

IN THE HIGH COURT OF KERALA

AT ERNAKULAM

WP(C).No.17468 of 2019

SREELAKSHMI JAYANTHI

Vs

**1) THE ASSISTANT COMMISSIONER OF CUSTOMS
OFFICE OF THE ADDITIONAL COMMISSIONER OF CUSTOMS
COCHIN INTERNATIONAL AIRPORT, NEDUMBASSERY, COCHIN-683585**

**2) THE ADDITIONAL COMMISSIONER OF CUSTOMS
OFFICE OF THE ADDITIONAL COMMISSIONER OF CUSTOMS
COCHIN INTERNATIONAL AIRPORT, NEDUMBASSERY, COCHIN-683585**

**3) THE SUPERINTENDENT OF CUSTOMS (AIU)
OFFICE OF THE ADDITIONAL COMMISSIONER OF CUSTOMS
COCHIN INTERNATIONAL AIRPORT, NEDUMBASSERY, COCHIN-683585**

**4) THE INSPECTOR OF CUSTOMS (PREVENTIVE OFFICER)
AIR INTELLIGENCE UNIT, COCHIN INTERNATIONAL AIRPORT
UNIT, COCHIN-683585**

**5) CENTRAL GOVERNMENT OF INDIA
REPRESENTED BY THE CENTRAL GOVERNMENT STANDING
COUNSEL, HIGH COURT OF KERALA, ERNAKULAM-31**

A Muhamed Mustaque, J

Dated: June 28, 2019

Appellant Rep. by: Smt A P Laly @ Laly Viucent

**Respondent Rep. by: Sri P R Sreejith, SC, CBEC Shri P Vijayakumar, ASG of
India**

Cus - The petitioner was summoned by customs authority in connection with an investigation related to a gold bar recovered from a dust bin in the ladies washroom - It appears that the petitioner's passport was retained by customs authority as it was suspected that the petitioner was involved in gold smuggling - The petitioner cannot be compelled to give the name and details of other persons - However, the petitioner is required to appear before the customs authority for interrogation, as and when directed - The passport shall be released to the petitioner forthwith - However, if the petitioner fails to appear before the customs authority as and when demanded, necessary steps can be taken by customs authority through the passport authority to secure presence of the petitioner - It is open for the customs authority to interrogate the petitioner through electronic means as well: HC

Writ petition disposed of

JUDGEMENT

The petitioner was summoned by the customs authority in connection with an investigation related to a gold bar recovered from a dust bin on the ladies washing room. It appears that the petitioner's passport was retained by the customs authority as it was suspected that the petitioner was involved in gold smuggling.

2. The learned counsel for the customs authority submits that the petitioner disclosed the name of one Ashraf, with whom she is having acquaintance, during interrogation. However, the petitioner refused to divulge the address of the aforesaid Ashraf.

3. The petitioner submits before this Court that she is prepared to appear before the customs authority as and when she is required for interrogation. The learned counsel for the petitioner argued that the customs authority has no right to retain the passport.

4. The petitioner cannot be compelled to give the name and details of other persons. However, the petitioner is required to appear before the customs authority for interrogation, as and when directed. This Court is of the view that the passport shall be released to the petitioner forthwith. However, if the petitioner fails to appear before the customs authority as and when demanded, necessary steps can be taken by the customs authority through the passport authority to secure presence of the petitioner. The petitioner shall co-operate with the investigation. It is open for the customs authority to interrogate the petitioner through electronic means as well.

The writ petition is disposed of as above.