

**102 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

CRM-M-42082-2022(O&M)

Date of Decision: 29.10.2022

AVTAR SINGH @ TARI AND ANOTHER

..... Petitioners

Versus

DIRECTORATE OF ENFORCEMENT

..... Respondents

**CORAM: HON'BLE MR. JUSTICE G.S.SANDHAWALIA
HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present : Ms. Kanika Ahuja, Advocate
for the petitioners.

Ms. Jyotika Panesar, Advocate for
Mr. Arvind Moudgil, Advocate
for the respondent.

G.S.SANDHAWALIA, J. (Oral)

The challenge in the present petition is to the supplementary complaint dated 04.07.2015 filed under Section 45 (1) of the Prevention of Money Laundering Act, 2002 arising out of ECIR No.02/JLZO/2013 dated 25.03.2013 (Anneuxre P-4) which later was converted into case No. COMA/12/2017 dated 01.07.2017 titled as 'Niranjan Singh, Assistant Directorate Vs. Jagdish Singh @ Bhola & others' pending before Special Judge, Mohali.

The relief claimed is on the basis of judgment of the Apex Court in '**Vijay Madanlal Choudhary and others Vs. Union of India**' 2022 SCC Online SC 929.

On the last date of hearing following order was passed:-

*“Counsel for the petitioners prays for time to
place on record the last zimni order since it is*

apparent that the charge in the case was framed on 16.01.2018 (Annexure P-5) and trial has proceeded since even the earlier Investigating Officer was examined as PW-53 on 12.03.2019.

Mr. Moudgil also prays for time to confirm the fact as to whether the prosecution evidence is complete.

List on 13.10.2022.”

In pursuance of the same, an affidavit has been filed by the respondent. Perusal of the affidavit would go on to show that the prosecution witnesses have been examined and the trial is stated to be at the stage of examination of defence witnesses and 33 defence witnesses have already been examined and it has been averred that the trial is at the fag end.

Keeping in view the facts, we do not find it a fit case to exercise the extraordinary jurisdiction under Section 482 Cr.P.C as it is always open to the petitioners to take his legal defence in accordance with law and also place reliance upon the judgment of the Apex Court before the Trial Court.

Accordingly, the present petition is dismissed in view of the peculiar facts and circumstances of the case.

(G.S.SANDHAWALIA)
JUDGE

(JAGMOHAN BANSAL)
JUDGE

29.10.2022
Ali

Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>

