

M. L. CASE NO. 03 OF 2025
CNR NO. WBCS01-000226-2025
Present: Sri Soumendra Nath Das
Chief Judge, City Sessions Court, Calcutta
J.O. CODE NO. WB01132

Order No.02 dated 04.04.2025

Today is fixed for production of the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** and further order.

Both the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** are produced before this Court on the basis of order of issuance of production warrants passed by this Court vide order no. 01 dated 03.04.2025.

Both the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** are taken into custody.

Ld. Special P.P for the Enforcement Directorate is present.

Ld. Advocate for the accused persons are present by filing fresh Vakalatnama.

Let those be kept with the record.

Complainant/Enforcement Directorate is present.

Prashant Chandila, Assistant Director of Enforcement Directorate, Kolkata files a petition through Ld. Special P.P for the Enforcement Directorate praying for seven (7) days custody of the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** by the Enforcement Directorate by allowing the Enforcement Directorate to formally arrest the shown arrested accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** by following the due process of law as mandated u/s. 19(1) read with section 65 of the PMLA, 2002 and Section 167(2) of the Cr.P.C 1973 corresponding to Section 187(2) of the BNSS, 2023 in connection with ECIR No. KLZO-1/06/2025 dated 24.03.2025 for the purpose of investigation of this case.

Ld. Advocates for the accused persons submit before this Court that the copy of the petition filed today by the Enforcement Directorate has not been served upon them and they pray for passing necessary order to supply the same to the accused persons.

Heard. I find that the nothing could be shown before this Court by the Ld. Special P.P that the said copy of the petition filed today is a classified document or a document containing secret information and therefore it appears to this Court that there is no bar to hand over the copy of that petition to the accused persons.

Accordingly, the prayer of the accused persons praying for supplying the copy of the petition filed today by the Enforcement Directorate upon them is allowed.

The Ld. Special P.P of the Enforcement Directorate is directed to supply the same at once.

Now the record is taken up for hearing on the point of P.C/custody of Enforcement Directorate of both the accused persons namely **Chirag Kapoor alias Chintak Raj and Yogesh Dua** as prayed for by the Enforcement Directorate.

Ld. Special P.P. for the Enforcement Directorate submits that the accused persons were involved in a criminal conspiracy in which they impersonated themselves as government officials of Government agencies like Central Bureau of Investigation and Customs department and thereby the accused persons had contacted the complainant over phone and WhatsApp, falsely accusing the complainant of being involved in money laundering activities and threatening her with arrest and asset seizure.

Ld. Special P.P. for the Enforcement Directorate further submits that the accused persons had deceived the complainant by creating fraudulent documents, including forged letters bearing the logos of the Hon'ble Supreme Court, Reserve Bank of India, Customs, and CBI, issued in the name of victim and used the said fraudulent documents to support their false claims and through these manipulations, the accused persons had instilled fear and emotional distress and ultimately coerced the complainant into transferring Rs. 47 lakhs to several bank accounts under the guise of an ongoing investigation, thereby causing the complainant a wrongful loss of Rs. 47 lakhs.

Ld. Special P.P for the Enforcement Directorate further submits that during the investigation conducted by Cyber PS, Kolkata it was also revealed that the funds which were collected through the bank account under the name of "M/s Brainburst Robotics", with Ms. Burney as the sole proprietor and the searches conducted at the premises of the accused persons resulted into seizure of various incriminating documents, mobile phones, passbooks, and cheque books belonging to various entities used in the crime.

Ld. Advocate for E.D further submits that custodial interrogation is necessary for the purposes to ascertain the trail of proceeds of crime involved in the present case, to ascertain the names of further beneficiaries of the aforesaid proceeds of crime involved in the present case and also to ascertain the role of other alleged/suspected persons involved in the above said money laundering of proceeds of crime and to identify the nature and manner of siphoning off the proceeds of crime and also to identify the properties (immovable/movable) acquired from the proceeds of crime by the accused persons and other related persons of the said accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** for thorough and proper investigation of this case and to trace out the properties purchased from the various proceeds of crime.

