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

Reserved on: August 09, 2019
Pronounced on: August 21, 2019

\+ **CRL.M.C. 3945/2019 & CRL.M.A. 33252/2019**

RATUL PURI ..... Petitioner

Through: Mr. Vijay Aggarwal, Ms. Barkha Rastogi, Ms. Shephalie Ahlawat, Ms. Shakshi Pandey & Mr. Shekhar, Advocates.

Versus

DIRECTORATE OF ENFORCEMENT GOVERNMENT OF INDIA ..... Respondent

Through: Mr. D.P. Singh, Special Public Prosecutor with Mr. Amit Mahajan, CGSC with Mr. B. Naveen Kumar, Mr. Manu Mishra & Ms. Mallika, Advocates.

CORAM:
HON'BLE MR. JUSTICE SUNIL GAUR

O R D E R

Impugned order of 6th August, 2019, declines to supply petitioner's statement recorded under Section 50(2) of *The Prevention of Money Laundering Act*, 2002.

Learned counsel for petitioner submitted that bare reading of Section 50 (2) of *The Prevention of Money Laundering Act*, 2002 reveals that the proceedings conducted under aforesaid provision are of civil nature and these proceedings are infact judicial proceedings. So, it was submitted that there is no embargo to supply the petitioner's statement recorded under Section 50 (2) of *The Prevention of Money Laundering Act,* 2002 which consists of 100 pages or so.

Attention of this Court was drawn to sub-sections (2) & (3) of Section 50 of *The Prevention of Money Laundering Act,* 2002 to submit that the statements recorded under this provision are judicial proceedings and so, there is no bar to supply copy of these statements. It was pointed out that there is a presumption of truth attached to the statements recorded under Section 50 of *The Prevention of Money Laundering Act*, 2002 whereas, no such presumption is attached to the statement recorded under Section 161 of Cr.P.C. and after the investigation, the statements recorded under Section 161 of Cr.P.C. are supplied to the accused. Thus, quashing of impugned order was sought while relying upon Supreme Court's decision in *'K.T. Advani Vs. The State* 1984 SCC Online Del 40.

On the contrary, learned Special Public Prosecutor for respondent supported the impugned order and relied upon Supreme Court's decision in '*Union of India and Another Vs. W.N. Chadha'* 1993 Supp (4) SCC 260, to seek dismissal of this petition.

Submissions advanced have been duly considered. Impugned order as well as decisions cited have been perused and thereupon, I find that the investigation in this sensitive case is in progress and is at a crucial stage. Rules of Natural Justice cannot be invoked at this stage as an accused has no say in the manner and method of investigation. Under the Code of

Criminal Procedure, statements recorded under Section 161 of Cr.P.C. are not supplied during the course of investigation and are supplied alongwith the charge-sheet filed.

Needless to say that in the instant case also, after completion of investigation in this case, copy of petitioner's statement under Section 50 of *The Prevention of Money Laundering Act,* 2002 would be supplied. Petitioner is accused of an offence under *The Prevention of Money Laundering Act,* 2002 which poses serious threat not only to the financial system of the country but also its integrity and sovereignty.

Keeping in view the object of *The Prevention of Money Laundering Act,* 2002 refusal to supply petitioner's statement recorded under Section 50 of *The Prevention of Money Laundering Act*, 2002 to him at this initial stage is justified. This Court is of the considered view that it would not be in the interest of justice to direct supply of petitioner's statement under Section 50 of *The Prevention of Money Laundering Act,* 2002 to him when the investigation of this case is at a crucial stage.

Consequentially, finding no infirmity in the impugned order, this petition and application are accordingly dismissed while not commenting on the merits of this case.

(SUNIL GAUR)
JUDGE

AUGUST 21, 2019
p'ma