

ORDER SHEET
WPO/507/2023
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

SRI GAUTAM MONDAL
VS
ADDITIONAL DIRECTOR GENERAL, DIRECTORATE OF REVENUE
INTELLIGENCE AND ANR.

BEFORE:
The Hon'ble JUSTICE MD. NIZAMUDDIN
Date: 24th March, 2023.

Appearance:
Mr. Farook M. Rezack, Sr.Adv.
Mr. Manoj Malhotra, Adv.
Mr. Ravi Kr. Dubey, Adv.
...For the Petitioner
Mr. Kaushik Dey, Adv.
...For the Respondents

The Court: Heard Mr. Rezack, learned senior advocate representing the petitioner and Mr. Dey representing the respondent DRI Authority.

A very short issue involved in this writ petition is as to whether in course of investigation proceeding initiated by respondent DRI Authority concerned petitioner can be accompanied by his advocate which alleged to have been denied by the respondent according to the petitioner.

Mr. Rezack, learned senior advocate representing the petitioner, in support of his contention submits that petitioner is entitled for having company of an advocate in course of enquiry/investigation in question and relies on an unreported decision of this Court dated 10th May, 2013 in WPA 13480(W) of 2013 (Raju Arora Vs. Union of India & Ors.).

Considering the facts and circumstances of the case, submission of the parties and the aforesaid unreported decision, this writ petition being WPO 507 of 2023 is disposed of by directing the respondent DRI Authority

concerned to allow the petitioner to be accompanied by an advocate whenever petitioner is called for interrogation, on the following terms and conditions that petitioner's such advocate shall not interfere in any manner whatsoever in answering the relevant queries by the petitioner which are to be raised by the respondent Authority concerned and he will be present in a reasonably visible distance from the petitioner.

On the suggestion of Mr. Rezack, learned senior advocate, Mr. Ravi Kumar Dubey, learned advocate-on-record is appointed to give company to the petitioner for the aforesaid purpose.

In view of the exceptional facts and circumstances involve in the case and on submission of Mr. Dey, learned Advocate representing the DRI authority that the DRI has no objection if petitioner is accompanied by his lawyer subject to imposition of certain condition, this order of allowing the petitioner to be accompanied by the petitioner, is being passed.

(MD. NIZAMUDDIN, J.)

TR/

