

Spl. A.C.B. Case No.35/2022
State Vs. Ashok & Ors.
CNR NO.MHWS010008462022

ORDER BELOW EXH.297.

This is an application filed by the Assistant Director, Directorate of Enforcement, Mumbai, to commit this case to PMLA Special Court at Mumbai.

2. Applicant submitted that the offence involved in this case is the Scheduled offence. The F.I.R. bearing No.389/2020 dated 12/05/2020 is registered in the Risod Police Station under section 420, 408, 406 and 34 of I.P.C. against all the accused persons and cognizance is taken by the District Judge-1 and Additional Sessions Judge, Washim. As per the PMLA Act 2002 the offence is relating to Money Laundering Act is required to be decided by the Hon'ble PMLA Special Court, Mumbai. It is submitted by the applicant that as per notification dated 01/06/2006 the special Court for the entire Maharashtra is at Mumbai. Therefore, it is required to be commit this case to special Court. Therefore, prayed to grant the application.

3. Ld. A.PP and I.O. has filed say at Exh.301 and submitted necessary order may be passed.

4. Complainant has filed the objection at Exh.300 and taken the objection on the ground the offence involved in this case is not scheduled offence. The said offence is in respect of period of 2008 to 2019. The case ECR is in respect of the transaction after 2019 and moreover jurisdiction of the ECR is in Nagpur Court and not Bombay. Hon'ble Bombay Court has no territorial jurisdiction to decide this case. Therefore, prayed to reject the application.

5. Accused Nos.1 to 11, 14,15,17 and 19 have filed their say at Exh.311 to 320, 321, 322, 324 and 325 and submitted that the special Court PMLA is having jurisdiction to entertain the special matter of Money Laundering. The present chargesheet is filed by the I.O. There is no case filed regarding the Money Laundering. Therefore, there is no required to commit the case before the special Court. The incident is taken place within the jurisdiction of this Court. Therefore, prayed to reject the application.
6. Accused No.12 has filed sat at Exh.327 and given no objection for committing the case.
7. Heard A.P.P for the State and advocate for the accused Nos.1 to 19.
8. Complainant has relied upon the case law of -
 - (i) AIR 2019 Ker 902, Kerala High Court, Inspector of Police CBI/SCB Kerala Vs. Assistant Director, Directorate Of Enforcement(PMLA), Cochin Zone and
 - (ii) AIR 2023 Supreme Court 875 Rana Ayyub Vs. Directorate of Enforcement through its Assistant Director.
9. On behalf of applicant has relied upon the case law of -
 - (i) Upendra Rai Vs. CBI Delhi High Court, WP (CRL) 1923/2020
 - (ii) Mr. Radha Mohan Lakhotia Vs. Deputy Director Bombay High Court
 - (iii) Rana Ayyub Vs. Directorate of Enforcement Supreme Court 2023 Live Law (SC)86,
 - (iv) Hari Narayan Rai Vs. Union of India High Court of Jharkhand
 - (v) State of Bihar Vs. Deokaran Nenshi Supreme Court MANU/SC/469/1972

(vi) *Solidaire India Ltd Vs. Fairgrowth Financial Service Ltd*,
Supreme Court MANU/SC/0009/2001.

10. In the case of *Upendra Rai Vs. Central Bureau of Investigation and Anr*, in which it is held that the other connected cases are being tried by the Special Court. By an order dated 08.08.2018, the Special Court (PMLA) Patiala House has taken cognizance of the complaint filed by the ED. It is also held that the case relating to scheduled offences punishable under the PC Act cannot be tried by the Special Courts designated under the PMLA, which are trying the interlinked offence punishable under section 4 of the PMLA, for want of jurisdiction to do so, cannot be accepted.

After gone through the case law nowhere it is mentioned that the case shall be committed to the special Court.

11. In the case law of *Mr.Radha Mohan Lakhotia Vs. The Deputy Director, PMLA, Directorate of Enforcement*. After gone through the said case law no where it is mentioned that the case should be committed to special Court.

12. In the case law of *Rana Ayyub Vs. Directorate of Enforcement* through its Assistant Director, in which it is observed that the special Court constituted under the PMLA that would have jurisdiction to try even the scheduled offence.

After perusing the case in hand no offence under PMLA Act is involved nor it is mentioned in the F.I.R. it is the scheduled offence or no any record is come before the Court. Therefore, the said case law is not applicable to this case.

13. In the case law of *Hari Narayn Rai Vs. Union of India & Ors*. In

the said case law nowhere it is mentioned that the case should be transferred or committed to the special Court. Therefore, the said case law is not applicable to this case.

14. In the case law of State of Bihar Vs. Deokaran Nenshi and ors, no where mentioned the case shall be committed to the special Court. The facts and circumstances of the said case law and case in hand are different. Therefore, the said case law is not applicable to this case.

15. In the case law of Solidaire India Ltd. Vs. Fairgrowth Financial Services Ltd. & Ors., no where it is mentioned that case should be committed or transferred to the special Court.

Considering all these reasons the case laws relied upon on behalf of applicant are not applicable in this case.

16. I have gone through all the case and First Information Report then no where it is come on record this is the Money Laundering case. Nowhere it is mentioned that this is a scheduled offence committed by the accused. Moreover, it is come on record and also it is relied by the complainant the notification dated 5 February, 2016. As per said notification to decide the case of Prevention of Money Laundering Act in the State of Maharashtra the Sessions Judge and all the Additional Sessions Judge of Nagpur have the power to try the cases of Prevention of Money Laundering Act. The area of comprising the Judicial District of Bhandara, Chandrapur, Gadchiroli, Gondia, Nagpur, Akola, Amravati, Buldhana, Wardha, Yavatmal and Washim and this Court is come under the jurisdiction of Nagpur. If this is the offence is Money Laundering Act, on this point also this Court can not commit or transfer the case to the Court at Mumbai. No where it is come on record the transaction

involved in this offence is connected with the case which is pending in the special Court Mumbai.

17. Considering all above reasons, the application is not tenable. Hence, the application is liable to be rejected. Hence, I pass following order.

ORDER

Application is hereby rejected.

(Dictated and pronounced in open Court.)

Date : 31/12/2024

(S.S.Ghorpade)
Additional Sessions Judge, Washim.

<u>CERTIFICATE</u>	
I affirm that the contents of this P.D.F file Order are same, word to word, as per the original Order	
Name of the Stenographer	: S. V. Dere, Stenographer (Gr.III)
Name of the Court	: Shri. S. S.Ghorpade Ad-hoc District Judge-1 & A.S.J, Washim.
Date	: 31/12/2024.
Order signed by the presiding officer on	: 31/12/2024.
Order uploaded on	: 02/01/2025.