

IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE-CUM-SPECIAL JUDGE (PC ACT) (CBI),
ROUSE AVENUE DISTRICT COURT

CT No. 08/2025

Directorate of Enforcement vs Lalit Kumar Sahdev & Ors.

ECIR/DLZO-I/04/2021

DLCT11-000132-2025

Appearances:

Sh. Atul Tripathi, Ld. Special PP for ED

Accused Lalit Kumar Sahdev is present with Ld.

Counsel Sh.Harit Chhabra (through VC)

Accused Vijay Kumar Chauhan is present with Ld.

Counsel Sh.Shivender Vishwas (through VC)

09.04.2025

ORDER ON CHARGE

1. The present prosecution complaint has been filed against the accused persons Lalit Kumar Sahdev and Vijay Kumar Chauhan for the offence under Section 3 of Prevention of Money Laundering Act 2002 punishable under Section 4 of Prevention of Money Laundering Act 2002.

2. The facts in brief are that on the basis of source information about illegal possession of Ivory Trophy and illegal trading of the same in violation of the Wild Life (Protection) Act 1972, matter was taken up by CBI. A team was constituted including officials of CBI, Wildlife Crime Control Bureau and independent witnesses to lay the trap.

3. During the trap, CBI officials reached at the shop of Lalit Kumar Sahdev who had shown two ivory trophies made of Elephant tusks. CBI officers T. D. Tripathi and Satyabir Singh acted as buyers of the said trophies. After the deal was settled for purchase of the said trophies, wild life inspector A. Pragatheesh inspected the said trophies and confirmed their genuineness. CBI team revealed their identity to Lalit Kumar Sahdev (A-1) and Vijay Kumar Chauhan (A-2) who could not produce any document to prove the legal possession and trading of the said items which were made from elephant tusk. Ms. Ankita Naik witnessed the illegal possession of ivory trophies by Lalit Kumar Sahdev. Lalit Kumar Sahdev and Vijay Kumar Chauhan were arrested. CBI filed a complaint for the offence punishable under Section 120-B IPC and u/s. 51 r/w Section 40, 49 and 49B of Wild Life (Protection) Act 1972 and filed the charge-sheet on 31.08.2019.

4. On 29.01.2021, the present ECIR was registered for investigation under Prevention of Money Laundering Act 2002. During the course of investigation statements of Shubham Tomar and Ms. Ankita Naik were recorded under Section 50 of PMLA 2002. Statement of accused Lalit Kumar Sahdev was recorded under Section 50 of PMLA in which he stated that he was possessing two ivory trophies just for polishing them on the instructions of Neeraj Nigam (since deceased). Lalit Kumar Sahdev knowingly assisted Neeraj Nigam in dealing with proceeds of crime i.e. two ivory trophies and further he is projecting the possession of ivory trophies as legitimate by

claiming that his role is restricted to just polishing of ivory trophies. Statement of Vijay Kumar Chauhan was also recorded wherein he admitted that he took part in selling the trophies. Statement of Ms.Pratiksha Nigam wife of Neeraj Nigam was recorded wherein it was revealed that Neeraj Nigam was the owner of the said trophies and Neeraj Nigam had handed over the said ivory trophies to Lalit Kumar Sahdev for sale. The said Ivory trophies seized by CBI is considered “Proceeds of Crime” under Section 2 (1)(u) of PMLA 2002 read with Section 2 (1)(v) of PMLA 2002 as it was obtained through criminal activities related to a scheduled offence.

5. The cognizance on the complaint was taken on 15.02.2025 and compliance to Section 207 Cr.P.C was made by supplying all copies to the accused persons.

6. Arguing on behalf of accused persons, Ld. Counsels submitted that accused persons have been falsely implicated and they were not involved in the trading of ivory trophies as alleged. It was not in the knowledge of accused persons that they are proceeds of crime. Ld. counsel for accused Lalit Kumar Sahdev argued that accused Lalit Kumar Sahdev had taken the said ivory trophies from Neeraj Nigam for polishing.

7. Arguing on behalf of ED, Ld. Special PP Sh.Atul Tripathi submitted that accused persons were found in illegal possession of two Ivory Trophies which are proceeds of crime. Further, they tried to sell these trophies projecting the same as untainted.

8. I have given due consideration to submissions of both the sides and also to the facts of the case in the light of legal position.

9. Prosecution complaint has been filed under Section under Section 44 & 45 of the Prevention of Money Laundering Act 2002 for the offences under Section 3 punishable under Section 4 of Prevention of Money Laundering Act 2002 against the accused persons. The relevant provisions of Prevention of Money Laundering Act 2002 are as follows :-

Section 3 in The Prevention of Money-Laundering Act, 2002

3. Offence of money-laundering.

Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering.

