

| Sr. No. | Date       | Orders  |
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|         | 12.09.2003 | <p>Present: Mr.Dinesh Mathur, Sr.Adv with Ms.Sima Gulati for the petitioners.<br/>Mr.A.K.Panda, Sr.Adv with Mr.N.K.Matta for respondents.</p> <p><u>Crl.R.217/2000</u></p> <p>Petitioners deposited three drafts as investors in M/s Maple Leaf International. However, raid was conducted in the company on account of apprehending violation of FERA. During raid 466 drafts along with three drafts of petitioners were seized. It is not understandable as for what purpose, the respondents-Directorate of Enforcement wants these drafts. At the most the respondents-Directorate of Enforcement can retain the photocopies of drafts in question as a secondary evidence. Though these drafts are in no way connected with the violation of FERA being the drafts of Indian currency, the petitioners cannot be put to such a loss or jeopardy for the deeds of others. The learned ASJ fell in error observing that "holding at this stage that drafts are not liable to be confiscated would result in prejudging the trial." This is entirely misconceived notion. Nobody can be allowed to confiscate drafts or money of a person who has deposited it with Finance Company as investment. Impugned order on the face of it suffers from gross infirmity and is set aside.</p> |

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Certify that the digital and physical file have been compared and the digital data is as per the physical file and no page is missing.

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|         |      | <p>In the result, petition is allowed. Drafts shall immediately be released to the petitioners.</p> <p>Dasti.</p> <p>September 12, 2003<br/>ssb</p> <p>J.D.KAPOOR<br/>JUDGE</p> <p><u>Petition allowed.</u></p> <p>fresh col. misc 1493/03</p> |