

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No. 9216/2022
(Arising out of impugned final judgment and order dated 26-04-2022
in CRLWP No. 3116/2021 passed by the High Court of Judicature at
Bombay)

GAUTAM NAVLAKHA

Petitioner(s)

VERSUS

NATIONAL INVESTIGATION AGENCY & ANR.

Respondent(s)

(With IA No. 176263/2022 - APPROPRIATE ORDERS/DIRECTIONS and IA No. 176266/2022 - EXEMPTION FROM FILING AFFIDAVIT and IA No. 116981/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT and IA No. 116983/2022 - EXEMPTION FROM FILING O.T. and IA No. 144836/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES and IA No. 116980/2022 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 18-11-2022 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE K.M. JOSEPH
HON'BLE MR. JUSTICE HRISHIKESH ROY

For Petitioner(s) Ms. Nitya Ramakrishnan, Sr. Adv.
Ms. Warisha Farasat, Adv.
Mr. Shadan Farasat, AOR
Mr. Nizam Pasha, Adv.
Ms. Aparajita Jamwal, Adv.
Mr. Raghav Tankha, Adv.
Mr. Shourya Dasgupta, Adv.
Ms. Hrishika Jain, Adv.
Mr. Aman Naqvi, Adv.
Mr. Dhruv Bhatnagar, Adv.

For Respondent(s) Mr. Tushar Mehta, SG.
Mr. S. V. Raju, ASG.
Mr. Sairica Raju, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Kanu Agrawal, Adv.
Mr. Ashutosh Ghade, Adv.
Mr. Arvind Kumar Sharma, AOR

Mr. Siddharth Dharmadhikari, Adv.
Mr. Aaditya Aniruddha Pande, AOR
Mr. Bharat Bagla, Adv.
Ms. Kirti Dadheech, Adv.

Mr. Shrikant Sonkawade, Adv.

UPON hearing the counsel the Court made the following
O R D E R

Heard Mr. Tushar Mehta, learned Solicitor General and Mr. S. V. Raju, learned Additional Solicitor General. Also heard Ms. Nithya Ramakrishnan, learned senior counsel for the petitioner (in the special leave petition).

We are not inclined to entertain the application for vacation of order dated 29.09.2022 and 10.11.2022. Interlocutory Application will stand dismissed.

I.A. No. 176263/2022

After hearing learned counsel for the parties, we are of the view that certain further safeguards need to be engrafted which must be read as an addition to what we have already ordered by orders dated 29.09.2022 and 10.11.2022.

It is *inter alia* stated as follows:

"5. Even otherwise, a CCTV camera has already been placed at the main entrance to the hall wherein the Petitioner is sought to be kept under house arrest. Additionally, the other exit towards the ground floor from the kitchen has already been locked, and the Petitioner has no objection if the exit is sealed by the NIA. The Petitioner had been in the process of having a CCTV camera placed at this point, when the NIA objected and sought to have the entire kitchen sealed and a gas stove placed inside the main hall. Needless to say, this would constitute a fire hazard and would also risk jeopardizing the Petitioner's health due to fumes emitted from cooking."

As far as this aspect is concerned, we record the submission of the SLP petitioner that the petitioner has no

objection in the NIA sealing the kitchen door leading to the exit point. NIA is entirely free to seal the kitchen door leading to the exit point. Needless to say, this would not entitle the NIA to close the door between the hall and the kitchen.

Another concern raised by the learned Additional Solicitor General is that on the first floor, there is a grill and it can easily be opened. We direct that NIA can lock the grill and keep the key also with themselves.

The petitioner submits that apart from the CCTV camera which is put on the northern side, a CCTV camera subsequently has already been put by the SLP petitioner on the southern entrance as well.

We make it clear the orders shall be given effect to without any fail within 24 hours from the date of the receipt/uploading of the copy of this order.

It will be open to the NIA to move the DVR used to monitor the working of the two new CCTV cameras, installed on the first floor from out of the library building where it is presently located to the place of choice of the NIA.

We record the absence of any objection of the SLP petitioner to the shifting of the DVR.

Interlocutory Application is, accordingly, disposed of.

(NIDHI AHUJA)
AR-cum-PS

(RENU KAPOOR)
ASSISTANT REGISTRAR