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

+ CRL.M.C. 781/2020, CRL.M.A. 5699/2020 & CRL.M.A. 6759/2020

LIVING MEDIA INDIA LIMITED

.....Petitioner

Through: Mr. Jai Sahai Endlaw, Advocate
with Mr. Shahrukh Ejaz & Mr.
Pratim Pathak, Advocates.

versus

DIRECTORATE OF ENFORCEMENT

...Respondent

Through: Mr. Anil Soni, CGSC.

CORAM:

HON'BLE MS. JUSTICE ANU MALHOTRA

ORDER

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01.06.2020

CRL.M.A. 6759/2020 in CRL.M.C. 781/2020

The matter is already listed for the date 26.06.2020 and is taken up on CRL.M.C.6759/2020.

Pursuant to proceedings dated 26.05.2020, vide which permission was granted to both the learned counsel for the petitioner and the respondent to inspect the document that had been unsealed during the course of the proceedings dated 26.05.2020 such inspection has been conducted on behalf of either side.

On behalf of the petitioner, reliance is sought to be placed on the unsealed document which is the copy of the certified copy of the complaint under Section 44 read with Section 45 of the Prevention of Money Laundering Act, 2002 for the offences punishable under Section 3 & 4 of the said enactment that has been submitted on 20.11.2014 in the Special Sessions Court by the Directorate of Enforcement. Reliance is thus, sought to be placed on behalf of the petitioner on the averments made therein on pages 18, 20 and 42 thereof to contend that the name of

Mr.Faqir Mehmood Mohammad Shakeel is mentioned therein and that the petitioner thus, essentially seeks the certified copy of the said document to be placed before the Hon'ble Supreme Court of Mauritius in proceedings in **SCR No.115173 (1/358/17)** which is a suit that has been filed by the said Faqir Mehmood Mohammad Shakeel against the petitioner herein arrayed as the defendant No.1 to that suit which is a suit seeking a judgment condemning the defendants therein including the present petitioner arrayed as the defendant no.1 to that suit apart from other defendants named therein with prayers to the effect:-

*“a. forthwith present an unreserved public apology to Plaintiff;
b. forthwith withdraw the Online Article, the relation video, and any other articles or broadcasts relating to Plaintiff;
c. stop harassing Plaintiff in whatever manner whatsoever;
d. to pay the said amount of MUR 100 Million (Mauritius Rupees One Hundred Million) to Plaintiff as damages, with costs and interests;
e. and to comply with such other orders as the Court may deem fit.”*

and it is thus, sought to be submitted on behalf of the petitioner that the said document is essential and germane for the petitioner to contest the said suit before the Hon'ble Supreme Court of Mauritius.

It is further submitted on behalf of the petitioner by the learned counsel through Video Conferencing that the petitioner undertakes that the said document in the event of it being supplied, would not be utilized by the petitioner towards any other purpose other than to be submitted before the Hon'ble Supreme Court of Mauritius in SCR No.115173 (1/358/17).

The petitioner has thus assailed the impugned order dated 21.01.2020 of the learned Special Judge, PC Act, CBI-10, Rouse Avenue Courts in CC No.1/15 whereby, the prayer made by the applicant/ petitioner herein under Rule 3(2) of Punjab Civil and

Criminal Force Preparation and Supply of Copies of Record Rules, 1965 seeking supply of the said document had been declined observing *inter alia* to the effect that the investigation in the matter was still ongoing and the Letter Rogatory had been sent to different countries for collection of the evidence in the case and giving a copy of the complaint to the stranger could prejudice the trial of the case and the ongoing investigation and that it was difficult to understand how the applicant i.e. the present petitioner was aware of the sending letterrogatories to Mauritius seeking details of M/s.M.L Administrators and of the said Mr.Faqir Mehmood Mohammad Shakeel.

On behalf of the DRI, learned CGSC opposes the prayer made by the petitioner submitting to the effect that the investigation in the matter is still in progress and that the DRI is presently not aware whether the said Mr.Faqir Mehmood Mohammad Shakeel is an accused or a witness as he has so far not joined the investigation despite summons having been issued to him.

It is further submitted on behalf of the DRI that it cannot be sought to be submitted on behalf of the petitioner that the sting operation was sponsored by the DRI.

On a consideration of the submissions that have been made on behalf of either side, in view of Rule 3(2) of the Punjab Civil and Criminal Force Preparation and Supply of Copies of Record Rules, 1965, which forms part of Delhi High Court Rules and Order under Volume IV Chapter 17 and which reads to the effect:-

*“3(2) A stranger of to a civil or criminal case may, after decree or judgment, obtain copies of plaint, complaint, written statement, affidavits and petitions filed in the cases, as also of the evidence recorded by the Court, and **may for sufficient reasons to the satisfaction of the court**, obtain copies of any documents before final order is passed. He may also obtain copies of any judgment, decree or order, at any time after the*

same has been passed or made, but he shall not be granted copies of exhibits put in evidence except with the consent of the person by whom they were produced or under the orders of the court.”

thus, in the interest of justice, as it is considered essential by this Court that the certified copy of the document in question unsealed during the course of the proceedings on the date 26.05.2020 (*i.e. the copy of the certified copy of the complaint under Section 44 read with Section 45 of the Prevention of Money Laundering Act, 2002 as already adverted to hereinabove*) be supplied to the petitioner by the Registry in order to enable the petitioner to contest the proceedings in the Civil Suit filed by **Faqir Mehmood Mohammad Shakeel** i.e. SCR No.115173 (1/358/17) before the Hon’ble Supreme Court of Mauritius, the same be accordingly supplied by the Registry to the petitioner.

Nothing stated hereinabove shall however amount to any expression on the merits or demerits of the investigation being conducted by the DRI or also qua the aspect of the nature of the sting operation having been conducted by the petitioner or by the Enforcement Directorate or at the behest of the Enforcement Directorate.

Furthermore, the petitioner shall remain bound by his undertaking submitted by the learned counsel for the petitioner during the course of the present proceedings through Video Conferencing that the said document in question would not be utilized by the petitioner for any other purpose other than submission thereof in SCR No.115173 (1/358/17) before the Hon’ble Supreme Court of Mauritius.

The date 26.06.2020 stands cancelled.

The petition and the accompanying application are thus disposed of accordingly.

ANU MALHOTRA, J

JUNE 01, 2020/‘nehachopra’