

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.564 of 2021

Arising Out of PS. Case No.- Year-0 Thana- District- Patna

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Jitendra Kumar Jain @ Jitendra Kumar Ranka S/O Pukhraj Ranka, Residing At -B/503, Grace Building, Vasant Marvel, Near Mage Thane Telephone Exchange, Western Express Highway, P.S. - Kasturba, Borivali(E), Mumbai -400066.

... .. Petitioner/s

Versus

1. The Union Of India
2. The Director, Directorate of Enforcement, Patna Zonal office, Chandpura Place, (Opp, Dadi ma Templ) Bank Road, Patna -1.
3. Sri N.C. Jha, The Assistant Director, Directorate of Enforcement, Patna Zonal office, Chanpura Place, (Opposite Dadi Ma Temple), Bank Road, Patna- 1.

... .. Respondent/s

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Appearance :

For the Petitioner/s	:	Mr. Uday Shankar Choudhary, Advocate
For the U.O.I. (E.D.)	:	Ms. Punam Kumari Singh, C.G.C.

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CORAM: HONOURABLE MR. JUSTICE DR. ANSHUMAN
ORAL JUDGMENT

Date : 22-03-2023

Heard learned counsel for the petitioner and learned counsel for the Union of India.

The petitioner seeks protection from the court and a direction from the respondents to conduct the entire enquiry or interrogation of petitioner under videography and also in presence of the lawyer of the petitioner during the entire enquiry in the light of the summon issued by the respondent no.3, in relation to Mithanpura P.S. Case No. 298 of 2016 dated 22.12.2016 in which the Directorate of Enforcement wants to interrogate the petitioner.

Counsel for the petitioner submits that notices have been issued to him thrice but since he has filed a writ petition for protection, therefore, not appeared before the E.D., so hearing be takes place.

Counter affidavit has been received in this case in which it has been mentioned that notices were issued to the petitioner four times, firstly on 14.12.2022 to appear on 30.12.2022 but he has not appeared, secondly on 07.01.2021 to appear on 25.01.2021 but he has not appeared, thirdly on 18.02.2021 to appear on 02.03.2021 but he has not appeared and fourthly on 15.06.2021 to appear on 01.07.2021 but he has not appeared.

Counsel for the Union of India further submits that there were in total 19 witnesses in this case, out of 19 persons have appeared and recorded their statement under Section 50 of the Prevention of Money Laundering Act, 2002.

Upon going through the brief fact, the basic allegation against the petitioner is that the allegation of misuse of bank account held in the name of petitioner in which bank account was fraudulently opened by his employer and his brothers without the knowledge of the accused and there is allegation of deposit of huge cash at the tune of Rs.13,01,94,512/- in the bank account, with this allegation F.I.R. has been lodged.

This Court is of the view that every citizen of this country and every person who are living in this country are subject to providing the assistance of any investigation and enquiry as well as the Enquiry/Interrogating Officer are also bound to do the needful in accordance with law.

In this view of the matter, I am not inclined to interfere and in my view the petitioner must visit to the officials for his enquiry/interrogation.

In this view of the matter, this writ application is hereby dismissed.

Petitioner is directed to appear before the officials within four weeks from today, if not, they are free to take coercive steps against him with a view to complete the investigation/enquiry.

Investigating authority is duty bound to respect the decision of the Court/observation made by the Hon'ble Supreme Court in this regard.

(Dr. Anshuman, J.)

ravishankar/-

AFR/NAFR	
CAV DATE	
Uploading Date	
Transmission Date	