

Hitesh Bhanuprasad Soni and Vs. Union of India and ors.

Hitesh Bhanuprasad Soni and Vs. Union of India and ors.

SooperKanoon Citation : sooperkanoon.com/733154

Court : Gujarat

Decided On : Jan-29-1988

Reported in : [1989]66CompCas744(Guj); (1988)1GLR525(GJ); (1988)1GLR756(GJ)

Judge : R.C. Mankad,; R.J. Shah and; S.B. Majmudar, JJ.

Acts : [Conservation of Foreign Exchange and Prevention of Smuggling Activities Act, 1974](#) - Sections 3(1) and 3(3); [Customs Act, 1962](#) - Sections 108; Gold Control Act, 1968; [Constitution of India](#) - Article 22, 22(4) and 22(5); Preventive Detention Act, 1960 - Sections 8

Appeal No. : In Spl. C.A. Nos. 240 and 554 of 1987

Appellant : Hitesh Bhanuprasad Soni and ;chatursinh Halubha Jadeja

Respondent : Union of India and ors.

Judgement :

ORDER

OF THE COURT

86. The questions referred to this Bench by the Divisional Bench shall stand answered and the petitions shall stand disposed of as per the majority view.

87. In the result, Special Criminal Application No. 240 of 1987 is rejected and rule issued therein is discharged. Special Criminal Application No. 554 of 1987 is allowed and rule is made absolute. The detenu in the said Special Criminal Application No. 554 of 1987 is ordered to be released forthwith, if not otherwise to be detained in connection with any other case.

88. Ordered accordingly.

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