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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **W.P.(CRL) 3368/2019 & CRL.M.A. 41727/2019**

NIKHIL AGARWAL

..... Petitioner

Through Mrs Anjali Jha Manish, Mr Priyadarshi
Manish, Ms Jasmeet Kaur, Advocates.

versus

ADDITIONAL DIRECTOR GENERAL,
DIRECTORATE OF REVENUE INTELLIGENCE
& ORS.

..... Respondent

Through Mr Ajit Sharma, Senior Standing Counsel
for DRI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **11.12.2019**

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to undertake interrogations under Section 108 of the Customs Act, 1962 within the office hours, in the presence of an advocate who would remain at a visible distance and not within the audible range.
2. The petitioner apprehends that the petitioner would be coerced or physically assaulted during the recording of the statement under Section 108 of the Customs Act, 1962. According to the petitioner, a similar treatment had been accorded to the seller from whom the petitioner claims to have purchased the goods, which are now sought to be investigated.
3. The learned counsel appearing for the respondent submits that the allegations made in the petition are wholly unsubstantiated. He further

submits that the petitioner does not have any vested right for insisting on the presence of an advocate while his statement is recorded. Nonetheless, since the petitioner has expressed an apprehension, the respondent would have no difficulty in permitting the presence of an advocate while the statement of the petitioner is recorded under Section 108 of the Customs Act, 1962. This is provided that the advocate does not interfere in any manner in the recording of the said statement.

4. In view of the above statement, no further orders are required to be passed in this petition, except to direct that the statement be recorded during the office hours, that is, 09:00 a.m. to 07:00 p.m.

5. It is clarified that the aforesaid order has been passed, subject to the condition that the petitioner duly appears before the concerned officers on the dates when summoned. The petitioner shall not avoid the summons under any circumstances.

6. The petition is disposed of with the aforesaid directions.

7. The pending application is also disposed of.

8. Order *dasti* under the signature of Court Master.

VIBHU BAKHRU, J

DECEMBER 11, 2019

pkv