

Assistant Director, Directorate of Enforcement

v.

Hassan Ali Khan

(Supreme Court Of India)

HON'BLE MR. JUSTICE AFTAB ALAM HON'BLE MR. JUSTICE R.M. LODHA

Criminal Misc. Petition No. 826 Of 2011 In Special Leave To Appeal (Criminal) No. 2455 Of 2011 | 21-03-2011

1. The previous order in this case was passed on March 17, 2011, by a Bench comprising Hon'ble Reddy and Nijjar, JJ. By that order this Court had authorized the detention of the respondent/accused in the custody of the authorities of Enforcement Directorate for his custodialinterrogation for a period of four days. That periodcomes to an end late in the evening today.

2. Today at 3:40 p.m., on behalf of the Enforcement Directorate, a petition was filed in the Court's Registry making a prayer to extend the remand of the respondent/ accused for a further period of at least four days.

3. Normally, matters of remand are not considered urgent in the Court's Registry. But having regard to the previous orders passed in the case, the Registry sought specific directions whether this petition should be put up during the holidays.

4. As neither of the two Judges who had passed the earlier order was available in town, the matter came before us.

5. Having regard to the fact that this Court had viewed this matter as extraordinary and had directed for the custodial interrogation of the respondent/accused as a special measure to deal with the situation resulting from the order of the Principal Judge, City Civil and Sessions Court and Special Court, Mumbai, it was deemed fit and proper to take up the petition today itself.

6. As the matter was taken up, Mr. Santosh Paul, counsel appearing for the respondent/accused made the protest that a copy of the petition filed on behalf of the petitioner was not given to him.

7. A copy of the petition was handed over to him before us.

8. On hearing the Solicitor General and on going through the materials collected in course of the interrogation of the respondent/accused during the past four days, we deem it just and reasonable to extend his remand for a further period of three days commencing from March 22, 2011, as requested by the Solicitor General in course of his submissions.

9. The Solicitor General assures the Court that during the extended period of remand the authorities of Enforcement Directorate shall take full care of the respondent's health and will also make it possible that the respondent/accused should get all his medicines in time. If the authorities feel the need, it will be open to them to have the health condition of the respondent/accused assessed by a competent doctor.