



**IN THE COURT OF PRINCIPAL DISTRICT & SESSIONS
JUDGE, AHMEDABAD (RURAL)**

ORDER BELOW EXH.17
IN
PMLA CASE NO.14 OF 2024

- 1) Heard Ld. Special Public Prosecutor for the applicant – Enforcement Directorate and Ld. Advocate Mr.K.H.Daiya for the accused.
- 2) The application is filed by the applicant – Enforcement Directorate stating that during the course of investigation, a search proceeding under Section 17 of PMLA, 2002 was conducted on 06/06/2025 during which one mobile phone ‘Galaxy Note 20 ultra 5g’ containing sim of ‘VI’ company having mobile number ‘9824303776’ was recovered wherein, a crypto wallet by the name of ‘Trust Wallet’ was found. It also revealed that the said mobile phone was given by accused – Mr.Shailesh Babulal Bhatt to Mr.Naresh Kumar Vinodrai Bhatt for keeping it safe. It is seriously apprehended by the Enforcement Directorate that this Trust Wallet appears to contain crypto currencies which would be Proceeds of Crime. Accused – Mr.Shailesh Babulal Bhatt at present is confined in prison and therefore, to access his mobile phone data they required to collect details from the accused i.e. its password and if required his fingerprint. It is stated that since the offence has ingredients of crypto currencies coupled with technology usage and only the accused would be having details about the user name, password and pin or he would have adopted specific pattern for unlocking the phone as well as the Trust Wallet, the application should be allowed.
- 3) The application is opposed by the accused by filing reply vide Exh.19. Ld. Advocate Mr.K.H.Daiya has stated that providing finger print

is not mentioned in Section 349 of the Bhartiya Nagrik Suraksha Sanhita, 2023 and therefore, the application is not maintainable. He has also raised the grounds with regard to self-incrimination and right to remain silent, at the same time, he has also made a statement on instruction of his client that he is ready to cooperate the investigation and will assist in all ways for the purpose of investigation. However, he has raised apprehension that proper care be taken so that if any crypto currencies are found then the same may not be transferred or dealt with in any manner.

4) This Court considering the contents raised in the application and urgency had passed an order on 10/06/2025 that the accused shall not be permitted any visit by anyone and video conferencing facility be restrained till this application is decided so as to secure the apprehension raised by the Enforcement Directorate that if any details of password and pin is disclosed the same may be transferred. Considering the complexity of offence as well as crypto currencies apprehended to be kept in Trust Wallet and to trace out Proceeds of Crime involved in the offence, the application is required to be allowed. The contention on behalf of the accused that he has right to remain silent and giving finger print would be self-incrimination as held in case of **“Selvi Vs. State of Karnataka (2010) 7 SCC 263”**, **“Pankaj Bansal Vs. Union of India 2023 SCC OnLine SC 1244”**, **“Yogesh Vs. Enforcement Directorate”** is misconceived, as the present application is filed to get details from the accused with regard to pin so as to open the Trust Wallet which is apprehended to be having crypto currencies and if required to open the phone by unlocking the pattern as may be designed by the accused to conceal the proceeds of crime. The finger print / face recognition would be necessitated and the same would be for the purpose of investigation cannot be believed as self-incrimination in any manner. Having regards to the grounds mentioned in the application, necessity to collect information about the device which is recovered during the course of investigation which is stated to have ‘Trust Wallet’ wherein, Proceeds of Crime are concealed and

the complexity of the offence and usage of technology to conceal the proceeds of crime the application is required to be allowed. It is stated before the Court by the Enforcement Directorate that as the accused at present is in Jail they may be permitted to visit the Jail with responsible officer and the entire procedure will be carried out legally and necessary panchnama will also be drawn and it is fairly submitted that considering the apprehension raised by the Ld. Advocate for the accused the entire procedure may also permitted to be videographed. It is also stated before the Court by the Enforcement Directorate that so far as the apprehension of the accused that proper care be taken so that if any crypto currencies are found the same may not be transferred is concerned, the officer of the Enforcement Directorate that the footprint for each and ever minute detail can certainly be traced out and in the present case to access data of mobile phone more particularly, pertaining to the Trust Wallet they would require forensic expert who will accompany them and therefore, complete transparency would be maintained. Considering the quantum of proceeds of crime concealed in the said crypto wallet by the name of 'Trust Wallet' the Hon'ble Court may pass order safeguarding the apprehension raised by the accused.

5) In view of facts and circumstances noted hereinabove this Court is of the view that the present application is required to be allowed only for the purpose of verifying the details of crypto currency in Trust Wallet concealed in mobile phone. As suggested by Ld. Advocates for the respective parties to maintain transparency in the procedure of verifying the details in the mobile phone, videography of the said procedure should be done, hence, following final order is passed in the interest of justice:-

:-FINAL ORDER:-

- 1) Application Exh.17 is **allowed**.
- 2) **Rajesh Kumar Satyarthi**, Assistant Director, Enforcement Directorate, **Bholaram Jat**, Enforcement Officer, Enforcement

Directorate, **Rahulsinh Rana**, Reporting Officer, Enforcement Directorate Lab, National Forensic Science University, Gandhinagar are hereby permitted to visit the accused - Mr.Shailesh Babulal Bhatt who is confined at Sabarmati Jail in connection with ECIR/AMZO/01/2019 (PMLA Case No.14 of 2024) on 14/06/2025 from 10 a.m. to 5 p.m.

- 3) Sabarmati Jail Authority is directed to permit the above mentioned officers to carry 2 laptops with chargers, 2 pendrives, one printer, mobile phone with charger of Rahulsinh Rana, Reporting Officer, Enforcement Directorate Lab, National Forensic Science University, Gandhinagar and other documents and necessary stationaries to the jail premises.
- 4) Entire procedure should be carried out in presence of two independent Government witnesses and the Sabarmati Jail Authority shall permit those two independent Government witnesses as named by the Enforcement Directorate.
- 5) Enforcement Directorate Officers are permitted to take the seized devices in sealed green envelope containing seized devices in connection with this offence.
- 6) The entire procedure shall be carried out strictly as per law maintaining transparency and a detailed report shall be prepared about the entire procedure.
- 7) Sabarmati Jail Authority shall provide all necessary assistance in carrying out this procedure.

Copy of this order be sent to Sabarmati Jail Authority for its compliance.

Pronounced and signed in the open court today.

Date :13/06/2025
Place:Ahmedabad

(Kamal M. Sojitra)
Principal District & Sessions Judge &
Special Designated Judge (PMLA)
Ahmedabad (Rural)
U.I.Code No.GJ01494