

IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

WRIT PETITION NO.4231 OF 2019

Shri. Bherulal Ramswaroop Tepan

.....Petitioner

Versus

Union of India & ors.

.....Respondents

Dr. Sujay Kantawala along with Ms Poorva Patil, Advocate for the Petitioner.

Mr. K.V. Saste, APP for the Respondent-State.

Mr. J.B. Mishra, Advocate for Respondent No.2-DRI.

CORAM : RANJIT MORE & N.J. JAMADAR, JJ.

DATE : 22nd AUGUST, 2019.

P. C. :

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

2. Dr. Kantawala, learned counsel for the petitioner, at the outset, makes a statement that he is not pressing the reliefs claimed in prayer clauses (a) to (d). The statement is accepted.

3. As far as reliefs claimed in prayer clauses (e) & (f) are concerned, the petitioner is seeking directions to respondent No.2 to permit the petitioner to allow his advocate at visible but not audible distance during his interrogation, by the officers of respondent No.2 and permit to videograph the of recording of his statement. Dr. Kantawala, learned counsel for the petitioner, relied upon a decision of the Apex court

in **Vijay Sajnani 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 relied upon the order dated 23rd July, 2019, passed by his Bench in Criminal Writ Petition No.3709 of 2019. Mr. Mishra, leaned counsel for respondent No.2-DRI, however, opposed the said prayers.

4. In similar circumstances, the Apex Court in **Vijay Sajnani and Rajinder Arora (supra)** granted reliefs as claimed by the petitioner in the present petition.

5. We, therefore, dispose of the writ petition with directions that the petitioner would be interrogated in presence of an advocate at a visible, but not audible distance in relation to the interrogation in F.No.DRI/MZU/E/INT-224/2017 and DRI/AZU/SRU/B/ENQ-24/2018, by the Officers of DRI in accordance with the direction given by the Hon'ble Supreme Court in ***Vijay Sajnani Vs. Union of India in Cril. M.P. No.10117 of 2012 in WP (Crl.) 29 of 2012.*** We also direct that the proceedings be video-graphed in terms of orders passed by the Hon'ble Supreme Court in case of ***Rajinder Arora & Ors. Vs. Union of India & Ors.***

[N.J. JAMADAR, J.]

[RANJIT MORE, J.]