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

+ **W.P.(CRL) 2622/2022, CRL.M.A. 22932/2022**

RAJEEV JAIN

.....Petitioner

Through: Mr. Prithviraj Dey, Mr. Varun Phore,
Advvs. (VC).

versus

ADDITIONAL DIRECTOR GENERAL, DRI (DZU)

.....Respondent

Through: Mr. Satish Aggarwala, Sr. Standing
Counsel, Mr. Gagan Vaswani, Ms.
Neha Aggarwal, Advvs. for DRI (VC).

CORAM:

HON'BLE MR. JUSTICE DINESH KUMAR SHARMA

ORDER

07.08.2024

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The present petition has been filed under Article 226 & 227 of the
Constitution of India r/w Section 482 Cr.P.C with the following prayer:

*“(i) Issue a writ or order in the nature of Mandamus or any
other writ directing the Respondent to:*

*a. permit the presence of Petitioner's advocate during the
time of recording of Petitioner's statement, at a visible, but
not audible distance in relation to the interrogation by the
officers of Respondent against Petitioner in relation
case/file No CASE/FILE NO. DRI/DZU/23/ENQ- 22/2021;
and*

*b. video graph the recording of Petitioners statements and
also allow the Petitioner to write his statement in his own
handwriting and sign the same in relation to in relation
case/file No CASE/FILE NO. DRI/DZU/23/ENQ- 22/2021;
and*



c. Direct that a Departmental Inquiry be conducted against the relevant officers for abusing their powers and non-

compliance of the law laid down in D.K. Basu vs. State of West Bengal (1997) 1 SCC 416; and

d. Direct the Ld. Respondent to conduct the interrogation, in case required, during from 10 AM to 5 PM, on date (working day) of their choice, with usual breaks in the case/file DRI/DZU/23/ENQ-22/2021 as per law laid down in Rajinder Arora Vs. Union of India & Ors [WP (Civil) 389 of 2010 - Supreme Court]

(ii) Pass such other or further order(s) in favour of the Petitioners, which this Hon'ble Court may deem fit and proper.”

Sh. Satish Aggarwala, learned senior counsel on instructions submits that the investigation in the present case has already been completed and show cause notice has already been issued and the adjudication orders have been passed.

The prayers claimed in the present petition are predominantly relating to the investigation/enquiry. Since the investigation has already been concluded and the adjudication proceedings are already over. The present petition has become infructuous.

In view of the above, the present petition is disposed of as infructuous. However, this court has not gone into the merits of the case, the questions raised in the petition shall remain open and no expression made herein shall tantamount to be expression on the merits of the case.

DINESH KUMAR SHARMA, J

AUGUST 7, 2024/AR/KR..