

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.17713 of 2022

Arising Out of PS. Case No.-4 Year-2013 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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RINKU SINGH Wife of Sri Chandan Kumar @ Tinku Kumar, Resident of
Digha, Post Office Road, P.S. - Digha, District - Patna.

... .. Petitioner/s

Versus

The Union of India through U.K. Goutham, Asst. Director, Directorate of
Enforcement (Govt. of India), 1st Floor, Chandpura Place, Bank Road, West
Gandhi Maidan, Patna - 1

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr. Sunil Kumar Pathak, Advocate
For the Opposite Party/s : Mr. K.N. Singh (A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE SATYAVRAT VERMA
ORAL JUDGMENT

Date : 05-12-2023

Heard learned counsel for the petitioner and learned counsel
appearing on behalf of the E.D.

2. The present quashing application has been filed seeking
quashing of the order taking cognizance dated 24.03.2015 passed in
Special Trial No. (PMLA) 01 of 2015 arising out of ECIR No.
PTZO/04/2013 by the learned Sessions Judge, Patna whereby
cognizance of the offences under Section 3, punishable under Section 4
of the Prevention of Money Laundering Act, 2002, has been taken based
on complaint filed under Section 45 of the Prevention of Money
Laundering Act, 2002.

3. Learned counsel for the petitioner submits that petitioner
is the wife of one of the accused and was not named in the FIR and
even during the course of investigation her name did not transpire but
she came to be implicated under the PMLA Act. It is further submitted



that prior to institution of ECIR No. PTZO/04/2013, an FIR came to be instituted bearing FIR No. 13 of 2013, dated 01.05.2013 by the Economic Offences Unit, Bihar, Patna against Sri Sunni Priyadarshi, Sri Krishna Rai, Sri Chandan Kumar @ Tinku Kumar and others for commission of the offences punishable under Sections 406, 409, 419, 420, 465, 467, 469, 471, 472, 473 and 120B of the Indian Penal Code read with Sections 66(D) and 66(E) of the Information Technology Act, 2000. It is next submitted that based on the FIR bearing FIR No. 13 of 2013 instituted by the Economic Offences Unit, Bihar, Patna, the present ECIR was instituted against the aforesaid accused persons, under Section 45 of the Act, alleging therein that certain accounts held by government/semi government departments located in Bihar having huge funds were identified. It is further alleged that image of an original cheque deposited in such accounts was taken on cell phone with the help of bank officials and the image was transmitted through MMS to other group members. On the basis of the image so obtained, fake cheques were created and signature of authorized signatories were forged on the cheques so created. It is next alleged that high value fake account payee cheques with forged signatures were deposited in the bank account held in fictitious names which was opened on the basis of fake identity proof and forged documents in various parts of the country, generally outside the State of Bihar i.e. in West Bengal, Andhra Pradesh, Orissa, Gujarat, Uttar Pradesh, Karnataka, Tamil Nadu etc. It is alleged that upon clearance of the fake cheques in the bank accounts,



the amount was withdrawn primarily in cash through high and premium debit ATM cards and self cheques from the accounts, on an average about 50 fake cheques were deposited/encashed in a month in different parts of the country, in pursuance of the conspiracy. It is further alleged that Chandan Kumar was involved in the process of fraudulent bank process of making fraudulent bank withdrawal since 2008 onwards as disclosed by him in his confessional statement recorded on 05.05.2013 before the officials of the Economic Offences Unit of Bihar, Patna. It is next alleged that the bank accounts in fictitious names were opened by Sri Chandan Kumar, Sri Krishna Rai and others which was handed over to Sunni Priyadarsi and on direction of Sunni Priyadarsi fake account payee cheques were deposited in such bank accounts by Sri Chandan Kumar, Sri Krishna Rai and others, accordingly, on such allegation the ECIR was registered.

4. A counter affidavit has been filed on behalf of the E.D. and from perusal of the counter affidavit, it manifests that the wife of Chandan Kumar is a housewife and does not have any independent source of income but still she has a flat which she purchased in the year 2011 also has money in her bank account and life insurance policy as detailed in the counter affidavit.

5. In sum and substances, the plea taken in the counter affidavit is that when petitioner is a house wife with no source of income as disclosed by her then from where did she get those property, which amply demonstrates that her husband who was indulging in the



predicate offences since 2008 managed the proceeds of crime in getting properties registered in the name of his wife as well as the money which were deposited in her account as such the petitioner ably aided her husband in misutilizing his proceeds of crime.

6. Learned counsel for the petitioner submits that the FIR was instituted in the year 2013. The flat was purchased by the petitioner in the year 2011 as such it is submitted that the flat so purchased did not had any link with any proceeds of crime as the FIR itself was instituted in the year 2013 and the FIR does not disclose the year from which the offence was being committed.

7. Learned counsel appearing on behalf of the E.D. submits that when the FIR was instituted at that time the allegation was that money relating to government organization was being siphoned off in the manner as alleged in the ECIR and it was only during the course of investigation conducted by the Economic Offences Unit that Chandan Kumar the husband of the petitioner disclosed that he was indulging in the crime since 2008 as such the submission of the learned counsel for the petitioner that the flat was purchased in the year 2011 does not have any connection with the proceeds of crime is not tenable.

8. The learned counsel appearing for the E.D. relies on a judgment of the Hon'ble Supreme Court in the case of Y.S.Jagan Mohan Reddy Vs. C.B.I. reported in (2013)7 SCC 439, to submit that that the Hon'ble Apex Court has taken a consistent view that Economic Offices having deep rooted conspiracies and involving huge loss of the public



funds need to be viewed seriously and considered as grave offences affecting the economy of the country as a whole and thereby posing serious threat to the financial health of the country.

9. Considering the submission made by the learned counsel appearing on behalf of the E.D., the Court is not inclined to entertain the quashing application.

10. Accordingly, the quashing application is dismissed.

11. However, the same will not preclude the petitioner from raising all issues at the time of framing of charge.

(Satyavrat Verma, J)

Kundan/-

AFR/NAFR	N.A.
CAV DATE	N.A.
Uploading Date	06.12.2023
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