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

+ W.P.(CRL) 3705/2016

ASHU CHOPRA

..... Petitioner

Through: Mrs. Anjali J Manish and Mr.
Priyadarshi Manish, Advocates

versus

THE STATE

..... Respondent

Through: Mr. Satish Aggarwala and Mr. Amish
Aggarwala, Adv for R-2&3

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

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24.12.2016

Crl. M.A. No. 20219/2016

Exemption allowed, subject to all just exceptions. The application stands disposed of.

W.P.(CRL) 3705/2016

Issue notice. Notice is accepted on behalf of the State. The petitioner has preferred the present writ petition to seek the following substantive reliefs:

- a) Issue a writ, order or directions in the nature of certiorari seeking quashing of the summons bearing DRI- HQ- 50D/ Enq-22/ INT-10/2016/ 9128 dated 13.12.2016; or
- b) Issue a writ, order or directions in the nature of mandamus to the respondent to allow the presence of counsel for the petitioner during the recording of statement under Section 108 of the Customs Act, 1962 (the Act).

After some arguments, counsel for the petitioner has not pressed the first relief in the writ petition, and to that extent the writ petition stands dismissed as withdrawn.

So far as the second relief sought by the petitioner is concerned, the same is allowed in view of the detailed order passed today in W.P.(Crl.) No.3697/2016, titled *Triptā Thapar v. State*, on the same terms and conditions.

Let the petitioner appear before respondent no.3 for inquiry on 03.01.2017 at 11:00 a.m. for her questioning along with all the documents required of her in the earlier notices issued to her. No further notice shall be required to be given to her u/s 108 of the Act, and the present direction shall constitute sufficient notice to her in compliance of Section 108 of the Act.

The inquiry shall be conducted uptill 5:00 p.m. and if the same is required to be continued, the same may be continued on a day to day basis during office hours only. The same shall be conducted in the presence of a lady officer of the DRI. Counsel for the petitioner shall be permitted to accompany her. He shall be permitted to remain at a distance from where he can see the process of inquiry being undertaken, but he shall not be within the audible range of the process of inquiry.

Order dasti under the signatures of the Court Master.

VIPIN SANGHI, J

DECEMBER 24, 2016

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