

WPO No.529 of 2024
IN THE HIGH COURT AT CALCUTTA
Constitutional Writ Jurisdiction
ORIGINAL SIDE

SUDHIR KUMAR PANDEY & ORS.
VS
PRINCIPAL ADDITIONAL DIRECTOR GENERAL,
DIRECTORATE OF REVENUE INTELLIGENCE,
KOLKATA ZONAL UNIT & ORS.

BEFORE:
The Hon'ble JUSTICE AMRITA SINHA
Date: 21st June, 2024.

Appearance:
Mr. Kamallesh Bhattacharjee, Sr. Adv.
Mr. Kaushik Chatterjee, Adv.
Mr. Aman Agarwal, Adv.
... for the Petitioners.

Mr. K. K. Maiti, Adv.
Mr. Tapan Bhanja, Adv.
...for Customs Authorities [Respondents].

The Court:-The petitioner no.1 claims to be a senior citizen over 70 years of age. The petitioner nos.2 & 3 are the sons of the petitioner no.1. In connection with a notice under Section 108 of the Customs Act, the respondents are interrogating the petitioners.

On the allegation of atrocities in the hands of the officers of the respondent authorities, the petitioners filed an earlier writ petition being WPO No.237 of 2024 (Rahul Pandey & Ors. Vs. Principal Additional Director General Director of Revenue Intelligence Kolkata Zonal Unit & Anr.). The Court vide order dated 12th April, 2024 disposed of the writ petition by directing that the respondents will videograph the interrogations of the petitioners and also examinations of all accused. The petitioners were directed to cooperate with the investigation.

The petitioners allege that time and again the petitioners, who are residents of Uttar Pradesh, are summoned for interrogation at Kolkata. The petitioner no.1 is not keeping good health and it is physically not possible for the petitioner no.1 to attend the interrogation each and every time when he is being called.

The petitioners have annexed the summons dated 20th May, 2024 directing the petitioner no.1 to appear for interrogation on 29th May, 2024. The petitioner no.1 did not attend on the said date.

Prayer has been made for setting aside the summons dated 20th May, 2024 and to restrain the authorities from taking any coercive steps in relation to the said summons.

Learned advocate representing the respondent authorities submits that because of the dilatory tactics adopted by the petitioners, interrogation cannot be concluded.

Upon hearing the parties the Court passes the following directions:-

- 1) The petitioner no.1 shall be interrogated virtually and the entire process of interrogation shall be videographed. Concerned Officers of the DRI, from Varanasi, Uttar Pradesh or elsewhere shall be present at the place of the petitioner for obtaining his signature after the interrogation is over.
- 2) The petitioner nos.2 & 3 will be required to attend the interrogation as and when called for at the scheduled place. The entire process of interrogation of the petitioner nos. 2 & 3 and the other accused shall be videographed.

The respondents shall endeavour to conclude the interrogation within the stipulated statutory time period.

The writ petition stands disposed of.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties, upon compliance of all legal formalities.

(AMRITA SINHA, J.)