

**IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION**

WRIT PETITION NO. 3918 OF 2019

Nadeem Mohammad and anr.	Petitioners
versus	
Union of India and ors.	Respondents

Dr. Sujay Kantawala along with Mr. Yogesh Rohira and Ms.Aishwarya Kantawala i/b. Mr.Robin Thomas George, advocate for the petitioners.
Ms. Rebecca Gonsalvez, advocate for respondent No.2-DRI.
Mr. F. R. Shaikh, APP for the State.

**CORAM : RANJIT MORE &
SMT. BHARATI H. DANGRE, JJ.**

DATE : 30th JULY, 2019.

P. C. :

Heard learned counsel and learned APP appearing for the respective parties.

2. The petition is filed seeking directions to respondent No.2 to permit the petitioners to allow their advocate at visible but not audible distance during their interrogation by the officers of respondent No.2 and recording of their statement. Dr. Kantawala, learned counsel for the petitioners, relies upon a decision of the Apex Court in **Vijay Sajjani versus Union of India 2017 (345) E.L.T.323(S.C.)** and another decision in **writ petition (civil) No.389 of 2010 (Rajinder Arora and ors. versus UOI and ors.) dated 7th December, 2010.** He also relies upon the order dated 23rd July, 2019, passed by this Bench in criminal writ petition

No.3709 of 2019. Ms. Gonsalvez, learned counsel for respondent No.2 – DRI, however, opposed the said prayers.

3. In similar circumstances, the Apex Court in *Vijay Sajani* (supra) granted relief claimed by the petitioners in the present petition.

4. In light of above, in our considered opinion, the petitioners would be entitled for a relief as claimed in the writ petition. The writ petition is, accordingly, made absolute in terms of prayer clause (a) which reads as follows:

(a) Issue a writ of mandamus, or any other appropriate writ, order or direction, directing the Respondent No.2 to permit the petitioners to have advocate at visible but not audible distance during their interrogation by the officers of Respondent No.2 and recording of their statement may also be directed to be videographed;"

5. The writ petition stands disposed off.

[SMT. BHARATI H. DANGRE, J.]

[RANJIT MORE, J.]