

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY  
CRIMINAL APPELLATE JURISDICTION  
WRIT PETITION NO. 406 OF 2009**

Sayyed Hussain Madar @ Chand .....Petitioner  
versus  
Union of India and ors. ....Respondents

None for the petitioner.  
Ms. Rebecca Gonsalvez, advocate for the respondent Nos. 1 to 3.  
Mr. Y. M. Nakhwa, APP for the respondent No.4-State.

**CORAM : RANJIT MORE &  
SMT.SADHANA JADHAV, JJ.**

**DATE : 21<sup>st</sup> SEPTEMBER, 2017.**

**P. C. :**

The petition is filed for the following reliefs :

*“(a) to issue any appropriate writ order or direction  
(s) in the nature thereof calling for the record of the  
present case and quash the order of Detention  
bearing No.F.No.673/10/2005-Cus.VIII dated 02/05/2005  
passed by the Respondent No.2. R.K.Gupta, Joint Secretary  
to the Government of India, Ministry of Finance,  
Department of Revenue, against the petitioner.*

*(b) That this Hon'ble Court be pleased to set aside  
the SAFEMA proceeding initiated against the petitioner.”*

2. So far as the relief claimed under prayer clause (a) is concerned, Ms. Gonsalvez, learned counsel for the respondent Nos.1 to 2, invited our attention to the document at Exhibit E, page 71,

which is an order dated 16<sup>th</sup> August, 2007 in writ petition (Cri) No.2459/2006 of the Delhi High Court. The said order makes it clear that, on the date of the order, only six days were left to complete the period of the petitioner's detention. The petitioner, accordingly, sought leave to withdraw the petition and the same was granted with liberty to raise all issues and question the detention order, in case, any proceeding under the Smugglers and Foreign Exchange Manipulators (Forfeiture of Property) Act, 1976 (for short "SAFEMA") is initiated by the respondents.

3. So far as relief claimed under prayer clause (b) is concerned, Ms. Gonsalvez, invited our attention to the document at Exhibit F, page 73, which is a notice dated 1<sup>st</sup> January, 2009, by which, the petitioner was called upon to furnish certain information. Ms. Gonsalvez, having taken instructions, submitted that except the said notice, no proceedings were initiated against the petitioner under SAFEMA. The statement is accepted.

4. In the light of the above, the petition is rendered infructuous and the same is dismissed as such.

**[SMT. SADHANA JADHAV, J.]**

**[RANJIT MORE, J.]**