



IN THE COURT OF PRINCIPAL DISTRICT JUDGE
AHMEDABAD (RURAL) @ AHMEDABAD

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PMLA Case No. 2 of 2023

Directorate of Enforcement

...Complainant

VERSUS

Saket Suhas Gohale

...Accused

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Order below Exh.48

1. The applicant/accused has filed this application u/s 309 of Cr.P.C. praying to keep the trial in abeyance.
2. It is stated that FIR u/s 465, 469, 471, 501, 502(2) of IPC was lodged at Cyber Crime Police Station, Ahmedabad. The applicant/accused came to be arrested in the said case and was enlarged on bail by the Court of Additional Chief Metropolitan Magistrate, Ahmedabad. In connection with the said offence a complaint u/s 3 of PMLA Act came to be filed which culminated into PMLA case No.2 of 2023 and the case before the learned Chief Metropolitan Magistrate in view of the provision of PMLA Act was reregistered as Sessions Case No.126/2023 before this Hon'ble Court.
- 2.1 The applicant/accused preferred discharge application (Exh.17) in Sessions Case No. 126/2023 which was rejected by this Court. He has challenged the said order by filing Special Criminal Application No.4308/2024 seeking relief of quashing the FIR, chargesheet and also setting aside order rejecting his

discharge application. In these circumstances, he has preferred this application to keep the trial of PMLA offence in abeyance, mainly on the ground that if he is discharged or his case pertaining to predicate offence is quashed by Hon'ble High Court of Gujarat then PMLA case would not survive. He has placed reliance on the decision in the case of Vijay Madanlal Chaudhary (2022 Livelaw (SC) 633) alongwith decision of Hon'ble Telangana High Court in the case of M/s Bharti Cement Corporation Pvt. Ltd. vs Directorate of Enforcement to contend that that trial of PMLA case should wait the outcome of either acquittal or discharge in the predicate offence. Reliance is also placed on the order passed by Hon'ble Apex Court in the case of S.Martin vs. Directorate of Enforcement in Spl. Leave to Appeal (Crl.) No.4768/2024 to contend that the Hon'ble Apex Court has ordered that if charge is framed, the trial will not commence in PMLA cases till further order. It is accordingly urged to allow this application and all further proceedings in PMLA Case No. 2/2023 be kept in abeyance till final disposal of Sessions Case No.126/2023.

3. Per Contra, Ld. Spl. P.P. Mr. S.K. Gupta has vehemently opposed the application stating that it is misconceived application. He has filed his reply vide Exh.52 opposing the present application. He submits that there is no statutory bar in proceeding further with PMLA case till the schedule/predicate offence trial is concluded. It is stated that the present application is nothing but an attempt to delay the trial by adopting delay tactics and to overreach the direction of Hon'ble Apex Court with regard to expeditious trial in case of

MP/MLA persons. He has also placed reliance on the order passed by Hon'ble Apex Court in the case of Pradeep Nirankarnath Sharma vs Directorate of Enforcement Spl. Leave to Appeal (Crl.) No. 6185/2023 wherein the Hon'ble Apex Court has made it clear that trial will continue, the case shall not be finally decided. He has also placed reliance in the case of Gurnaib Singh vs State of Punjab (2013) 7 SC 108 and Mohd. Khalid vs State of W.B. (2022) 7 SCC 334 to contend that unnecessary adjournments should not be granted by the Court on mere asking by the accused person. He submits that in both the trial of PMLA and predicate offence the case is at the stage of framing of charge and this application in absence of any specific provision or statutory bar is been filed to delay the trial. He has urged to reject this application.

4. Heard Ld. Advocate for the applicant/accused and Ld. Sp.P.P. on behalf of Directorate of Enforcement. It is required to be noted that the applicant/accused is facing trial under PMLA in Spl. Case No.2/2023 and schedule offence in Sessions Case No.126/2023. The sole ground raised by the applicant/accused is that he has approached the Hon'ble High Court of Gujarat by filing Special Criminal Application seeking relief to quash the FIR, chargesheet and also set aside the order rejecting his discharge application. On this ground he has filed the application u/s 309 of Cr.P.C. to keep the trial of PMLA offence in abeyance. It is required to be noted that application preferred by the applicant before Hon'ble High Court of Gujarat is pending for adjudication. No stay order is brought on record of this Court and it appears to

the Court that it is anticipated by the applicant/accused that he is going to be acquitted / discharged and all the proceedings of schedule offence will be quashed and therefore, the present PMLA case should not be proceeded further or it should be kept in abeyance. This Court do not find any merits in the above contentions raised by the applicant/accused. The Court has taken into consideration the provision of Sec.44(1)(d)(i) of PMLA Act, 2002. In the present case both the cases under PMLA Act and Sessions Case are at the stage of framing of charge. The applicant is Member of Parliament and this Court has also taken into consideration the decision of Hon'ble Supreme Court in the case of Ashwinikumar Upadhyay vs UOI. In absence of any specific statutory bar not to try the offence of PMLA Act till the accused is discharged or acquitted is misconceived. The application is devoid of any merits and accordingly, following order is passed in the interest of justice.

ORDER

The application is rejected.

Pronounced in the open Court today, this 8th day of August, 2024.

(Kamal M. Sojitra)

Principal District & Sessions Judge

&

Spl. Designated Judge(PMLA)

Ahmedabad (Rural).

(Code : GJ01494)

vsb