



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

WEB COPY

DATED: **26.07.2023**

CORAM:

THE HONOURABLE DR.JUSTICE **D.NAGARJUN**

Crl.O.P.(MD) No.13344 of 2023

AL Ameen

... Petitioner

Vs.

1.The Commissioner of Customs,
No.1, Williams Road,
Cantonment,
Trichy-1.

2.The Deputy Commissioner of Customs,
Divisional Office of Customs,
Madurai-Rameswaram Road,
Bharathi Nagar,
Ramanthapuram-623 503.

3.The Superintendent of Customs,
Customs Prevent Unit,
Madurai-Rameswaram Road,
Bharathi Road,
Ramanathapuram-623 503.

..Respondents

PRAYER : Criminal Original Petition is filed under Section 482 of Cr.P.C, to direct the third respondent not to harass the petitioner under the guise of enquiry considering the petitioner's representation dated 14.07.2023.



For Petitioner : Mr.T.Veerakumar

For Respondents : Mr.C.Arulvadivel @ Sekar
Special Public Prosecutor

ORDER

This Criminal Original Petition is filed seeking for a direction to the third respondent not to harass the petitioner under the guise of enquiry.

2. It is submitted by the learned counsel appearing for the petitioner that on 25.05.2023, the petitioner's motorized boat has been seized by the respondents and the petitioner has given a representation before the higher officials of the third respondent as there was no response, filed a writ petition in W.P(MD).No.14574 of 2023, seeking for a direction to release the boat of the petitioner considering his representation dated 12.06.2023. The said writ petition was disposed of on 22.06.2023 directing the petitioner to appear before the respondents/customs officials for enquiry and submit his explanation, on which, the respondents were directed to release the boat if the petitioner makes cogent and truthful explanation.



3. Now, the present petition is filed for a direction to the respondents not to harass the petitioner under the guise of enquiry.

4. The petitioner was directed to appear before the respondents Police and submit his explanation, as per the orders of this Court in W.P(MD).No.14574 of 2023. It is surprising that even before the petitioner makes his appearance before the respondents, the petitioner has moved this petition for a direction to the respondents not to harass him. During the course of hearing, the petitioner's counsel failed to explain as to on what date and which place, the petitioner was harassed by the respondents.

5. The learned Special Public Prosecutor appearing for the respondents submits that the summons were issued to the petitioner thrice for enquiry as directed by this Court in W.P(MD).No.14574 of 2023. But inspite of receiving the summons, the petitioner never chose to appear before the respondent. He has brought to the notice of this Court that latest summons were issued on 20.07.2023 directing the petitioner to appear for enquiry on 28.07.2023 before the third respondent office and instead of appearing for enquiry, the petitioner has approached this Court.



WEB COPY

6. Considering the circumstances, this Criminal Original Petition is disposed of directing the petitioner to appear before the third respondent on **28.07.2023** and in case if the petitioner is having grievance in the manner of conducting enquiry and in the outcome of the enquiry, he is at liberty to approach the appropriate Court.

Index : Yes/No
Internet : Yes/No
ssb

26.07.2023

To

- 1.The Commissioner of Customs,
No.1, Williams Road,
Cantonment,
Trichy-1.
- 2.The Deputy Commissioner of Customs,
Divisional Office of Customs,
Madurai-Rameswaram Road,
Bharathi Nagar,
Ramanthapuram-623 503.
- 3.The Superintendent of Customs,
Customs Prevent Unit,
Madurai-Rameswaram Road,
Bharathi Road,
Ramanathapuram-623 503.
- 4.The Additional Public Prosecutor,
Madurai Bench of Madras High Court, Madurai.



WEB COPY



CrI.O.P.(MD)No.13344 of 2023

DR.D.NAGARJUN. J.

ssb

CrI.O.P.(MD)No.13344 of 2023

26.07.2023