

**IN THE COURT OF THE SPECIAL JUDGE (SPE/CBI)-I
(SPECIAL COURT UNDER PREVENTION OF MONEY
LAUNDERING ACT, 2002) ERNAKULAM**

Present :-

Sri. Mini S Das, Special Judge (SPE/CBI) – I, Ernakulam

Monday the 25th day of September, 2023 / 3rd Aswina, 1945.

Crl.M.P. No.89/2023

in

SC No.533/2018

Petitioner/Accused No. 15:

Jose Charles Martin, Age 35 years,
S/o. Shri S. Martin No.135/1, Thiruvalluvar
Street, G.N Mill Post, Vellakinaru Pirivu,
Coimbatore - 641 029.

**By Adv. M/s. Mathews K. Uthuppachan.
and Thomas Abraham.**

Respondent/Complainant:

Directorate of Enforcement.

**Represented by Govindu.P. Renuka Devi
Special Public Prosecutor (PMLA) for
Enforcement Directorate.**

This petition coming on for hearing before me on 23.09.2023 and the Court on 25.09.2023 passed the following:

ORDER

1. This is an application filed by accused No.15 Sri.Jose Charles Martin seeking permission to retain the passport and to travel abroad.

2. The allegation against the petitioner/Accused No.15 is that the petitioner was the Director and was in charge of the business of Accused No.35, wherein Accused No.1 had made investments from and part of proceeds of

crime in Accused No.34, Accused No.35 & Accused No.42, that the petitioner had signed the balance sheets in respect of Accused No.34, Accused No.35 & Accused No.42 during the relevant period, wherein the above investments made by Accused No.1 were reflected as unsecured loan/advances by hiding its source, that the said money was utilized for the purchase of immovable properties in the names of Accused No.34, Accused No.35 & Accused No.42 and thereby the petitioner had knowingly assisted Accused No.1 in the process connected with proceeds of the crime and thereby committed the offence of Money Laundering under Section 3 and punishable under Section 4 of the Prevention of Money Laundering Act, 2002.

3. The petitioner alleges that the petitioner is the Managing Director of the Martin Group of Companies involved in various business activities, that Sustainable Development Management Institute (SDMI) a French Enterprise which offers training courses and internships abroad in areas aligned with the current needs of the companies, that petitioner intends to start an institute for Sustainable Development Management in Tamil Nadu, that the Sustainable Development Management Institute invited the petitioner to visit their Institute for a discussion to finalize the terms.

4. The Assistant Director authorised by the Deputy Director filed report objecting the application mainly stating that the petitioner has not furnished any proposal or business opportunity to justify his travel abroad, that he has not submitted any itinerary or travel plans and has not been furnished the names and address of the parties whom he intends to meet during the place of abroad and

that in case such relaxation is granted it would amount to blanket permission and the liberty granted by this court would be misused. It is also stated that if the application is allowed, the petitioner may tamper with the evidence and thereby money trail in the case will be hampered.

5. Heard both sides.

6. The petitioner surrendered his passport in compliance with the conditions imposed while granting bail. The petitioner was granted permission to visit Birmingham, UK for the period from 11.09.2023 to 18.09.2023 as per the order in CrI.M.P. No.69/2023. Now the petitioner seeks permission to visit France stating that the 'Martin Foundation' is in the final round of discussions for acquiring the educational institutions of Ambal Professional Group of Institutions at Palladam and that in order to start some courses in sustainable development management, the petitioner was invited to the Institute for the discussion to identify the areas for association and to finalize the terms. A photocopy of the letter alleged to be the Business Letter of Invitation is seen produced as Annexure-A. The petitioner has not produced any authentic documents showing the details of the education institutions and the previous communications in that regard, he is proposing to start though it is stated that the Martin Foundation is in the final round of discussions.

7. The prosecution apprehends that if a blanket permission is granted without any authenticated documents showing genuineness of the purpose of his alleged visit to France, there is every possibility that the petitioner would tamper with the evidence and that the alleged money trail in the case will be hampered.

The learned counsel for the petitioner submits that permission was granted many times to the petitioner for visiting abroad and that he complied with all the conditions and hence the question of absconding would not arise. Only because of the fact that he had complied with all the conditions imposed while allowing foreign visits on earlier applications, permission cannot be granted. There is no authenticated documents to show the genuineness of the proposed travel. In the said circumstances, a blanket permission cannot be granted to the Petitioner/accused No.15. Therefore, the petition is liable to be dismissed.

In the result, the petition stands dismissed.

The petitioner is directed to resubmit the passport today itself if not submitted as per the order in CrI.M.P.69/2023.

Dictated to the Confidential Asst., transcribed and typewritten by her, corrected and pronounced by me in open court on this the 25th day of September, 2023.

Sd/-
Mini S Das
Judge, Spl. Court for PMLA Cases

Appendix:Nil

Id/-
Judge, Spl. Court for PMLA Cases
(By Order)

//True Copy//

Sd/-
Sheristadar.