

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL WRIT PETITION NO.3115 OF 2017

Hiten Haria.] ... Petitioner

Versus

1. Union of India,]
 2. Directorate of Revenue Intelligence,]
 3. State of Maharashtra.] ... Respondents

Mr. Vivak Kantawala i/b Mr. Yogesh Rohira for Petitioner.

Ms. Rebecca Gonsalvez for Respondent Nos.1 and 2.

Mr. N. B. Patil, APP for State.

**CORAM :- RANJIT MORE &
SARANG V. KOTWAL, JJ.**

DATE :- 03 AUGUST, 2017

P. C. :-

1. Not on board. Upon production, taken on board.
2. Mr. Kantawalla, learned Advocate for the petitioner, at the outset, restricts himself to the prayer clause (i) of the petition, which reads thus :

“(i) To permit the Petitioner to accompany an Advocate at visible but not audible distance, during his interrogation by the officers of the Respondents, in accordance with the general direction given by the Hon'ble Supreme Court in the matter of Vijay Sajnani Vs Union of India in Crl.M.P. No.10117 of 2012 in WP (Crl.) No.29 of 2012.”

3. The relief claimed in the present petition has been covered by the 3 Bench Judgment passed in CRL MP No.10117 of 2012 on 25th April 2012. In similar circumstances, the Apex Court directed that the Advocate of the petitioners should be allowed to be present during the interrogation of the petitioners. It was further directed that he/they should be made to sit at a distance beyond hearing range, but within visible distance and the lawyer must be prepared to be present whenever the petitioners are called upon to attend such interrogation.

4. In the light of the above, we allow the petition in terms of prayer clause (i) and dispose off the same.

(SARANG V. KOTWAL, J.)

(RANJIT MORE, J.)