

[3489]

**IN THE HIGH COURT FOR THE STATE OF TELANGANA
(Special Original Jurisdiction)**

THURSDAY, THE THIRTY FIRST DAY OF JULY
TWO THOUSAND AND TWENTY FIVE

PRESENT

THE HONOURABLE SRI JUSTICE P.SAM KOSHY

THE HONOURABLE SRI JUSTICE S.CHALAPATHI RAO

WRIT PETITION NO: 22529 OF 2025

Between:

Sangeeta Jain, W/o Bharath Kumar Jain, Age 48 years, 14-73, Mandapala Street Opp. Raghavendra Swamy Temple Nellore City, Nellore District Andhra Pradesh-524001.

...PETITIONER

AND

1. The Union of India, Rep by the Secretary Finance Ministry of Finance North Block New Delhi 110 001.
2. The State of Telangana, Rep. by the Principal Secretary to the Government Revenue CT Department Secretariat Building Hyderabad Telangana
3. Principal Commissioner of Customs and Central Tax Appeal, GST Bhavan ,VIIth Floor Lal Bahadur Stadium Road Basheer Bagh Hyderabad 500004.
4. Directorate of Revenue intelligence Hyderabad Zonal Unit, H.No. 10-02-289/57/1 and 57/2 Suryavanshi Residency, 2nd Cross Road Shanthinagar, Masab Tank Hyderabad-500028.

...RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the affidavit filed therewith, the High Court may be pleased to issue a direction order or writ more particularly one in the nature of writ of Mandamus. declaring the action of the respondents more particularly 4th respondent on 21/07/2025 taking custody of my husband in Rajeev Gandhi International Airport when he travelled from Kolkata to Hyderabad as per boarding pass information in connection with the above alleged crime and obtained statements forcibly from my husband on the name of voluntary statements and now 4th respondent based on forcibly obtained statements trying to implicate my husband one of the accused in the above said alleged crime as arbitrary illegal and as well as rights guaranteed under Article 21 and 300-A of the constitution of India and consequently direct the respondents 4th respondent forthwith to release my husband

IA NO: 1 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue or pass an interim direction to the 4th respondent to produce any material evidence against my husband include my husband sim card and mobile device and call record list with another accused persons in the present case to this Honourable court as per law pending disposal of the writ Petition

IA NO: 2 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue or pass an interim direction to the 4th respondent to release forthwith my husband from custody up to produce any material evidence against my husband include my husband sim card and mobile device and call record list with another accused persons in the present case to this Honourable court as per law pending disposal of the writ Petition

IA NO: 3 OF 2025

Petition under Section 151 CPC praying that in the circumstances stated in the affidavit filed in support of the petition, the High Court may be pleased to issue or pass an interim direction to the 4th respondent to issue notice under Section 35 of BNSS if incase produced any material evidence against my husband include my husband sim card and mobile device and call record list with another accused persons in the present case to this Honourable court as per law pending disposal of the writ Petition

Counsel for the Petitioner: SRI. KURUVA NAGANNA

Counsel for the Respondent No.1: SRI B. MUKHERJEE REPRESENTING FOR SRI GADI PRAVEEN KUMAR Deputy Solicitor General of India

Counsel for the Respondent No.2: GP FOR REVENUE

Counsel for the Respondent No.3: SRI DOMINIC FERNANDES SR. SC FOR CBIC

Counsel for the Respondent NO.4: SRI V.T KALYAN SC FOR DIRECTOR OF REVENUE

The Court made the following: ORDER

**THE HONOURABLE SRI JUSTICE P.SAM KOSHY
AND
THE HONOURABLE SRI JUSTICE
SUDDALA CHALAPATHI RAO**

W.P.No.22529 OF 2025

ORDER: *(per Hon'ble Sri Justice P.Sam Koshy)*

Heard Mr. Kuruva Naganna, learned counsel for the petitioner, Mr. B. Mukherjee, learned counsel representing the Union of India for respondent No.1, Mr. Dominic Fernandes, learned Senior Standing Counsel for Central Board of Indirect Taxes and Customs (CBIC) for respondent No.3 and Mr. V.T.Kalyan, learned Standing Counsel for Director of Revenue Intelligence for respondent No.4. Perused the record.

