

CNR No. DLCT11-000718-2024
ED vs Gopal Krishan Aggarwal & Ors.
CT Cases/21/2024

05.06.2025

Present: Sh. Atul Tripathi, Ld. Special PP for ED (**through VC**).

The present complaint under Section 44 and 45 of the Prevention of Money Laundering Act, 2002 has been filed by the Directorate of Enforcement. Written Submissions were also placed on record with regard to the prosecution sanctions sought under Section 197 Cr.P.C. against the accused Avinash Chandra Garg.

I have heard the arguments advanced.

Considering the fact that the present complaint was filed by Directorate of Enforcement after 1st July, 2024, i.e. when BNSS came into force.

Section 223 of BNSS,2023 corresponds to Section 200 of the Code of Criminal Procedure,1973. Proviso to Sub-Section 1 of Section 223 of BNSS, 2023, which calls for issuance of a notice to the accused before taking cognizance, has been added and came into effect from 1st July, 2024 does not find place under Section 200 of the Code of Criminal Procedure, 1973.

Hon'ble Supreme court in the cases titled '*Tarsem Lal V. Directorate of Enforcement Jalandhar Zonal Office* in *Crl. Appeal No. 2608/2024 2024 INSC 434*' and '*Kushal Kumar*

Aggarwal V. Directorate of Enforcement in *Crl. Appeal No. 2479/2025 2025 INSC 760'* have taken consistent view that a complaint filed by Enforcement Directorate under Section 44 and 45 of PMLA will be governed by Sections 200 to 204 of Cr.P.C. Thus, before taking cognizance of an offence, a Notice is required to be given to the accused persons.

In view thereof, before proceeding further, let Notice be issued to the accused persons returnable for 04.07.2025. Let this matter be listed for further proceedings on **04.07.2025**.

(Kanwal Jeet Arora)
Principal District & Sessions Judge-
cum-Special Judge (PC Act) (CBI),
Rouse Avenue District Court
New Delhi/05.06.2025