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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.M.C. 110/2018**

PRAVEEN SAXENA

.....Petitioner

Through: **Mr.Varun Sharma, adv.**

versus

UNION OF INDIA & ANR.

.....Respondents

Through: **Mr.Vijay Joshi and Mr.Shubham
Chaturvedi, advts. for R-1.
Mr.Satish Aggarwala, Sr. Standing
Counsel with Ms. Mala Sharma, SPP,
Mr.Gagan Vaswani and Ms.Neha
Aggarwal, Advocates Respondent
No.2/DRI**

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER
20.08.2024

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1. The present petition has been filed with the prayer to drop/waive/remove the conditions as imposed in order dated 01.02.2007 passed in bail application No. 18/2007 modified further on 21.04.2007.
2. Learned counsel for the petitioner submits that while granting the bail on 01.02.2007, this Court besides the other conditions, imposed a condition that the petitioner shall not leave the country without prior permission of the Court and shall join the investigation as and when called for.
3. Learned counsel for the petitioner submits that the other conditions



imposed by the Court vide order dated 01.02.2007 and modified vide order dated 21.04.2007 have duly been complied with. However, learned counsel submits that even after expiry of more than 17 years, the DRI has not initiated any prosecution against the petitioner. Learned counsel submits that therefore the petitioner is unnecessarily being harassed by having to take permission every time, to travel abroad.

4. Mr.Satish Aggarwala, learned senior standing counsel for DRI submits that the prosecution is to be initiated against the petitioner. Learned counsel has relied upon the communication dated 29.07.2024. The communication dated 29.7.2024 is reproduced as under:

F No. 50D/159/2006/CI (Part File) /1356		DATE: 07.2024
To	The Deputy Commissioner of Customs (Adjudication), Inland Container Depot, Tughlakabad, New Delhi.	
Sir		
<u>Subject: Status regarding Prosecution proposal against Sh Praveen Saxena- reg</u>		
Please refer to the above mentioned subject.		
2. An intelligence was developed by the officers of this Directorate that many oil importers were importing items like Palm Stearin', Palm Fatty Acid Denilate (PFAD), 'Palm Acid Oil' by mis-declaring the same as 'Mixed Fatty Acid' and 'Mixed Acid Oil'. Accordingly, investigation was initiated and after completion of investigation SCN F. No. 50D/169/2006-CI dated 16.01.2009, demanding differential duty to the tune of Rs 6,12,92,396/- from M/s Novus International and M/s Palmbase Chemicals Pvt Ltd. was issued by DRI. The aforesaid Show Cause Notice was adjudicated vide Order in Original no. 07/2015/D.M./Pr.COMMIMP/ICDTKD dated 30.04.2015 issued by the Principal Commissioner of Customs (Import), Inland Container Depot, Tughlakabad, wherein the demands made in the SCN issued by DRI were confirmed by the Adjudicating Authority. 3. In the said case, it may be informed whether the adjudicating authority had proposed for the initiation of the prosecution proceedings against Sh Praveen Saxena, Proprietor, M/s Novus International and one of the Director in M/s Palmbase Chemicals Pvt Ltd.		
		Yours faithfully,
		 (Shyam Sharma) Deputy Director (CI) 29.07.24



5. Learned counsel for the petitioner submits that vide 01.02.2007, following conditions were imposed:

1) he ensures that the sum of Rs. 50 lakhs is deposited with the respondent/Customs department within four weeks from today. Of the said amount the sum of Rs. 25 lakhs shall be paid on or before 15.2.2007 and the balance on or before 1.3.2007.

2) The petitioner shall furnish personal bond in the sum of Rs. 1 lakh and one surety of the like amount to the satisfaction of the court concerned namely the Additional Chief Metropolitan magistrate, New Delhi.

3) The petitioner shall lodge the title deeds of immovable properties valued at not less than Rs. 2 cores with the court to its satisfaction within six weeks from today.

4) The petitioner shall not leave the country without prior permission of the court and shall join the investigation as and when called for.

6. Learned counsel submits that since no prosecution has been launched till date, at least condition No.4, may be waived/modified. The communication on which respondent no.2 is placing reliance upon is also not categorical that whether the prosecution has been launched against the petitioner. In the communication, The Deputy Director (CI) is seeking only an information that whether the adjudicating authority has proposed for the initiation of the prosecution. Considerable period has already lapsed. The petitioner had although been complying with the orders imposed upon him. The petitioner cannot be bound by the conditions for an indefinite period.
7. In these circumstances, condition No.4 is modified to the extent that the petitioner shall only inform the court regarding his foreign travel.



However, the petitioner shall join the investigation as and when directed.

8. The petition stands disposed of.

DINESH KUMAR SHARMA, J

AUGUST 20, 2024
rb/kr.