2. The instant writ petition has been filed seeking for the following reliefs:

"It is therefore prayed that this Hon'ble High Court may be pleased to issue a direction, order or writ more particularly one in the nature of writ of Mandamus. declaring the action of the respondents more particularly 4th respondent on 21-07-2025 taking custody of my husband in Rajeev Gandhi International Airport when he travelled from Kolkata to Hyderabad as per boarding pass information in connection with the above alleged crime and obtained statements forcibly from my husband on the name of voluntary

statements and now 4th respondent based on forcibly obtained statements trying to implicate my husband one of the accused in the above said alleged crime as arbitrary, illegal and as well as rights guaranteed under Article 21 and 300-A of the Constitution of India and consequently direct the respondents 4th respondent forthwith to release my husband and pass such other orders as may be deem fit and proper in the circumstances of the case.

It is also further prayed that this Hon'ble High Court may be pleased to issue an interim direction to the 4th respondent to produce any material evidence against my husband include my husband sim card and mobile device and call record list with another accused persons in the present case to this Honble Court as per law pending disposal of the writ petition and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.

It is also further prayed that this Hon'ble High Court may be pleased to issue an interim direction to the 4th respondent to release forthwith my husband from custody up to produce any material evidence against my husband include my husband sim card and mobile device and call record list with another accused persons in the present case to this Honble Court as per law pending disposal of the writ petition and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case.

It is also further prayed that this Hon'ble High Court may be pleased to issue an interim direction to the 4th respondent to issue notice under Section 35 of BNSS if in case produced any material evidence against my husband include my husband sim card and mobile device and call record list with another accused persons in the present case to this Honble Court as per law pending disposal of the writ Petition and pass such other order or orders as this Hon'ble High Court may deem fit and proper in the circumstances of the case."

3. It has been learnt that the husband of the petitioner was taken into custody and he has been made as an accused in the light of the confessional statement given by the main accused Ms. Harshavardini Ranya, who was arrested on 03.03.2025 when she was found to have smuggled gold bars to India at the Kempagowda International Airport Limited, Bengaluru. It is stated that the husband of the petitioner was apprehended at Rajiv Gandhi International Airport, Hyderabad on 21.07.2025. It is in this factual backdrop that the petitioner has filed the instant writ petition.

4. Considering the entire facts and circumstances of the case, particularly the nature of dispute and the nature of application that

has been said to be leveled against the petitioner and that he is also said to be one of the accused along with Ms. Harshavardini Ranya, we are of the considered opinion that it would not be proper and justified on the part of the Writ Court to enter into the disputed facts of whether taking into custody of the petitioner's husband was proper, legal and justified. We are, therefore, not inclined to entertain the writ petition at this juncture.

5. We dispose of the writ petition reserving the right of the petitioner to take appropriate legal recourse available under the provisions of the Bharatiya Nagarik Suraksha Sanhita (BNSS), 2023 or under any other law governing the field. There shall be no order as to costs.

Consequently, miscellaneous petitions pending, if any, shall stand closed.

SD/- A.JAYASREE
ASSISTANT REGISTRAR

//TRUE COPY//

SECTION OFFICER

To

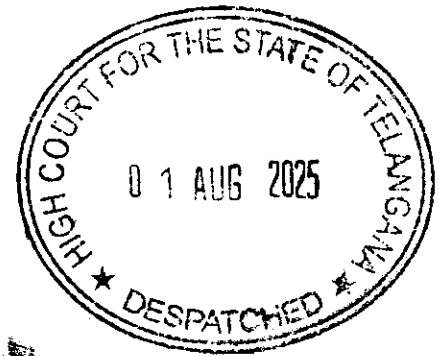
1. The Secretary Finance Ministry of Finance, Union of India, North Block New Delhi 110 001.
2. The Principal Secretary to the Government Revenue CT Department Secretariat Building Hyderabad Telangana
3. Principal Commissioner of Customs and Central Tax Appeal, GST Bhavan, VIIth Floor Lal Bahadur Stadium Road Basheer Bagh Hyderabad 500004.
4. One CC to SRI. KURUVA NAGANNA Advocate [OPUC]
5. One CC to SRI. GADI PRAVEEN KUMAR Deputy Solicitor General of India [OPUC]
6. One CC to SRI DOMINIC FERNANDES SR. SC FOR CBIC [OPUC]
7. One CC to SRI V.T KALYAN SC FOR DIRECTOR OF REVENUE [OPUC]
8. Two CCs to GP for Revenue, High Court for the State of Telangana at Hyderabad. [OUT]
9. Two CD Copies

KKS

CC TODAY

HIGH COURT

DATED:31/07/2025



ORDER

WP.No.22529 of 2025

**DISPOSING THE WRIT PETITION
WITHOUT COSTS**

(12)
01/8/25
10.15