[Explanation.--For the removal of doubts, it is hereby clarified that,-

(i) a person shall be guilty of offence of money-laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually involved in one or more of the following processes or activities connected with proceeds of crime, namely:--

(a) concealment; or

(b) possession; or

(c) acquisition; or

(d) use; or
(e) projecting as untainted property; or
(f) claiming as untainted property,
in any manner whatsoever;
(ii) the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]

Section 2 (u) in The Prevention of Money-Laundering Act, 2002.

“proceeds of crime” means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property [or where such property is taken or held outside the country, then the property equivalent in value held within the country [or abroad];

[Explanation: For the removal of doubts, it is hereby clarified that “proceeds of crime” include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence;]

10. The law on the question of consideration of charge is well settled, if the criminal court, on consideration of the material submitted with the complaint finds that a grave suspicion exists about the involvement of the accused in the crime alleged, it is expected to frame the charge and put the accused on trial. At such initial stage of the trial, the truth, veracity and effect of the

evidence which the prosecutor proposes to adduce is not required to be meticulously judged, nor any weight is to be attached to the probable defence of the accused.

11. In the case of “**State of Bihar vs. Ramesh Singh**”, AIR 1977 SC 2018, Hon'ble Supreme Court observed as under:-

It is not obligatory for the Judge at that stage of the trial to consider in any detail and weigh in a sensitive balance whether the facts, if proved, would be incompatible with the innocence of the accused or not. The standard of test and judgment which is to be finally applied before recording a finding regarding the guilt or otherwise of the accused is not exactly to be applied at the stage of deciding the matter under [section 227](#) or [section 228](#) of the Code. At that stage the Court is not to 'see whether there is sufficient ground for conviction of the accused or whether the trial is sure to end in his conviction.

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Strong suspicion against the accused, if the matter remains in the region of suspicion, cannot take the place of proof of his guilt at the conclusion of the trial. But at the initial stage if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence then it is not open to the Court to say that there is no sufficient ground for proceeding against the accused.

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If the scales of pan as to the guilt or innocence of the accused are something like even at the conclusion of the trial, then, on the theory of benefit of doubt the case is to end in his acquittal. But, if, on the other hand, it is so at the initial stage of making an order

under [section 227](#) or [section 228](#), then in such a situation ordinarily and generally the order which will have to be made will be one under [section 228](#) and not under [section 227](#).

12. In “**Union of India Vs. Prafulla Kumar Samal**” 1979 CrL. L.J. 154, Hon'ble Supreme Court made the following observations regarding the test to be applied at the stage of consideration of the case for charge:

Where the materials placed before the Court disclose grave suspicion against the accused which has not been properly explained the Court will be, fully justified in framing a charge and proceeding with the trial. (3) The test to determine a prima facie case would naturally depend upon the facts of each case and it is difficult to lay down a rule of universal application. By and large however if two views are equally possible and the Judge is satisfied that the evidence produced before him giving rise to some suspicion but not grave suspicion against the accused, he will be fully within his right to discharge the accused. That in exercising his jurisdiction under section 227 of the Code the Judge which under the present Code is a senior and experienced Judge cannot act merely as a Post office or a mouth-piece of the prosecution, but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on. This however does not mean that the Judge should make a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.”

13. Coming to the case in hand, accused Lalit Kumar Sahdev was directly involved in possession of the Proceeds of Crime and he was knowingly a party and actually involved in using the same to generate further proceeds of crime through criminal activities. Accused Vijay Kumar Chauhan aided accused Lalit Kumar Sahdev in dealing of proceeds of crime in the form of two ivory trophies. He searched for desirous buyers for the said items so that they can be sold to generate further proceeds of crime. Neeraj Nigam (since deceased) was directly involved in acquisition of the proceeds of crime as defined under PMLA and he was knowingly a party and actually involved in the process and actively connected with the proceeds of crime including its generation, possession and attempted to use them.

14. Charge-sheet for scheduled offence is already pending trial. It would be a matter of evidence if the accused persons had the knowledge that the said Ivory Trophies were the Proceeds of Crime. The pleas of the accused persons would be tested during the evidence.

15. To conclude, at the stage of charge, the court is only required to analyse the facts and evidence of the case to the extent that prima facie case is made out against the accused. Considering the facts, evidence and material placed on record, I am of the opinion that prima facie the case is made out against the accused persons for having committed the offence under Section 3 of Prevention of Money Laundering Act 2002 punishable under Section 4 of Prevention of Money Laundering Act 2002.

16. I, therefore, order that charges be framed against the accused persons for the offence under Section 3 of Prevention of Money Laundering Act 2002 punishable under Section 4 of Prevention of Money Laundering Act 2002.

Announced in the open court
on 9th April 2025

(Anju Bajaj Chandna)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
09.04.2025