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

+ W.P. (Crl.) /2018 (to be numbered)

PRAVIN KUMAR SHARMA

..... Petitioner

Through: Ms. Anjali J Manish, Ms. Priyadarshini
Manish and Nidhi Saini, Advocates

versus

THE STATE & ORS.

..... Respondents

Through: Mr. Satish Aggarwala, Advocate for DRI

CORAM:

HON'BLE MR. JUSTICE VIPIN SANGHI

HON'BLE MR. JUSTICE NAVIN CHAWLA

ORDER

03.02.2018

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Learned counsel for the petitioner has mentioned this petition before this bench for urgent hearing. The occasion for this mention has arisen, since, this bench has been constituted to hear another petition seeking a writ of habeas corpus under the orders of Hon'ble the Acting Chief Justice in respect of another person viz. Mr. Sanjay Maheshwari. The detinue in the present case viz. Kishanvir Sharma is stated to be involved in the same transaction.

Looking to the urgency, we have allowed the request and proceed to take up the present petition.

Mr. Satish Aggarwala has appeared on advance notice on behalf of the respondents.

The petitioner has preferred this petition to seek a writ of habeas corpus

for production of Mr. Kishanvir Sharma from the custody of the respondent/ DRI. According to the petitioner, Mr. Kishanvir Sharma was taken by the officers of the DRI on 02.02.2018 after conducting search at the residential premises from 7 O'clock onwards in the morning. The petitioner claims that Mr. Kishanvir Sharma was detained at the DRI Office on 02.02.2018 and despite passage of more than 24 hours, he has not been produced before the Magistrate during the course of the day today.

Mr. Aggarwala, on instructions, states that summons were issued to Mr. Kishanvir Sharma for recording his statement under Section 108 of the Customs Act yesterday and again today. He states that after recording his statement, Mr. Kishanvir Sharma has left the office of the DRI today.

Learned counsel for the petitioner has made a telephonic call and confirms that Mr. Kishanvir Sharma has left the office of the DRI.

Since Mr. Kishanvir Sharma is now free to return to his home, this petition has become infructuous.

We may observe that there is a dispute as to whether, or not, Mr. Kishanvir Sharma had been detained by the respondent/ DRI. However, we are not going into the same. The parties are left free to raise the said issue in appropriate proceedings.

The petition stands disposed of in the aforesaid terms.

VIPIN SANGHI, J.

NAVIN CHAWLA, J.

FEBRUARY 03, 2018