



\$~47

* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **CRL.REV.P. 99/2023 & CRL.M.A. 2814/2023.**

**DIRECTORATE OF ENFORCEMENT REPRESENTED BY ITS
ASSISTANT DIRECTOR, SH. RAHUL VERMA Petitioner**

Through: Mr. Anupam Sharma, Special
Counsel-ED with Mr. Prakarsh Airan,
Ms. Harpreet Kalsi, Mr. Abhishek
Batra and Mr. Ripudaman Sharma,
Advts.

versus

VIKAS SRIVASTAVA & ANR.

..... Respondent

Through:

**CORAM:
HON'BLE MR. JUSTICE ANISH DAYAL**

ORDER
03.02.2023

%

CRL.M.A. 2814/2023

Exemption allowed subject to just exceptions.

CRL.REV.P. 99/2023

1. This petition has been moved by the Directorate of Enforcement for quashing and setting aside impugned order dated 18th December, 2021 passed by the Court of Ld. ASJ in CC No.22/2021 titled as “Directorate of Enforcement v. Vikas Srivastava & Anr.” on the ground that the Ld. Court refused to take cognizance upon the said complaint which had been filed by the petitioner/department against the accused based on a predicate offence registered under Sections 420/406/120B IPC vide FIR No.62/2008 PS EOW



on the ground that the prosecution had been unable to prove that there was projection of proceeds of crime as untainted. The learned counsel for the petitioner states that the interpretation of Section 3 of PMLA has now been clarified by the Hon'ble Supreme Court in Vijay **Madanlal Choudhary & Ors. v. UOI**, (2022) SCC OnLine 929, particularly in light of the explanation to Section 3 of PMLA which provides that any of the activities which are listed in Section 3 of PMLA will form an ingredient for the offence under PMLA.

2. Issue notice to the respondents to be served by the petitioner through all permissible modes including SMS/WhatsApp/e-mail, returnable on 06th July, 2023.
3. Order be uploaded on the website of this Court.

ANISH DAYAL, J

FEBRUARY 3, 2023/MK