

**IN THE SPECIAL COURT FOR THE TRIAL OF PMLA CASES/
SPECIAL COURT (SPE/CBI)-I/NIA, ERNAKULAM.**

Present:-

Sri. P.K. Mohandas, Judge, Special court for PMLA Cases

Saturday the 18th day of May, 2024 / 28th Vaisakha, 1946.

Crl.M.P. No.135/2024

in

SC No.533/2018

**Petitioners/ Accused
Nos.8, 10, 14 and 16.**

- 1)** P. John Britto, aged 57 years, S/o. Philip, Thiruvalluvar Nagar, Sivananthapuram, Sathyamangalam Main Road, Coimbatore – 35.
- 2)** John Kennedy, aged 55 years, S/o. A. Arokiyam, No. 1A, 4, Kamaraj Street, Kaveri Nagar, KK Puthur, Sai Baba Colony, Coimbatore-641 043.
- 3)** Martin Leema Rose, aged 55 years, W/o. S. Martin, No. 135/1, Thiruvalluvar Street, G.N Mill Post, Vellakinaru Pirivu, Coimbatore – 641 029.
- 4)** Daisy Aadhav Arjuna, aged 32 years, W/o. P.K. Aadhav Arjuna, New No. 19, Old No. 6/3, Maharani Chinnamma Road, Venus Colony, Alwarpet, Chennai – 600 018.

**Represented by Adv. Sri. Mathews K
Uthuppachan.**

**Respondent/Complainant : Directorate of Enforcement,
Represented by Smt. Govindu. P.
Renuka Devi, Special Public Prosecutor
(PMLA), Directorate of Enforcement.**

This Criminal M.P coming on for hearing before me on 18.05.2024 and the Court on the same day passed the following:

ORDER

This application to treat the amount deposited by the petitioners as security deposit as directed by the Hon'ble High Court.

2. The petitioners' case is that they are facing trial of offence punishable under the provisions of the Prevention of Money Laundering Act, 2002. The petitioners were implicated in the case as additional accused Nos.8, 10, 14 and 16 on the basis of the supplementary complaint submitted by the complainant on 03.06.2022. As per order dated 01-10-2022 in Crl.M.P. No.35/2022 of this court, petitioners were released on bail and they surrendered their passport before this court on 10.10.2022. Thereafter, as per order in Crl.M.P. 28/2024 dated 27.02.2024 the court modified the bail conditions (c) and (d) in the bail order by deleting the condition of surrendering their passports before this court and if already surrendered, will be released to the petitioners on their depositing a sum of Rs.1,00,000/- as security deposit.

3. It is submitted that as per the order in Crl.M.P.28/2024 dated 27.02.2024 this court modified the bail order conditions in (c) and (d) in Crl.M.P.35/2022 dated 01.10.2022. These conditions were substituted by the Hon'ble High Court of Kerala in Crl.M.C. No.2778/2024 dated 12.04.2024. The Hon'ble High Court set aside conditions and substituted them as follows: (c) "Petitioners shall inform the court before leaving India. Petitioners shall also deposit an amount of Rs.one lakh and if they violate any of the conditions of

bail, the amount will be forfeited.”, (d) “Petitioners shall file an affidavit before the jurisdictional court to the effect that they will be represented throughout by a lawyer and that they will not dispute their identity, if the trial proceeds in their absence.”

4. The accused Nos. 8, 14, and 16 had already deposited Rs.2,00,000/- each as per the order in Crl.M.P. Nos. 96/23, 45/22, and 64/22 respectively, and accused No.10 has deposited Rs. 1,00,000/- on 05.03.2024 in compliance with the order in Crl.M.P. No. 28/24. The court released the passports of the petitioners. The petitioners have already filed affidavits in compliance with the order in Crl.M.C. No. 2778/2024, and the security amounts deposited by the accused in the above mentioned Crl.M.Ps are already with this court. Hence, the petitioners pray to consider the said deposit amounts as in compliance of condition (c) in Crl.M.C. No. 2778/24 of the Hon’ble High Court of Kerala.

5. I have heard the counsel appearing for the petitioner and the Public Prosecutor. The learned Special Public Prosecutor submitted that the accused may not be permitted to leave the country without the leave of the court. It is submitted that the petitioners may likely to be absconded.

6. As submitted by the Special Public Prosecutor, the allegations against the petitioners are serious in nature. The petitioners were released on bail on strict condition. It is submitted by the defence counsel that no such

stringent conditions were imposed while releasing the accused on bail. The prosecution has no case that the petitioners tried to evade the process of the court at any point of time. They got business establishments in India. There is no much force in the apprehension that the petitioners may leave the country. In the light of the directions of the Hon'ble High Court of Kerala, I am of the view that it is only necessary to keep Rs.one lakh in the court custody. Hence I am of the view that the petition can be allowed.

7. In the light of the above discussion, I am of the view that the petition can be allowed.

In the result the petition is allowed and the amount already deposited by the petitioners as security in compliance of the order of this court will be adjusted/treated as the deposit of sum of Rs.1,00,000/- as security in compliance of the order dated 12-04-2024 in Crl.M.C.2778/2024 of the Hon'ble High Court of Kerala.

Dictated to the Confidential Asst., transcribed by her, corrected and pronounced by me in open court on this the 18th day of May, 2024.

Sd/-
P. K. Mohandas
Judge, Special Court for PMLA Cases

Appendix: Nil

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

//True Copy//

Sd/-
Sheristadar.