

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 08.02.2021

Coram

THE HON'BLE MR. JUSTICE P.N.PRAKASH
AND
THE HON'BLE MR. JUSTICE V.SIVAGNANAM

W.P.No.13589 of 2018

N.Jayamurugan

.. Petitioner

Vs.

1.The Special Director,
Directorate of Enforcement,
Southern Region,
Shastri Bhawan, 3rd Floor,
3rd Block, B-Wing, No.26,
Haddows Road,
Chennai - 600 006.

2. Deputy Director,
Directorate of Enforcement,
Cochin Zonal Office,
"Kanoos Castle", A.K.Sheshadri Road,
(Mullasery Canal Road - West),
Cochin - 682 011.

3.The Assistant Director,
Directorate of Enforcement,
Cochin Zonal Office,
"Kanoos Castle", A.K.Sheshadri Road,
(Mullasery Canal Road - West),
Cochin - 682 011.

.. Respondents

Petition filed under Article 226 of the Constitution of India praying to issue a writ of declaration to declare that the Enforcement Directorate/respondents herein have no jurisdiction to initiate proceedings as against the petitioner under the provisions of Prevention of Money Laundering Act, since the petitioner can not be held to be in possession of any proceeds of crime within the meaning of Section 2(u) of the Prevention of Money Laundering Act, 2002, after the petitioner has been discharged by order dated 20.01.2018 by the chief Judicial Magistrate, Ernakulam, in C.C.No.218 of 2015 in respect of the alleged offences under Section 4(d) & 4(f) of the Lotteries (Regulation) Act and Rule 4(5) of the Lotteries (Regulation)

Rules and consequently forbear the 2nd respondent from taking any proceedings against the petitioner under the summons dated 25.05.2018 having Ref.No.F.No.ECIR/04/KCZO/2014/713 issued under Section 50(2) & (3) of the Prevention of Money Laundering Act, 2002 and by issuing any other summons under Section 50(2) and (3) Prevention of Money Laundering Act, 2002 and attach the properties of the petitioner/his relatives or companies floated by the petitioner under Section 5 of the Prevention of Money Laundering Act, 2002.

For Petitioner : Mr.A.Ramesh,
Senior Counsel
for Mr.N.R.R.Arun Natarajan

For Respondents: Mr.N.Ramesh
Special Public Prosecutor (ED)

ORDER

[Order of the Court was made by P.N.PRAKASH, J.]

In view of the order passed by a Division Bench of this Court in John Kennedy and others Vs. Joint Director¹, this writ petition is dismissed as not maintainable. Liberty is given to the petitioner to work out his remedy in the manner know to law before the appropriate forum.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

nsd

To

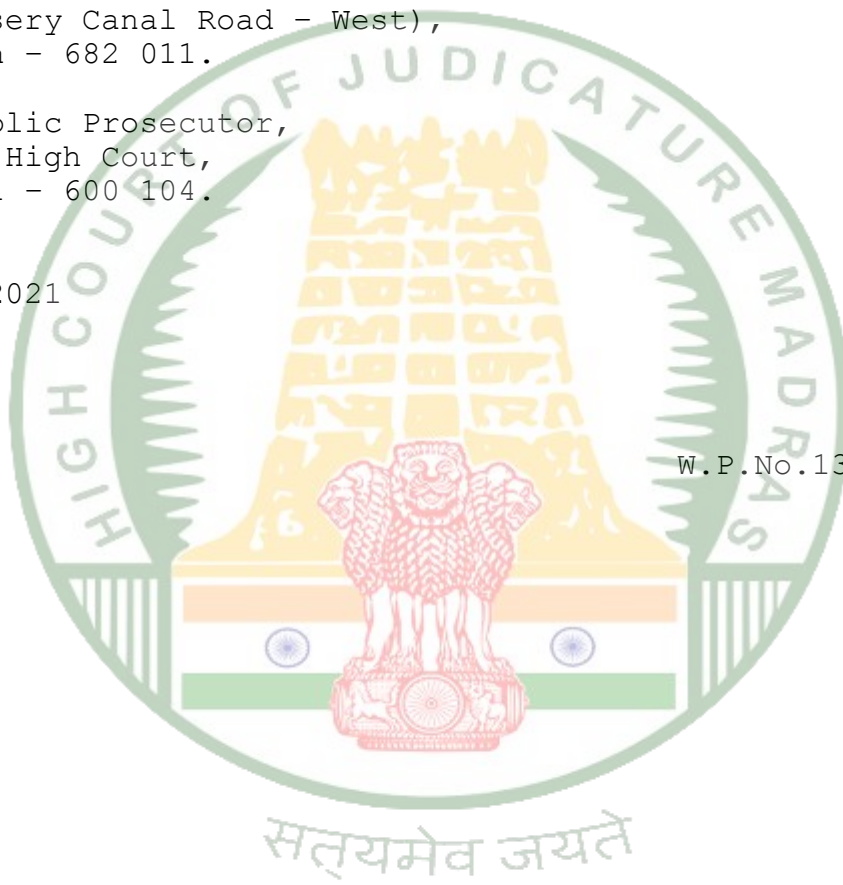
- 1.The Special Director,
Directorate of Enforcement,
Southern Region,
Shastri Bhawan, 3rd Floor,
3rd Block, B-Wing, No.26,
Haddows Road,
Chennai - 600 006.

1 WPNos.25177 and 25231 of 2019 decided on 17.12.2020

2. The Deputy Director,
Directorate of Enforcement,
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Cochin Zonal Office,
"Kanoos Castle", A.K.Sheshadri Road,
(Mullasery Canal Road - West),
Cochin - 682 011.
4. The Public Prosecutor,
Madras High Court,
Chennai - 600 104.

SR11(CO)
SM/03/03/2021

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