

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.1478 OF 2018

Kishor Vasantraai Gandhi

..Petitioner

Vs.

Directorate of Enforcement & Anr.

..Respondents

Ms.Yogita Gogar i/b PD.Jain & Co. for the Petitioner.

Mr.H.S. Venegaonkar for the Respondent-Union of India.

Mr.A.D.Kamkhedkar APP for the Respondent State.

CORAM : R. M. SAVANT, &
REVATI MOHITE DERE,JJ
DATE : 13th JUNE, 2018

PC.

1. The principal relief sought in the above Writ Petition is a direction to the Respondent to allow the presence of the Petitioner's Advocate at a visible but not audible distance during the course of interrogation and/or recording of the statement of the Petitioner in case arising out of ECIR/MBZOI/01/2017 in which case the Petitioner has been summoned by the Respondent i.e. Enforcement Directorate. In support of such relief, reliance is placed on behalf of the Petitioner on the order dated 16th April 2012 passed by the Apex Court in Writ Petition (Criminal) No.28 of 2012 in the matter of **Birendra Kumar Pandey and Anr. Vs. Union of India and Anr.** and the orders passed by the Division Benches of this Court which are annexed to the above Petition. Last of such orders being the order dated 19th April 2017 passed in Criminal Writ Petition No.1664 of 2017 in the matter of **Rakesh Natwarlal Patel Vs.**

Directorate Enforcement and Anr. wherein the identical relief as claimed in the above Petition was granted to the Petitioner in the said Petition.

2. In our view the order passed by the Apex Court in Birendra Kumar and Anr. (supra) and the Division Bench of this Court in Rakesh Natwarlal (supra) are on all fours insofar as the Petitioner is concerned i.e. the Petitioner's case is covered by the said orders. The above Writ Petition is therefore required to be allowed and is accordingly allowed in terms of prayer clause (a) and (b). It is however clarified that the presence of the Advocate of the Petitioner is permitted at a visible but not at an audible distance during the course of the recording of the statement of the Petitioner.

3. Parties to act upon an ordinary copy of this order duly authenticated by Court Sheristedar/Associate.

[REVATI MOHITE DERE, J]

[R.M.SAVANT, J]