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

+ **W.P.(CRL) 3603/2019**

PRANSHU GAUTAM

..... Petitioner

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

versus

ADDITIONAL DIRECTOR GENERAL,
DIRECTORATE OF REVENUE
INTELLIGENCE & ORS.

..... Respondents

Through Mr Ajit Sharma, Senior Advocate with
Mr Rishabh Sharma, Advocates for DRI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

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03.03.2020

CRL.M.A. 4765/2020

1. Allowed, subject to all just exceptions.
2. The application is disposed of.

CRL.M.A. 4764/2020

3. This is an application for early hearing. For the reasons stated in the application, the same is allowed.

W.P.(CRL) 3603/2019

4. The petitioner has filed the present petition, *inter alia*, praying that directions be issued to the respondents to record the statement of the petitioner under Section 108 of the Customs Act, 1962 during normal office hours and in the presence of an Advocate, who shall remain present at a

visible distance but not within audible range.

5. The petitioner apprehends that he would be coerced or physically assaulted during the interrogation for eliciting a response as required by the respondents. It is also alleged that similarly placed persons had been physically assaulted by officials of the respondent.

6. The allegations made by the petitioner are disputed by the learned counsel appearing for the respondents. He, however, submits that respondent does not have any objection if an advocate accompanies the petitioner and is present at the venue while the petitioner's statement under Section 108 of the Customs Act, 1962 is recorded, subject to the condition that he does not interfere with the proceedings in any manner.

7. In view of the above, it is directed that the petitioner would appear before the concerned officials in response to the summons that may be issued to the petitioner. The petitioner shall be entitled to be accompanied by an Advocate, who would remain present at a visible distance but not within audible range and will not interfere with the proceedings in any manner whatsoever. The statement of the petitioner shall be recorded during office hours, that is, between 9.00 a.m. and 7.00 p.m.

8. The petition is allowed in the aforesaid terms.

9. The date already fixed, that is, 15.07.2020 is cancelled.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

MARCH 03, 2020

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