witnesses shall be considered by the 1st respondent in

the light of the reply to be filed by the petitioner. Separate orders shall be passed on the request of the petitioner.

The writ petition is disposed of accordingly.

Sd/-
A.MUHAMED MUSTAQUE,
Judge.

ami/

//True copy//

P.A.to Judge