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

+ W.P.(CRL) 3109/2016

SAURABH GUPTA & ANR

..... Petitioner

Through: Mr. Pankaj Bhatia, Dhruv Surana,
Nipun Goel and Ashish Choudhury,
Adv.

versus

UNION OF INDIA & ORS

..... Respondent

Through: Mr. Satish Aggarwala, Adv.

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

ORDER

31.01.2017

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Learned counsel for the petitioner submits that though the petitioner has sought several reliefs in the petition, the petitioner is giving up the said reliefs and is pressing only the relief that when the petitioner is called for the inquiry in pursuance of notice under Section 14 of the Central Excise Act, the petitioner's counsel may be permitted to accompany him such that he is able to see the petitioner while under examination, but not hear him. Learned counsel relies on several orders passed by this court in this regard including W.P. (Crl.) No.2459/2016 titled *Abhishek Agrawalla v. Commissioner of Customs & Anr.* decided on 23.08.2016 and W.P. (Crl.) No. 3697/2016 title *Tripta Thapar v. The State* decided on 24.12.2016.

Mr. Aggarwala submits that if this is the only relief sought by the petitioner, he shall leave it to this court to pass appropriate orders in view of the earlier orders passed by this Court, as taken note of hereinabove.

Accordingly, the present petition is allowed only to the limited extent that in case the petitioner is summoned under Section 14 of the Central Excise Act, subject to the condition that he joins the investigation, he shall be permitted to take along with him his counsel. The counsel shall be permitted to remain at a distance such that he can observe the petitioner under examination. However, he shall not be at a hearing distance of the petitioner at the time of his examination.

The petition stands disposed of in the aforesaid terms. Dasti.

VIPIN SANGHI, J

JANUARY 31, 2017

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