

NAFR

HIGH COURT OF CHHATTISGARH, BILASPUR

WPCR No. 568 of 2021

Rahul Lalwani, Aged About 36 Years, R/o C/o Madan Garage, Near Old Police Station, Sadar Bazar, Rajnandgaon (C.G.) - 491441.

--- Petitioner

Versus

1. Union of India, Through: Principal Additional Director General, Directorate of Revenue Intelligence Government of India, Indore Zonal Unit, 1st Floor, BSNL Bhawan, Transport Nagar, Indore (M.P.) - 452001.
2. Deputy Director, Directorate of Revenue Intelligence, Government of India, Raipur Regional Unit, 30 Panchsheel Nagar, Civil Lines, Raipur (C.G.) - 492001
3. Senior Intelligence Officer, Directorate of Revenue Intelligence, Government of India, Raipur Regional Unit, 30, Panchsheel Nagar, Civil Lines, Raipur (C.G.)- 492001

--- Respondents

For Petitioner : Mr. Shashank Thakur, Advocate.

For Respondent/ UOI : Mr. Ramakant Mishra, A.S.G.

Hon'ble Shri Justice Narendra Kumar Vyas

Order on Board

29/09/2021

1. The petitioner has filed this writ petition under Article 226 of the Constitution of India seeking direction to the respondent authorities to conduct Video Graphy of the proceedings of recording of statement of the petitioner Under Section 108 of the Customs Act, 1962 in the presence of his lawyer, who will be sitting at a visual distance but not at an audible distance.
2. Learned counsel for the petitioner seeks permission of this Court to withdraw this writ petition as the same has become infructuous on the count that statement of the petitioner has already been recorded as mentioned in reply filed by UOI on 14.09.2021. He also prays that liberty may be granted in favour of the petitioner to file afresh petition if grievance is still survives or exigency arises.

3. Paragraph 4 & 5 of the reply submitted by UOI on 14.09.2021 are extracted below:-

“4. That, further summons was issued to Shri Rahul Lalwani on 23.08.2021 to appear before officer of DRI Raipur on 25.08.2021 to tender his statement. Shri Rahul Lalwani again not appeared before DRI, Raipur and Shri Rahul Lalwani vide his letter dated 25.08.2021 requested to for video recording of his statement and for presence of his lawyer during recording of his statement which was acceded to by his office.

5. That Shri Rahul Lalwani appeared before DRI, Raipur on 31.08.2021 to tender his statement. However as per the request made by Shri Rahul Lalwani, no lawyer to accompany him during the recording of his statement brought by him. On being asked regarding the same, Shri Rahul Lalwani stated that as his lawyer being busy in some other work; he may join the proceedings later. Further, no lawyer joined the proceedings of recording of the statement of Shri Rahul Lalwani. Further, the voluntary statement dated 31.08.2021 – 01.09.2021 of Shri Rahul Lalwani was video graphed as per his request. Further investigation in the case is underway.”

4. In view of the submission made by learned counsel for the petitioner as well as the reply filed by UOI, the instant writ petition is dismissed as having become infructuous.
5. However, the petitioner is at liberty to file afresh petition if grievance still survives or exigency arises.

Sd/-
(Narendra Kumar Vyas)
Judge