

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION
WRIT PETITION {L} NO.1229 OF 2016

M/s. Empire India Multitrade Pvt. Ltd. Petitioner
Vs.
Union of India & Others Respondents

Mr. Prakash Shah with Mr. Anil Balani, Mr. C. Subba
Reddy and Ms C. Pooja Reddy i/by Mr. Dubey Vinit
Prabhat for the Petitioner.
Mr. Pradeep S. Jetly with Mr. Jitendra B. Mishra for
the Respondents.

CORAM: S.C. DHARMADHIKARI &
DR. SHALINI PHANSALKAR-JOSHI, JJ.

DATE : JULY 11, 2016

P.C:

1. After having heard both sides, we find that this Court cannot go into all the details of the seizure and the pending investigation.

2. We appreciate the anxiety of the respondents that the matter pertains to alleged smuggling of red sanders and involvement of several persons and parties. The investigation,

therefore, may take some more time. But after a show cause notice and initially issued not to the company or the person named in our earlier order, no useful purpose will be served by continuing with the seizure of the moveables.

3. One of the moveables is stated to be a vehicle/car, the other are computers, a laptop, files, softwares and data.

4. We do not think that for a particular data or information and when all facilities are available for retrieving it on a pen-drive or a computer disk, should the CPU be detained and continued under seizure. That serves no useful purpose. Secondly, to deal with problems such as parking of vehicles and their eventual decay pending the disposal of cases and their adjudication, all the more such vehicles which are seized but in relation to which the title documents are produced, or such other arrangements as are now stated by the petitioner are placed on record, then the concerned person/s be called upon to produce the same and after due consideration of all the documents produced, the authorities must decide whether the

seizure should continue or the vehicle, computers, laptop and files be released.

5. We now expect the authorities to take an early decision. Let the same be taken within a period of two weeks from the date of receipt of a copy of this order. We do not express any opinion on the rival contentions, particularly whether the petitioner is involved in any activities alleged or that it has no role to play.

6. We record the statement of Mr. Shah that the petitioner is ready and willing to co-operate with the respondents by placing on their file photocopies of all the relevant originals and pen-drive and computer disk of all the information and data available in the CPU. The writ petition is disposed of.

(DR. SHALINI PHANSALKAR-JOSHI, J.)

(S.C. DHARMADHIKARI, J.)