IN COURT NO.4

SECTION II

SUPREME COURT OF INDIA RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 4821/2023

(Arising out of impugned final judgment and order dated 29-07-2022 in CRLP No. 5863/2022 passed by the High Court for the State of Telangana at Hyderabad)

VERSUS

THE SENIOR INTELLIGENCE OFFICER

Petitioner(s)

SANJAY AGARWAL

Respondent(s)

(IA No. 65651/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 04-07-2023 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE J.B. PARDIWALA HON'BLE MR. JUSTICE MANOJ MISRA

| For Petitioner(s) | Mr. Mukesh Kumar Maroria, AOR |
|-------------------|-------------------------------|
| | Ms. Shradha Deshmukh, Adv. |
| | Mr. V.C. Bharathi, Adv. |
| | Mr. Anirudh Bhat, Adv. |
| | Mr. Annirudh Sharma II, Adv. |
| | Mr. Akshit Pradhan, Adv. |
| Ear Pesnondent(s) | , |

For Respondent(s)

UPON hearing the counsel the Court made the following O R D E R

 The respondent, although served with the notice issued by this Court, yet has chosen not to remain present before this Court either in person or through an advocate.

2. We are informed that Mr. N. Venkataraman, learned Additional Solicitor General of India, was to argue this matter, however, he has been held up in some other Court.

3. Having gone through the impugned order passed by the High Court and also the materials on record, the following questions of law fall for the consideration of this Court:

i. Whether a DRI Officer is a "proper officer" for the purposes of Section 28 of the Customs Act, 1962?

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ii. Whether the summons issued by the DRI Officer to the respondent under Section 108 of the Customs Act, 1962 could be said to be without jurisdiction?

iii. Whether the Customs/DRI Officers are police officers and, therefore, are required to register FIR in of an offence under Sections respect 133 to 135 respectively of the Customs Act, 1962?

Whether the provisions of Sections iv. 154 to 157 173(2) of the of respectivelv and Code Criminal Procedure, 1973 would apply in respect of the proceedings under the Customs Act, 1962, in view of Section 4(2) of the Code and whether in respect of the offences under Section 133 to 135 respectively of the Customs Act, 1962, the registration of the FIR is mandatory before the person concerned is arrested and produced before the Magistrate?

4. Let the matter come up for final disposal on 19.07.2023.

(NARENDRA PRASAD) ASTT. REGISTRAR-cum-PS (ANJU KAPOOR) COURT MASTER (NSH)