

ITEM NO.5

COURT NO.6

SECTION II-A

S U P R E M E C O U R T O F I N D I A  
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s).6181/2024

(Arising out of impugned final judgment and order dated 15-04-2024 in CRLWP(ST) No.15417/2023 passed by the High Court Of Judicature At Bombay)

RAM KOTUMAL ISSRANI

Petitioner(s)

VERSUS

DIRECTORATE OF ENFORCEMENT &amp; ANR.

Respondent(s)

(FOR ADMISSION and I.R. and IA No.104518/2024-EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

IA No. 104518/2024 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 07-05-2024 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE HRISHIKESH ROY  
HON'BLE MR. JUSTICE PRASHANT KUMAR MISHRA

For Petitioner(s) Mr. Kapil Sibal, Sr. Adv.  
Mr. Vijay Agarwal, Adv.  
Mr. Mahesh Agarwal, Adv.  
Mr. Ankur Saigal, Adv.  
Ms. Kajal Dalal, Adv.  
Mr. E. C. Agrawala, AOR

For Respondent(s)

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

Heard Mr. Kapil Sibal, learned Senior Counsel appearing for the petitioner.

2. The counsel would focus on the fact that the petitioner was summoned to the office of the Enforcement Directorate at Delhi at 10:30 AM and his mobile phone etc. were taken away and he was then subjected to intensive interrogation. During this period, although he was in confinement of the Officers of the Enforcement

Directorate since 10:30 AM on 07.08.2023, the petitioner was shown arrested only at 5:30 AM the next day i.e., 08.08.2023. This is contended to be in violation of the provisions of Article 22(2) of the Constitution which requires that every person who is arrested and detained in custody is to be produced before nearest Magistrate immediately.

3. Mr. Sibal would point out that various High Courts have held that a person is taken to be arrested from the moment his liberty is curtailed and the formal time of arrest shown by the Investigating Agency on the Arrest Memo, may be immaterial. It is also pointed out that the larger issue on the proposition of law, is pending consideration before this Court in *Directorate of Enforcement vs. Pranav Gupta & Another [SLP (Criminal) Nos.3214-3215/2024]*. The counsel would specifically refer to the following judgments of the Punjab & Haryana High Court, the Mumbai High Court and the Karnataka High Court, where such view as canvassed was accepted:-

Case	Citation	High Court
Pranav Gupta vs. Union of India and Anr.	CWP-24787-2023 judgment dated 07.12.2023	High Court of Punjab & Haryana at Chandigarh
Dilbag Singh @ Dilbag Sandhu vs. Union of India and Another	CRM-M-2191-2024 (O & M), judgment dated 07.12.2023	High Court of Punjab & Haryana at Chandigarh
Ashak Hussain Allah Detha @ Siddique @ Anr. Vs the Assistant Collector of Customs (P) Bombay and Anr.	1990 SCC Online Bom 3 1990 Cri LJ 2201; Criminal Application No.2630 of 1989 judgment dated 09.01.1990	High Court of Bombay
Ramu vs. State of Karnataka	I.L.R 1991 KAR 1861; Cri. Petn. No.1317 of 1990 dated 18 <sup>th</sup> April 1991	High Court of Karnataka

4. Issue notice, returnable in three weeks.
5. Dasti notice on the Standing Counsel through the Central Agency Section, in addition.
6. Liberty to move the vacation Bench for consideration of bail.

(DEEPAK JOSHI)  
ASTT. REGISTRAR-cum-PS

(KAMLESH RAWAT)  
ASSISTANT REGISTRAR