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

+ **W.P.(CRL) 1130/2016 & CRL.M.A.5892/2016**

RAVI NAYAR

..... Petitioner

Through: Mr. Saurabh Kirpal, Advocate with Mr.
Sanjay Agarwal, Mr. Wattan Sharma,
Ms. Diksha Rai, Mr. Prashant
Shrivastava and Mr. Manan Verma,
Advocates

versus

UNION OF INDIA & ANR

..... Respondents

Through: Mr. Vivekanand Mishra, Advocate for
R-1
Mr. Satish Aggarwala, Advocate for R-2

CORAM:

HON'BLE MR. JUSTICE SIDDHARTH MRIDUL

ORDER

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08.04.2016

The present is a petition under Article 226 of the Constitution of India read with Section 482 of the Code of Criminal Procedure, 1973 (Cr.P.C.), essentially impugning the issuance of summons dated 19.03.2016, under Section 108 of the Customs Act, 1962 (hereinafter referred to as 'the said Act'), requiring the petitioner to present himself in person before the Senior Intelligence Officer, DRI, DZU, New Delhi on 21.03.2016.

With the consent of counsel for the parties, the present petition has been heard and is being disposed of with the following order.

As directed, the summons in original has been placed on record by the petitioner. A perusal thereof reveals that the summons under Section 108 of the said Act is completely bereft of all necessary and material particulars. It does not even specify the inquiry/investigation in relation to which the petitioner has been summoned. It is also evident that the impugned summons is completely silent in respect of any case being registered against the petitioner as

well as absent of any information as to why he has been called.

In my considered view, the impugned summons is *ex facie* unsustainable. Consequently, the summons dated 19.03.2016 is set aside and quashed.

Mr. Satish Aggarwala, learned counsel appearing on behalf of the DRI, in response to a specific query from this Court, states that he is not aware about any proceeding pending against the petitioner at this point of time. Needless to say that the official respondent is at liberty to summon the petitioner afresh, if so advised, in accordance with law.

Mr. Satish Aggarwala, learned counsel appearing on behalf of the DRI specifically states that any further action against the petitioner shall be initiated, strictly in accordance with law and after due compliance of all the statutory requirements. In this behalf, it is made clear that any coercive action against the petitioner shall only be effected after initiation of proceedings in accordance with law and after serving upon the petitioner a seven days notice in that behalf.

With the above directions the writ petition is disposed of. Pending application also stands disposed of.

SIDDHARTH MRIDUL, J

APRIL 08, 2016

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