

HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

CRR-4772-2016 (O&M)

Date of Decision: 16.03.2017

Directorate of Enforcement

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CRR-4795-2016 (O&M)

Directorate of Enforcement

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

CRR-4779-2016 (O&M)

Directorate of Enforcement

... Petitioner

VS.

State of Punjab & Ors.

... Respondents

**CORAM: HON'BLE MR.JUSTICE SURYA KANT
HON'BLE MR.JUSTICE SUDIP AHLUWALIA**

Present: Ms. Ranjana Shahi, Advocate and
Mr. Suresh Batra, Advocate for the petitioner

Ms. Reeta Kohli, Addl. AG Punjab with
Mr. Hanspal S Virk, AAG Punjab

Mr. Pradeep Virk, Advocate;
Mr. Vishal Deep Goyal, Advocate and
Mr. Sandeep Verma, Advocate for the private respondents

SURYA KANT, J. (Oral)

(1) This order shall dispose of the above-captioned criminal revision petitions as the point in issue in all the cases is common in nature.

(2) These Revision Petitions have been filed by the Directorate of Enforcement, Government of India at Jalandhar challenging the orders dated 02.09.2016 passed by Special Judge, Fatehgarh Sahib, seeking transfer of the trials pending under the Prevention of Money Laundering Act, 2002 (in

short, 'the 2002 Act') to the Special Court at Patiala which has been set up under Section 43 of the 2002 Act.

(3) Heard learned counsel for the parties.

(4) It is not necessary to notice the facts in detail. Suffice it to mention that various cases under the NDPS Act read with the provisions of Arms Act and IPC including the following FIRs are pending trial before different Special Courts in the State of Punjab:-

- i. FIR No. 45 dated 08.03.2013 u/s 21,22,25-A,27,27-A,29,18/61/85 NDPS Act, 25/54/59 of Arms Act and 420,467,468,471,201,120-B of IPC, Police Station Fatehgarh Sahib;
- ii. FIR No.69 dated 08.03.2013 u/s 21,22/61/85 NDPS Act, Police Station Mandi Gobindgarh;
- iii. FIR No.69 dated 16.04.2013 u/s 22/61/85 of NDPS Act, 420,467,468,471 IPC, Police Station Fatehgarh Sahib.

(5) The trials arising out of these FIRs are pending before learned Special Judge, Fatehgarh Sahib.

(6) The Directorate of Enforcement has filed statutory complaints under Sections 3&4 read with Section 45 of the 2002 Act with reference to the alleged recoveries effected in the above mentioned NDPS cases.

(7) It is not in dispute that the Government of India vide notification dated 05.02.2016 has set up the Special Courts in exercise of its powers under Section 43 of the 2002 Act including the one at Patiala which has the territorial jurisdiction in relation to the matters arising out of District Fatehgarh Sahib. The Enforcement Directorate accordingly moved an application before the learned Special Judge at Fatehgarh Sahib to transfer

the pending trials to Patiala in view of the mandate contained in Section 44 of the 2002 Act. Learned Special Court, Fatehgarh Sahib has disposed of the applications granting liberty to the Enforcement Directorate to approach this Court for the transfer of the pending trials. Hence, these revision petitions.

(8) Having heard learned counsel for the parties and keeping in view the statutory mandate contained in Section 44(1)(a) which provides that *“an offence punishable under Section 4 ‘and any scheduled offence connected to the offence under that section’ shall be triable only by the Special Court constituted for the area in which the offence has been committed*, the instant revision petitions are allowed and the trials pending before learned Special Court at Fatehgarh Sahib are ordered to be transferred along with records to Special Court at Patiala.

(9) Since all the cases are to be entrusted to one Special Court at Patiala, it shall not be necessary for the said Court to continue with the trials on day-to-day basis as was directed earlier though the learned Special Court at Patiala shall make an endeavour to conclude the trials expeditiously.

(10) Ordered accordingly.

(Surya Kant)
Judge

16.03.2017
vishal shonkar

(Sudip Ahluwalia)
Judge

1. Whether speaking/reasoned?
2. Whether reportable?

Yes
No