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

+ **W.P.(CRL) 3189/2019 and CRL.M.A. 40284/2019**

AMIT BANSAL

..... Petitioner

Through: Mrs Anjali Jha Manish, Mr
Priyadarshi Manish, Ms Astha Chetan
and Ms Jasmeet Kaur, Advocates.

versus

ADDITIONAL DIRECTOR GENERAL, DRI Respondent

Through: Mr Ajit Sharma, Senior Standing
Counsel for DRI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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15.11.2019

1. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondent to undertake interrogations under Section 108 of the Customs Act, 1962 within office hours and in the presence of an advocate, who would remain at a visible distance but not within the audible range.
2. The petitioner has alleged that on an earlier occasion, the petitioner was called for recording of his statement and was physically assaulted. The petitioner apprehends that similar treatment would be meted out to the petitioner on further occasions, when the petitioner is summoned for recording of the statement under Section 108 of the Customs Act, as well.
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 his 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. 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. The learned counsel appearing for the respondent states that the petitioner was required to appear before the concerned officer today at 12:00 noon. However, since the said time has elapsed, a fresh summon will be issued to the petitioner.

6. It is directed that the petitioner shall appear on the date so fixed and not avoid the same under any circumstances.

7. The petition is disposed of with the aforesaid directions. The pending application also stands disposed of.

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

VIBHU BAKHRU, J

NOVEMBER 15, 2019
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