

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
WRIT PETITION NO. 979 OF 2016**

May Zin OO	...Petitioner
Versus	
The Union of India & Ors.	...Respondents

Mr. Sagar Kasar a/w Mr. Amol Wagh for the Petitioner

Mrs. Rati Amrolia, Spl. P.P for Respondent Nos. 3 and 4

Mrs. A. S. Pai, A.P.P for the Respondent-State

**CORAM : B. P. DHARMADHIKARI &
REVATI MOHITE DERE, JJ.
THURSDAY, 10th JANUARY 2019**

P.C. :

1 Matter has been heard along with writ petition Nos. 977/2016, 1812/2016 and 978/2016. We find facts slightly different.

2 During hearing, petitioner has produced before us copy of order dated 15th February 2017 in an appeal, passed by Commissioner of Customs (Appeals). This order is passed in an appeal against the order of Additional Commissioner of Customs dated 30th November 2015.

3 Counsel appearing for respondents 3 and 4 is handicapped, as she has received order and its knowledge in Court only today and nobody from Department is present to assist her. At the risk and cost of petitioner, we are accepting that order on record.

4 This order, while allowing the appeal, in paragraph 24, records that the petitioner was wearing gold jewellery and there was no concealment. Gold was not brought as a professional carrier for somebody else. Petitioner has been, therefore, permitted to redeem the gold on payment of fine and to re-export redeemed goods. Penalty imposed on her vide order in original of Rs. 1,00,000/- has been, however, maintained.

5 Reply affidavit shows that petitioner, a Myanmar National, was caught on 18th June 2014 with 412 grams of gold amounting to Rs. 10,13,000/-. It also shows that previously, between 24th September 2012 to 25th September 2014, she has visited India for short durations on 12 occasions.

6 In this situation, we grant petitioner leave to move appropriate application to Ministry of Home Affairs for permission to enter India, pointing out reasons and occasion therefor. Such request shall be looked into as per law independently by the Ministry of Homes Affairs.

7 With this liberty, we partly allow the writ petition and dispose it of.

REVATI MOHITE DERE, J.

B. P. DHARMADHIKARI, J.