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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**
+ W.P.(CRL) 3453/2016
M/S ANM ELECTRFONICS PVT LTD Petitioner
Through: Mrs. Anjali Jha Manish and Ms.
Sunaina Pasricha, Advs.
versus

UNION OF IN DIA & ORS Respondents
Through: Mr. Brajesh Kumar, Adv. for R-1.
Mr. Ashish Aggarwal, ASC with Ms.
Arpita Bhattacharyya, Adv. for R-2.
Mr. Sanjeev Narula, Sr. Standing
Counsel with Mr. Abhishek Ghai,
Adv. for R-3 & R-4.

CORAM:
HON'BLE MR. JUSTICE A.K. PATHAK

ORDER
% **02.12.2016**

In the similar facts and circumstances a learned Single Judge of this Court, vide order dated 1st December, 2016 passed in W.P. (Crl.) 3454/2016, has ordered as under :-

“Since the petitioner was a notified party in respect of the import of the goods in question, the issuance of summons to the petitioner under Section 108 of the Customs Act is but natural. At this stage, no case has been registered against the petitioner and merely on an apprehension that the petitioner may be proceeded against, the investigation and the consequent summons issued to him cannot be quashed. As to whether, or not, the ownership in the goods sought to be imported vested in the petitioner is an issue which would require examination by the respondents.

This Court also finds merit in the submission of learned counsel for the respondent that the petitioner should approach the courts

having jurisdiction over the Noida Commissionerate in relation to the investigation being conducted by the said Commissionerate. However, since the petitioner has also expressed his readiness and willingness to join the investigation, for that limited purpose, so as to assuage the apprehension expressed by the petitioner with regard to the treatment that he may be meted out during his interrogation, this Court is exercising its jurisdiction.

It is, therefore, directed that the petitioner shall join the investigation firstly on 05.12.2016 at 11:00 a.m. before the Superintendant of Customs (SIIB), Noida Customs. He shall also appear for interrogation on any subsequent date(s) fixed for that purpose. In case the petitioner joins the investigation, he shall be entitled to be accompanied by his counsel. The counsel is permitted to remain present at a visible distance to the petitioner's proprietor, but the interrogation shall not be audible to the counsel. The interrogation shall be undertaken during the normal working hours. In case the respondent proceeds to arrest the petitioner, three days prior notice shall be given in writing to the petitioner for that purpose.

Petition stands disposed of in the aforesaid terms.

Order dasti under the signatures of the Court Master.”

Accordingly, in the similar facts and circumstances, it is directed that petitioner shall join the investigation on 6th December, 2016 at 11:00 am before the Superintendent of Customs (SIIB, Noida, Customs) and on any subsequent date(s) as fixed by the said authority for the purpose of investigation. Petitioner shall be entitled to be accompanied by his counsel who may be permitted to remain present at a visible distance to the petitioner's proprietor but interrogation shall not be audible to the counsel. The interrogation shall be undertaken during the normal working hours. In

case the respondent intends to arrest the petitioner, 3 days prior notice shall be given to the petitioner for that purpose.

Writ petition is disposed of in the above terms.

Dasti.

A.K. PATHAK, J.

DECEMBER 02, 2016

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