

Nilesh Parekh vs Union Of India on 27 January, 2020

Bench: Rohinton Fali Nariman, S. Ravindra Bhat

IN THE SUPREME COURT OF INDIA

CRIMINAL ORIGINAL JURISDICTION

WRIT PETITION (CRL.) NO. 359 OF 2019

PRAMODGIRI PREMGIRI GOSWAMI

Petiti

VERSUS

UNION OF INDIA & ORS.

Respon

O R D E R

The petitioner has knocked at the doors of this Court under Article 32 of the Constitution of India challenging an order dated 15.11.2019 made under the COFEPOSA Act, 1974. In the grounds of detention it is clearly stated that the petitioner appears to be part of a ring of smugglers, and between March, 2013 and March, 2015 731.705 Kgs. of gold were seized, which trace themselves back to this ring, worth around Rs. 204.60 Crores. The petitioner's statement was also recorded on 24/25.09.2019 which, however, was retracted on 27.09.2019.

After hearing Mr. Saurav Kirpal, learned Advocate for the petitioner and Mr. K.M. Nataraj, learned Additional Solicitor General for the Union of India, this petition is being disposed of on the ground that there is no proximate link between the events of March, 2013 and March, 2015 and the detention order, which is over four years later. On this ground alone, this writ petition is allowed. The detenu be released immediately.

..... J. (ROHINTON FALI NARIMAN) Reason: J.

(S. RAVINDRA BHAT) New Delhi;

January 27, 2020.

ITEM NO.47

COURT NO.4
S U P R E M E C O U R T O F
RECORD OF PROCEEDINGS

SECTION X
I N D I A

Writ Petition(s)(Criminal)

No(s).

300/2019

NILESH PAREKH

Petitioner(s)

VERSUS

UNION OF INDIA & ANR.

Respondent(s)

(FOR ADMISSION

ONLY CONNECTED W.P.(CRL.) NO. 359/2019 TO BE LISTED ON 27.1.2020) WITH W.P.(Crl.) No. 359/2019 (X) (FOR GRANT OF INTERIM RELIEF ON IA 192680/2019 FOR EXEMPTION FROM FILING O.T. ON IA 192682/2019 IA No. 192682/2019 - EXEMPTION FROM FILING O.T. IA No. 192680/2019 - GRANT OF INTERIM RELIEF) Date : 27-01-2020 This petition was called on for hearing today. CORAM : HON'BLE MR. JUSTICE ROHINTON FALI NARIMAN HON'BLE MR. JUSTICE S. RAVINDRA BHAT For Petitioner(s) Mr. Saurabh Kirpal, Adv.

Mr. Sanjay Agrawal, Adv.

Mr. Ashish Batra, Adv.

Mr. Sarthak Sachdev, Adv.

Mr. Wattan Sharma, Adv.

Mr. Anzu. K. Varkey, AOR Mr. Ranjit Kumar Sharma, AOR For Respondent(s) Mr. K.M. Nataraj, ASG Mr. Zoheb Hossain, Adv.

Mr. Kanu Agarwal, Adv.

Ms. Binu Tamta, Adv.

Ms. Shirin Khajuria, Adv.

Mr. B. Krishna Prasad, AOR UPON hearing the counsel the Court made the following O R D E R
W.P.(CRL.) NO. 359/2019:

This writ petition is allowed. The detenu be released immediately in terms of the signed order.

(R. NATARAJAN) (NISHA TRIPATHI) COURT MASTER (SH) BRANCH OFFICER
(Signed order is placed on the file)