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

+ W.P.(C) 13876/2018

RAINA SURI

..... Petitioner

Through: Mr H. S. Bhullar, Ms Bhawani Gupta,
Ms Sarabjeet Kaur, Ms Monalisha
Chowdhury and Ms Snigdha Singh,
Advocates.

versus

UNION OF INDIA AND ANR.

..... Respondents

Through: Mr Amit Mahajan, CGSC with Ms
Mallika Hiremath, Advocate for UOI.

CORAM:

HON'BLE MR. JUSTICE VIBHU BAKHRU

ORDER

% **26.02.2019**

1. The petitioner has filed the present petition, *inter alia*, praying as under:-

“Issue a writ of mandamus, directing the Respondent to consider the representation/letters dated 20.02.2018, 08.05.2018 & 15.09.2018 and to release the policies/bank accounts/properties in the name of Smt. Raina Suri provisionally attached by the department vide provisional attachment order no. 7/2014 dated 31.03.2014 on account of order dated 30.08.2017 passed by Hon'ble Appellate Tribunal PMLA whereby the above provisional attachment order has been set aside.”

2. On 16.08.2010, an FIR (FIR No.125/2010) was registered against the petitioner's husband for offences under Sections 406/420/467/468/471 and 120B of the Indian Penal Code, 1860. Based on the said FIR, an ECIR was

also registered on 27.07.2011 by the Directorate of Enforcement for commission of offences under Section 3 and 4 of the Prevention of Money Laundering Act, 2002 (PMLA). Thereafter, on 31.03.2014, the Directorate of Enforcement issued a provisional attachment order attaching various policies/bank accounts/properties standing in the name of the petitioner. The said order was subsequently confirmed by the Adjudicating Authority by an order dated 19.08.2014.

3. Aggrieved by the same, the petitioner filed an appeal before the Appellate Tribunal under Section 26 of the PMLA.

4. The Appellate Tribunal allowed the said appeal by an order dated 30.08.2017.

5. In the meanwhile, on 10.01.2017, the court of learned CMM also discharged the petitioner at the stage of framing of charges. It is also pointed out that the respondents had preferred an appeal under Section 42 of the PMLA before this Court, being CRL.A. 427/208, which was also rejected on 08.09.2018 on the ground that the appeal was belated.

6. The petitioner's grievance is that despite succeeding before the Appellate Tribunal, her properties have not been released.

7. Mr Mahajan, learned counsel appearing for the respondents states that the respondents have filed an application seeking recall of the order dated 18.09.2018 passed by this Court in the said appeal (CRL.A. 427/208). However, that application is still pending.

8. Clearly, the properties of the petitioner cannot be withheld by the respondents indefinitely. Since, the petitioner has succeeded before the Appellate Tribunal, the same are required to be released to the petitioner as expeditiously as possible.

9. In view of the above, the present petition is allowed and the respondents are directed to release the properties to the petitioner within a period of four weeks from today. It is, however, clarified that this is subject to any order that may be passed by this Court in the pending application filed in CRL. A 427/2018 and/or the appeal, if so restored.

10. Order *dasti* under signatures of the Court Master.

VIBHU BAKHRU, J

FEBRUARY 26, 2019

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