

\$~8

*

IN THE HIGH COURT OF DELHI AT NEW DELHI

+

W.P.(CRL) 2459/2016 & CrI.M.A.No.13005/2016

ABHISHEK AGRAWALLA

..... Petitioner

Through: Mrs Anjali J. Manish and Ms Raj
Rajeshwari, Advs

versus

COMMISSIONER OF CUSTOMS & ANR

..... Respondents

Through: Mr Ajit Sharma and Mr Mayank
Aggarwal, Advs with Insp Om
Prakash

CORAM:

HON'BLE MS. JUSTICE INDERMEET KAUR

ORDER

%

08.02.2018

The petitioner has challenged the summoning orders dated 09.08.2016, 11.08.2016 and 17.08.2016 issued in the three complaints mentioned in the petition. Learned counsel for the customs / respondents informs this Court that after the issuance of the summons in August 2016 since the petitioner had not appeared before the Adjudicating Authority; fresh summons had been issued to the petitioner in October 2016. Pursuant thereto the petitioner has now been appearing before the Adjudicating Authority and the matter is now subjudice before the Adjudicating Authority. Submission being that all the pleas raised in the present petition can well be answered by the Adjudicating Authority.

Learned counsel for the petitioner points out she had appeared

before the Adjudicating Authority pursuant to the directions contained in the order dated 23.08.2016. Learned counsel for the petitioner additionally informs this Court that the legality as to whether a statement under Section 108 of the Customs Act can be recorded by the respondent once a person already stands arrested is an issue which has been raised before the Division Bench in W.P.(Crl.) No. 3419/2017, Gaurav Gupta vs Union of India and Division Bench.

This Court is of the view that the averments made in the present petition can well be answered by the Adjudicating Authority who shall answer them in accordance with law. No further orders are called for in this petition.

Petition disposed of in the above terms.

INDERMEET KAUR, J

FEBRUARY 08, 2018
SU