Ld. Advocate for Enforcement Directorate submits that the compliances as mandated under the law and as per Section 19 PMLA, 2002 for showing them arrest by the ED is to be followed and complied with in the instant case by the ED and it is prayed that the Court may be pleased to allow the ED to formally arrest the accused persons and they have been produced as shown arrest by following the due process of law and liberty may be granted to serve the necessary statutory documents of the ED for complying with the provisions under Section 19 PMLA upon the said accused persons and also allow the E.D to serve reasons to believe, grounds of arrest and other statutory documents as required under PMLA upon the said accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua**.

Ld. Advocate for Enforcement Directorate submits that accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** is required to be formally arrested u/s 19 of the PMLA, 2002 and prays for passing necessary orders for the purpose of custodial interrogation as per provisions of section 167(2) of Cr.P.C 1973 corresponding to Section 187(2) of the BNSS, 2023 of these accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** in Enforcement Directorate custody for seven days for the purpose of thorough and proper investigation to trace out the various proceeds of crime.

Ld. Advocates for the accused persons are present before this Court and file a petition praying for short period of P.C/custody of E.D of both the accused persons.

Heard the submission of both sides.

Perused the petition of the Enforcement Directorate, petition filed on behalf of the accused persons including the complaint of E.D i.e. ECIR No KLZO-1/06/2025 dated 24.03.2025 and the documents annexed thereto.

It appears from the complaint i.e the ECIR No. KLZO-1/06/2025 dated 24.03.2025 that the accused person Chirag Kapoor @ Chintak Raj is the Director in various companies and this accused person in connivance with other accused person namely Yogesh Dua recruited other persons for the purpose of extorting proceeds of crime from innocent people across the country by way of cheating them and both the accused persons were in contact with different banking personnel and opened bank accounts in the name of different persons and they used to collect the proceeds of crime in those accounts and large sums of money were transferred into their bank accounts and the searches had been conducted at the premises of the accused persons and various incriminating documents, mobile phones, passbooks, and cheque books belonging to various entities used in the crime were seized from their possession.

I also find that both the accused persons are allegedly involved in the commission of offence of money laundering, by indulging in criminal conspiracy with several other persons and to ascertain the properties purchased from proceeds of crime with the aim of converting the illegal money into legitimate money and they have been allegedly indulging, assisting and involved in the economic offence of a serious magnitude and is a party in the process and appears to be actively connected to the proceeds of crime including its concealment, possession, acquisition, use and projecting and appears to be claiming that the said proceeds of crime as untainted property and trying to derive illegal monetary gains from there.

I have also perused the provisions of Section 3, 4 and 19(1) of the Prevention of Money Laundering Act, 2002.

Section 3 reads as follows: *Offence of money-laundering. – Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering.*

[Explanation. - For removal of doubts, it is hereby clarified that,-

- (i) *A person shall be guilty of offence of money- laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually*

involved in one or more of the following processes or activities connected with proceeds of crime, namely:-a) concealment; or b) possession; or c) acquisition; or d) use; or f) projecting as untainted property; or claiming as untainted property' in any manner whatsoever;

The process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]

Section 4 reads as follows "Punishment for money laundering" - *Whoever commits the offence of money laundering shall be punishable with rigorous imprisonment for a term which shall not be less than three years but which may extend to seven years and shall also be liable to fine.*

Provided that where the proceeds of crime involved in money-laundering relates to any offence specified under paragraph 2 of Part A of the Schedule, the provisions of this section shall have effect as if for the words "which may extend to seven years", the words "which may extend to ten years" had been substituted.

