



IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.07.2019

CORAM:

THE HONOURABLE MR. JUSTICE N.ANAND VENKATESH

Crl.O.P.Nos.490 & 492 of 2019

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Meka Ramakrishna Varma

...Petitioner
in Both Crl.OPs

.Vs.

1. Deputy Director,
Enforcement Directorate,
Chennai Zone,
Ministry of Finance,
Department of Revenue,
2nd & 3rd Floor, C Block,
Murugesha Naicker Complex,
84, Greaves Road, Thousand lights,
Chennai-600 006.

2. The Joint Director,
Enforcement Directorate,
Chennai Zone,
Ministry of Finance,
Department of Revenue,
2nd & 3rd Floor, C Block,
Murugesha Naicker Complex,
84, Greaves Road, Thousand lights,
Chennai-600 006.

3. Enforcement Directorate,
through its Director,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

...Respondents
in Both Crl.OPs

PRAYER in Crl.O.P.No.490 of 2019: Criminal Original Petition filed under Section 482 of the Cr.P.C., directing the 1st respondent to not cause any physical, mental or verbal harassment to the petitioner during the pendency of the investigation in the proceedings in File No.ECIR/CEZO/05/2016, pending before the 1st respondent.

PRAYER in Crl.O.P.No.492 of 2019: Criminal Original Petition filed under Section 482 of the Cr.P.C., directing the 1st respondent to re-record the statement of the petitioner and conduct the proceedings in File No.ECIR/CEZO/05/2016, pending before the 1st respondent in camera and in presence of an Advocate appointed by the petitioner.



For Petitioner : Mr.S.R.Raghunathan
in both Crl.OPs

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For Respondents : Mr.N.Ramesh
in both Crl.OPs Special Public Prosecutor

COMMON ORDER

These Criminal Original Petitions were filed seeking for certain directions, mainly complaining about the manner in which the enquiry was conducted by the Officer belonging to the Enforcement Directorate. The entire petition contain allegations against the particular Officer who was conducting the enquiry and recording the statement.

2. The learned Special Public Prosecutor appearing on behalf of the Enforcement Directorate submitted that the concerned Officer has already been transferred and she is no more the Investigating Officer in the present case. In view of this development, the learned counsel submitted that the apprehension raised by the petitioner is no longer alive and a new Investigating Officer has already taken charge.

3. The learned counsel for the petitioner submitted that some guidelines are required to be given for the purpose of ensuring that the enquiry conducted by the authorities under the PMLA Act, which is in the nature of Judicial proceedings under Section 50(4) of the Act is not equated to an interrogation conducted by the Police. Therefore, the person who is called for an enquiry will be entitled to the assistance of an advocate at the time of enquiry.

4. In view of the subsequent development, the apprehension that was raised by the petitioner does not subsist. This Court does not want to venture into giving guidelines in this case since it will be more in the nature of an academic exercise. Therefore, this Court does not want to go into any of the allegations made in the petitions, in view of the changed circumstances.



5. These Criminal Original Petitions are closed and it is made clear that the petitioner can attend for the enquiry as and when called by the Investigating Officer and if in case the petitioner encounters any such threat or harassment, it will always be open to the petitioner to approach this Court, seeking for appropriate directions at that point of time.

Sd/-
Assistant Registrar(CS VIII)

//True Copy//

Sub Assistant Registrar

KP

To

1. Deputy Director,
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2. The Joint Director,
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3. Enforcement Directorate,
through its Director,
6th Floor, Lok Nayak Bhawan,
Khan Market, New Delhi.

+1cc to Mr.S.R.Raghunathan, Advocate sr.62219

+1cc to Mr.N.Ramesh, Special Public Prosecutor sr.62122

CrI.O.P.Nos.490 & 492 of 2019

nrjk(co)
nr 03/09/2019