

BDP-SPS

Bharat
D. Pandit
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Bharat D. Pandit
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**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPLICATION NO. 58 OF 2018**

Union of India

.... Appellant

V/s

Shyam Saheb Suttar
and Anr.

..... Respondents.

Mr. Natarajan Narayanswamy for the Appellant.
Mr. S.V. Gavand, APP for the State.

CORAM: NITIN W. SAMBRE, J.

DATE: NOVEMBER 14, 2019

P.C.:-

1] Exhibits-P-9 and P-10 are confessional statements claimed to have been recorded under Section 108 of the Customs Act. That being so, same are admissible in evidence. Support is drawn from the Judgment of the Apex Court in the matter of *Asstt. Collr. of Ex., Rajamundry vs. Duncan Agro Industries Ltd.*¹

2] It appears that the learned Magistrate, by ordering acquittal, has not considered these statements. In view thereof, leave granted.

¹ 2000 (120) E.L.T. 280 (S.C.)

- 3] **Admit.** Learned APP for the State waives service of notice.
- 4] Call for the record and proceedings.
- 5] Action under section 390 of the Criminal Procedure be taken.
Accused is admitted to bail on the same terms and conditions on
which he was ordered to be released by the Court below.

(NITIN W. SAMBRE, J.)