Section 19. reads as follows Power to arrest. - *(1) If the Director, Deputy Director, Assistant Director or any other officer authorized in this behalf by the Central Government by general or special order, has on the basis of material in his possession, reason to believe (that reason to such belief to be recorded in writing) that any person has been guilty of an offence punishable under this Act, he may arrest such person and shall, as soon as may be, inform him of the grounds for such arrest.*

I refer to the Judgement of the Hon'ble High Court of Bombay in the case ***Babulal Verma and Another Vs Enforcement Directorate and Another*** reported in ***2021 SCC Online Bombay 392*** wherein it has been held in paragraph 29 and 30 as follows :-

29. *"The language of Sections 3 and 4 of PMLA, makes it absolutely clear that, the investigation of an offence under Section 3, which is punishable under Section 4, is not dependent upon the ultimate result of the Predicate/Scheduled Offence. In other words, it is a totally independent investigation as defined and contemplated under Section 2(na), of an offence committed under Section 3 of the said Act".*

30. *PMLA is a special statute enacted with a specific object i.e. to track and investigate cases of money-laundering. Therefore, after lodgment of Predicate/Scheduled Offence, its ultimate result will not have any bearing on the lodgment investigation of a crime under the PMLA and the offence under the PMLA will survive and stand alone on its own. A Predicate/Scheduled Offence is necessary only for registration of crime/launching prosecution under PMLA and once a crime is registered under the PMLA then the ED has to take it to its logical end, as contemplated under Section 44 of the Act".*

Considering the materials on the case record and the complainant of E.D i.e. ECIR No KLZO-1/06/2025 dated 24.03.2025 and also considering the nature of investigation to be conducted by the investigating agency to trace out the money trail involved in this case of PMLA, 2002, this Court is prima facie satisfied with regard to the commission of offence of money-laundering with regard to the allegations of involvement of both the accused persons in the economic offence resulting to the damaging of the economy of this nation by siphoning off huge amount of money and as such custodial interrogation of both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** is very much necessary for the purpose of thorough and proper investigation of this case.

Thus, the prayer for shown arrest of both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** for formally arresting them is accordingly **allowed** in connection with this case.

Thus, both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** on being produced on the basis of production warrant issued by this court on 03.04.2025 is arrested in connection with this case and E.D is directed to comply with all the legal formalities.

Hence, the prayer of the Enforcement Directorate for remanding both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** in their custody is considered and **allowed** in the interest of thorough and proper investigation of this case.

Both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** be remanded to the custody of the Enforcement Directorate and they be produced before this Court on **08.04.2025** on the following conditions:

i) that they shall not be tortured in any manner while in remand in the custody of the Enforcement Directorate;

ii) that they shall be examined by a medical officer of a government hospital at an interval of every 48 hours during the ED custody;

iii) that all the guidelines of the Hon'ble Apex Court, passed in the judgement of D.K. Basu Vs. State of West Bengal are strictly to be complied with.

At this stage, Ld. Advocate for the accused person namely **Chirag Kapoor alias Chintak Raj** has filed a petition praying for passing necessary direction upon the Enforcement Directorate to give proper medical treatment to the said accused person during his custody of Enforcement Directorate as he is a patient of high blood pressure and has been suffering from heart related ailments.

Ld. Spl. P.P for Enforcement Directorate raises no objection.

Accordingly, the Enforcement Directorate is directed to take proper and adequate measures for giving medical treatment to the accused person **Chirag Kapoor alias Chintak Raj** during his P.C custody period.

Fix **08.04.2025** for production of both the accused persons **Chirag Kapoor alias Chintak Raj and Yogesh Dua** from the custody of Enforcement Directorate before this Court.

Let a copy of this order be sent to the Enforcement Directorate for information and necessary compliance.

Let a copy of this order be also sent to the Superintendent President Correctional Home for information.

Let a copy of this order be also sent to the Superintendent District Correctional Home, Asansol, Paschim Bardhaman for information.

Dictated & corrected by me

Sd/-

Chief Judge,
City Sessions Court, Calcutta.

Sd/-

Chief Judge,
City Sessions Court, Calcutta.