

***IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION***

CRIMINAL WRIT PETITION NO.1360 OF 2023

Shreyance Ramesh Shah

...Petitioner

Versus

Union of India and Ors.

...Respondents

Mr. Ashok Singh a/w Mr. Vipul Patel and Mr. Rachit Bharwada i/b Mr. Haresh Mehta & Co., for the Petitioner.

Ms. Anuradha Mane, Spl. P.P. for the Respondent Nos. 1 and 3.

Mr. Panneer Selvam K., Assistant Commissioner of Customs, CSMI Airport, Mumbai and B. L. Meena, AC, SCT, Sahar, are present.

***CORAM : REVATI MOHITE DERE &
MANJUSHA DESHPANDE, JJ.***

DATE : 9th FEBRUARY 2024

P.C. :

1. By this petition, the petitioner seeks compliance of the order dated 2nd November 2020, passed by the learned Additional Chief Metropolitan Magistrate, 8th Court, Esplanade, Mumbai, in case No.607/Misc/2020 in 431/RA/2001.

2. On 19th January 2024, Ms. Anuradha Mane, Special Public Prosecutor appearing on behalf of the respondent Nos.1 & 3

had submitted that due to some misunderstanding the goods could not be released. She had submitted that the goods will be released, during the course of the day i.e. 19th January 2024 itself.

3. It is not in dispute that the goods were released by the respondent Nos.1 & 3, on the very same day i.e. on 19th January 2024. Since we were not satisfied with the explanation orally offered by the said respondents for not releasing the goods, the learned Special Public Prosecutor submitted that the respondent Nos.1 & 3 would put processes in place and would ensure that the incident does not recur again. Pursuant thereto, learned Special Public Prosecutor has filed an affidavit of Mr. Panneer Selvam K., Assistant Commissioner of Customs, CSMI Airport, Mumbai. In the said affidavit Mr. Panneer Selvam K. has tendered an unconditional apology for not handing over the goods to the petitioner. It is further stated in the said affidavit that the delay was due to non-availability of the records of the case in the Airport Customs Commissionerate. An affidavit-cum-undertaking dated 6th February 2024 has again been filed by Mr. K. Panneer

Selvam, AC, Airport and Mr. Indra Prakash, AC, Courier Cell. In the said affidavit-cum-undertaking, both of them have tendered an unconditional apology for the delay caused in handing over the goods to the petitioner. They have further undertaken that in future all Court Orders will be dealt with in timely manner. The said undertaking is accepted.

4. Since the goods have been returned to the petitioner, nothing survives for further consideration in this petition. The petition stands disposed of accordingly.

MANJUSHA DESHPANDE, J.

REVATI MOHITE DERE, J.