



\$~11

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

+ CRL.M.C. 5410/2024

CHAN KAI LI

.....Petitioner

Through: Mr. Amit Kumar Attri, Mr. Ganesh Jha, Mr. Ajay Singh, Mr. Nand Kumar Singh, Ms. Rakhi Bhati, Ms. Aditi Suhag, Mr. Pradeep Nagar, Ms. Priya Nagar and Mr. Nikhil Kumar, Advocates.

versus

DIRECTORATE OF REVENUE INTELLIGENCERespondent

Through: Mr. Satish Aggarwala, Sr. Standing Counsel (thru VC) and Mr. Gagan Vaswani, Advocate

CORAM:

HON'BLE MR. JUSTICE ANISH DAYAL

ORDER

%

23.12.2024

CRL.M.A. 37666/2024

1. This application has been filed by petitioner for directions to DRI to move an application, before the Trial Court, informing the Trial Court about compounding of the offence, as decided by the Competent Authority on 23rd September 2024, which is on record of this Court.
2. This petition has been filed for setting aside the order passed by the ASJ in Crl. Revision No. 179/2021, dated 02nd November 2021.
3. The petitioner along with other co-accused were apprehended on 27th August 2019 at Terminal-3 IGI Airport, while they were departing by Air India Flight No. AI 310 to Hong Kong, basis, that they were carrying currency, in the checked in baggage, of US\$ 4,49,600, equivalent to INR Rs.3,25,51,040/- (Rupees Three Crore Twenty-Five Lakh Fifty-One



Thousand and Forty only).

4. The petitioner was enlarged on bail on 25th October 2019 on the condition that she would not travel abroad without the permission of the Court. An application seeking release of the passport was allowed *vide* order dated 08th June 2020 by Ld. MM on furnishing bonds of Rs. 50,000/- of one surety of the like amount.

5. By order dated 25th February 2021, petitioner was allowed to travel abroad for two months, under certain conditions since she was a foreign national.

6. The DRI (Directorate of Revenue Intelligence), respondent herein, preferred a Revision Petition before the ASJ, which resulted in passing of the impugned order, setting aside the said permission.

7. It was stated that, as regards co-accused Chen Hsui Yun, an order was passed 15th November 2022 by the Supreme Court directing that on payment of Rs. 6,50,000/- being the entire amount of the penalty plus compounding sum of Rs. 1 Lac under Section 137 of the Customs Act and the forfeiture of foreign currency amount of Rs. 65 Lacs, having already been done, the said co-accused was allowed to leave.

8. Therefore, directions were issued by this Court in July 2024; petitioner moved before the competent authority, for compounding of the offence and directions were passed by this Court to process the application expeditiously.

9. Subsequently, the order has been passed on 23rd September 2024, directing compounding of the offence based on the penalty amount of Rs.6.50 lakhs, which has already been paid and the currency seized that has already been forfeited. Compounding was, therefore, allowed on payment of Rs.1 lakh under Section 137 of the Customs Act.

10. Mr. Satish Aggarwala, Sr. Standing Counsel for the DRI, who



appears through VC, states that they shall move an appropriate application before the Trial Court informing about the compounding of the offence and for permission to discharge the petitioner. The same be placed before the Trial Court forthwith and Trial Court is accordingly directed to dispose of the matter, preferably within next 15 days from today.

11. Accordingly, this application is allowed.
12. The petition is disposed of with above directions.
13. Needless to state, these directions have been passed in the specific facts and circumstances, as noted above.
14. Order be uploaded on the website of this Court.

ANISH DAYAL, J

DECEMBER 23, 2024/sm/kp