

Muhammad Ajmal K K vs the Joint Commissioner of Customs, Central Board of Indirect Taxes and Customs (Erstwhile Central

Muhammad Ajmal K K vs the Joint Commissioner of Customs, Central Board of Indirect Taxes and Customs (Erstwhile Central

SooperKanoon Citation : sooperkanoon.com/1400056

Court : Kerala

Decided On : Oct-27-2023

Judge : Honourable Mr. Justice D. K. Singh

Appeal No. : WP(C)/34904/2023

Appellant : Muhammad Ajmal K K

Respondent : The Joint Commissioner of Customs, Central Board of Indirect Taxes and Customs (Erstwhile Central

Judgement :

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT THE HONOURABLE MR. JUSTICE DINESH KUMAR SINGH
FRIDAY, THE 27TH DAY OF OCTOBER 2023 / 5TH KARTHIKA, 1945
WP(C) NO. 34904 OF 2023 PETITIONER/S: MUHAMMAD AJMAL K K,
AGED 29 YEARS K.K. HOUSE, BENDICHAL, THEKKIL POST,
KASARAGOD, PIN - 671541 BY ADVS. D.SREENATH SIJO
PATHAPARAMBIL JOSEPH TEENA MARY THOMAS
RESPONDENT/S: 1 THE JOINT COMMISSIONER OF CUSTOMS,
CENTRAL BOARD OF INDIRECT TAXES AND CUSTOMS

(ERSTWHILE CENTRAL BOARD OF EXCISE AND CUSTOMS)
COCHIN CUSTOMS HOUSE, INDIRA GANDHI RD, WILLINGTON
ISLAND, KOCHI, KERALA, PIN - 682009 2 SENIOR INTELLIGENCE
OFFICER, DIRECTORATE OF REVENUE INTELLIGENCE COCHIN
ZONAL UNIT, BUILDING NO 32/641A, VYLOPILLI ROOAD, ST
THOMAS LINE, PALLINADA, PLARAIVATTOM COCHIN ., PIN - 682025
BY ADV S.MANU THIS WRIT PETITION (CIVIL) HAVING COME UP
FOR ADMISSION ON 27.10.2023, THE COURT ON THE SAME DAY
DELIVERED THE FOLLOWING: -2-

JUDGMENT

Heard Mr Sreenath D learned Counsel for the petitioner and Mr Sreelal N Warriar learned Standing Counsel for the Customs Department.

2. The present writ petition under Article 226 of the Constitution of India has been filed seeking the following reliefs:

1. To direct the 1st respondent to consider and pass orders in Exhibit P6 petition filed by the petitioner and release goods illegally confiscated by the 2nd respondent.

2. To direct the 1st respondent to consider and pass orders in Exhibit P6 petition filed by the petitioner within a time frame fixed by this Hon'ble Court.

3. To direct the respondents to release the goods confiscated provisionally under Section 110A of the Customs Act pending the order of the adjudicating officer.

3. The petitioner was apprehended when he arrived at

Cochin Airport on 07.09.2023. From the petitioner, Rs.1 lakh cash and gold ornaments weighing 389 grams were recovered. -3- A seizure memo was prepared in Ext.P3. 3.1 Pending adjudication, the petitioner has moved an application (Ext.P6) for the return of the gold ornaments and Rs.1 lakh cash, which was seized from him on 07.09.2023 at Cochin Airport.

4. Considering the submissions made, the 1st

respondent shall consider the application (Ext.P6) and pass necessary orders in accordance with the law expeditiously, preferably within a period of two months. With the aforesaid direction, the present writ petition stands disposed of. Sd/- DINESH KUMAR SINGH JUDGE jjj -4- APPENDIX OF WP(C) 34904/2023 PETITIONER EXHIBITS Exhibit P1 A TRUE COPY OF TAX INVOICE NO: 5BC/24-24/00105 DATED 05.09.2023 Exhibit P2 A TRUE COPY OF FLIGHT TICKET Exhibit P3 A TRUE COPY OF SEIZURE MEMO DATED 07.09.2023 ISSUED BY 2ND RESPONDENT Exhibit P4 A TRUE COPY OF POLICE INTIMATION DATED 19.09.2023 Exhibit P5 A TRUE COPY OF ACCIDENT REGISTER CUM WOUND CERTIFICATE DATED 03.10.2023 Exhibit P6 A TRUE COPY OF PETITION FILED BY THE PETITIONER BEFORE 1ST RESPONDENT DATED 29.09.2023

SooperKanoon - India's Premier Online Legal Search - sooperkanoon.com