

Chief Justice, B R Gavai & Surya Kant, JJ

Dated: January 08, 2020

Appellant Rep. by: Mr. Tushar Mehta, Ld. S.G. Mr. Aman Lekhi, ASG Mr. Zoheb Hossain, Adv. Ms. Shirin Khajuria, Adv. Ms. Nisha Bagchi, Adv. Mr. Kanu Agarwal, Adv. Mr. B. Krishna Prasad, AOR  
Respondent Rep. by: Mr. Vikram Nankani, Sr. Adv. Mr. Mahesh Agarwal, Adv. Mr. Rishi Agrawala, Adv. Mr. Amit Kapur, Adv. Ms. Aanchal Mullick, Adv. Mr. Utkarsh Ptatap, Adv. Mr. E.C. Agrawala, AOR

Cus - Issue before the Bombay High Court was whether the Directorate of Revenue Intelligence had legally and validly commenced the investigation against the petitioner into alleged commission of offence punishable under Section 135 of the Customs Act, 1962 and whether or not, based on the said investigation set into motion, it is entitled to take recourse to the provisions of Section 166-A of the Code of Criminal Procedure, 1973 for issuance of the Letter of Rogatory by the Magistrate - Bombay High Court opined that Section 166A is not an independent island on which any investigating/inquiring authority can jump on without taking recourse to Section 154/155 and, therefore, held and declared that the action of the respondents in giving effect to the letter of Rogatory issued by the Metropolitan Magistrate, Mumbai in relation to the import of coal of Indonesian origin cannot be sustained and it deserved to be quashed and set aside - Bench also made it clear that it had not gone into the merits of the letter of Rogatory issued by the Magistrate - accordingly, Bombay High Court allowed the Writ petition in terms of prayer clauses (a) and (b) - DRI in appeal before Supreme Court.

Held: Interim stay granted of operation of the impugned judgment and order dated 17.10.2019 passed by the Bombay High Court - To issue notice returnable in two weeks: Supreme Court

Interim stay granted

JUDGEMENT

Issue notice returnable in two weeks.

Until further orders there shall be interim stay of operation of the impugned final judgment and order dated 17.10.2019 = 2019-TIOL-2408-HC-MUM-CUS passed by the High Court.