

HON'BLE SRI JUSTICE U.DURGA PRASAD RAO

WRIT PETITION No.17468 OF 2018

ORDER:

The petitioner prays for writ of *Mandamus* directing that the respondents shall conduct the enquiry either in the presence of his counsel or under surveillance of videography to ensure that no coercive or third degree methods are employed during the course of interrogation in Crime Nos.F.No.DRI/CZU/VIII/48/ENQ-01/INT07/2018 and F.No.DR1/11ZU/48C/INT-07/2018.

2. Heard learned counsel for the petitioner and learned Assistant Solicitor General appearing on behalf of the respondents.

3. The petitioner's case is that in Crime F.No.DRI/CZU/VIII/48/ENQ-01/INT-07/2018 and F.No.DR1/11ZU/ 48C/INT-07/2018, he is not shown as accused but the respondents directed him to appear before the 2nd respondent on 03.05.2018 and when he appeared along with his counsel on 03.05.2018, the 2nd respondent did not allow his counsel to enter in his Chambers on the ground that he wanted to investigate him privately. Thereafter, the 2nd respondent questioned the petitioner and insisted him to give answers to the queries and when he stated that he was not aware of the alleged transportation of diesel and he did not know about the accused in that case, the 2nd respondent insisted him to admit the crime and

when he did not agree, the 2nd respondent beat him black and blue which is evident from the photographs filed by the petitioner.

4. Learned counsel would further submit that the respondents have directed him to appear before them again on 11.05.2018 and therefore he apprehends that the coercive and third degree methods may again be employed against him to extract the forced confession. Learned counsel thus prays to permit him to attend the interrogation along with his counsel. He relied on *Senior Intelligence Officer, Directorate of Revenue Intelligence Vs. Jugal Kishore Samra*¹.

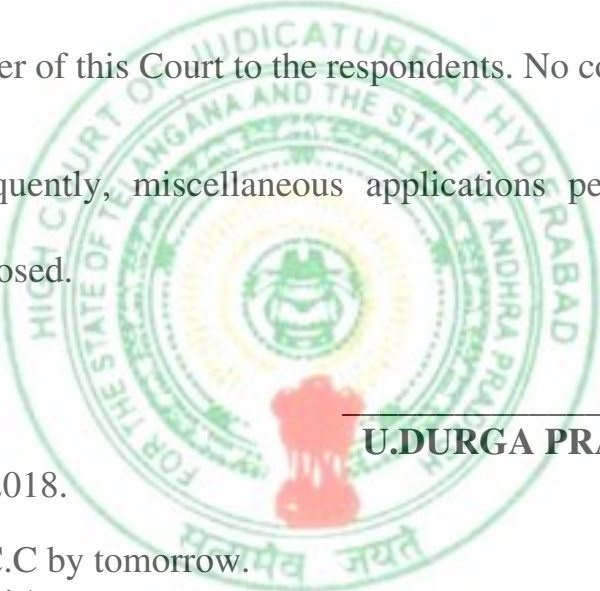
5. Learned Assistant Solicitor General appearing for the respondents would submit the allegations and apprehension of the petitioner are baseless and no coercive methods will be employed against him during the course of interrogation.

6. The photographs of the petitioner filed along with the material papers show bruises on the body of the petitioner, which lend *prima-facie* support to the apprehension of the petitioner. In similar circumstances, the Apex Court in *Jugal Kishore Samra's* case (1 supra) permitted the interrogation of the respondent to be held within the sight of his Advocate. Therefore, this Court is of the view that the petitioner's request has to be considered.

¹ 2011 (12) SCC 362

7. Accordingly, the Writ Petition is allowed and the petitioner is permitted to appear before the respondents for interrogation on 11.05.2018 or on subsequent dates as fixed by the respondents along with his counsel. The interrogation of the petitioner shall be held within the sight of his counsel and his counsel can watch the proceedings from a distance or from beyond a glass partition but he will not be within the hearing distance and it will not be open for the petitioner to have consultations with him during the course of interrogation. Learned Assistant Solicitor General shall inform about the order of this Court to the respondents. No costs.

Consequently, miscellaneous applications pending, if any, shall stand closed.



U.DURGA PRASAD RAO, J

Date: 10.05.2018.

Note: Issue C.C by tomorrow.

(b/o)

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