

Surender Kumar Vs. Customs

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Court : Delhi

Decided On : Jan-04-2011

Judge : Shiv Narayan Dhingra, J.

Acts : Code Of Criminal Procedure (Cr.P.C) - section 482; [Customs Act,1962](#) - Section 135(1)(B)

Appeal No. : Crl. MC No. 468/2009

Appellant : Surender Kumar

Respondent : Customs

Advocate for Pet/Ap. : Mr. Naveen Malhotra, Adv.

Judgement :

1. Whether reporters of local papers may be allowed to see the judgment?
2. To be referred to the reporter or not?
3. Whether judgment should be reported in Digest?

1. This petition under Section 482 Cr.P.C has been preferred by the petitioner for quashing of the complaint case no.153/199 dated 6th December 1999 under Section 135(1) (B) of the Customs Act, 1962 on the ground that in the same complaint one K.L. Gupta was also arrayed with him as an accused. Adjudication proceedings in his case and K.L. Gupta's case were initiated and vide order dated

2nd December 2005, the adjudicating authority exonerated him and K.L. Gupta of the allegations made in the complaint. Mr. K.L. Gupta preferred a writ petition before this Court for quashing the complaint against him on the basis of adjudication order and the writ petition of Mr. K.L. Gupta being Crl. MC No.2638 of 2007 was allowed by this Court vide order dated 14th May, 2008 and the complaint as against Mr. K.L. Gupta was quashed.

2. I have considered the order passed by this Court in Crl.M.C. No.2638 of 2007. The order of quashing complaint against Mr. K.L. Gupta was passed on the same ground as alleged by the petitioner. Both Mr. K.L. Gupta and the petitioners were exonerated in the same adjudicating proceedings by the same authority. I, therefore, allow this petition and the complaint case no.153/199 dated 6th December 1999 under Section 135(1) (B) of the Customs Act, 1962 is hereby quashed.

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