

IN THE SUPREME COURT OF INDIA
CRIMINAL APPELLATE JURISDICTION

CRLMP.NO. 11277-11281/2011
in
CRIMINAL APPEAL NO(s). 2068-2072 OF 2010

CBI, HYDERABAD

Appellant (s)

VERSUS

B. RAMARAJU & ORS.

Respondent(s)

ORDER

These Criminal Miscellaneous Petitions are filed by the Central Bureau of Investigation (CBI) seeking clarification of orders passed by this Court earlier in Criminal Appeal Nos. 2068-2072 of 2010 and the clarification sought is whether it will be open to the learned Additional Chief Metropolitan Magistrate in the capacity of Special Court notified under Section 43(1) of the Prevention of Money Laundering Act, 2002 (hereinafter referred to as 'the Act') to take cognizance, hear the parties and complete the trial of the complaint proposed to be filed under the said Act by the Enforcement Directorate.

Counter affidavit has been filed by the respondent contending, inter alia, that under Section 43(1) of the Act, only a 'Court of Sessions' can be designated as a Special Court and, therefore, the Additional Chief Metropolitan Magistrate who is trying the offences under the Act against the respondent is not competent to be designated as a Special Court in accordance with the provisions of the Act.

Mr. Mohan Parasaran, learned Additional Solicitor General appearing for the petitioner-appellant has brought to our notice the orders passed by this Court on 26th October, 2010 which may give an impression that only the Additional Chief Metropolitan Magistrate who is trying the offences against the respondent can hear and decide the matters also under the Prevention of Money Laundering Act, 2002.

We clarify that the orders passed by this Court on 26th October, 2010 in the aforementioned Criminal Appeals will not stand in the way of the High Court taking up the petition of the Enforcement Directorate for designating a competent Court for passing appropriate orders under the Act, keeping in mind the provisions of the relevant law.

We make it clear that we have not expressed any opinion in this order as to which is the Court that is to hear the proceedings under the Act and the High Court may consider the issue in accordance with law.

The Criminal Miscellaneous Petitions stand disposed of accordingly.

.....J.

.....J.
(H.L. GOKHALE)

NEW DELHI,
DECEMBER 10, 2012
ITEM NO.2 COURT NO.9 SECTION II

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

CRLMP.NOs. 11277-11281/2011 in
CRIMINAL APPEAL NO(s). 2068-2072 OF 2010

CBI, HYDERABAD Appellant (s)
VERSUS
B. RAMARAJU & ORS. Respondent(s)
(For directions and office report)

Date: 10/12/2012 These Crl.M.Ps. were called on for hearing today.

CORAM :
HON'BLE MR. JUSTICE A.K. PATNAIK
HON'BLE MR. JUSTICE H.L. GOKHALE

For Appellant(s) Mr. Mohan Parasaran, ASG
Mr. H.P. Raval, ASG
Mr. A.S. Chandiook, ASG
Mr. Chandra Bhushan Prasad, Adv.
Mr. Alok Prasanna Kumar, Adv.
Dr. Shamsuddin, Adv.
Mr. Naveen Kumar, Adv.
Mr. Arvind Kumar Sharma, Adv.
Ms. Padmalakshmi Nigam, Adv.
Mr. B.V. Balram Das, Adv.
Mr. D.L. Chidananda, Adv.

For Respondent(s) Mr. Mukul Rohatgi, Sr. Adv.
Mr. Ranjit Kumar, Sr. Adv.
Mr. S. Udaya Kumar Sagar, Adv.
Ms. Bina Madhavan, Adv.
Mr. Shwetank Sailakwal, Adv.
Ms. Anindita Pujari, Adv.
Mr. Rama Raju, Adv. for
M/S. Lawyer'S Knit & Co, Advs.

UPON hearing counsel the Court made the following
O R D E R

The Crl.M.Ps. stand disposed of in terms of the
signed order.

| (G. SUDHAKARA RAO) | | (SHARDA KAPOOR) |
| COURT MASTER | | COURT MASTER |

(SIGNED ORDER IS PLACED ON THE FILE)