

IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.21966 of 2023

Arising Out of PS. Case No.-958 Year-2018 Thana- GOVERNMENT OFFICIAL COMP.
District- Patna

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SANDEEP SON OF AWADHESH PRASAD SINGH RESIDENT OF
VILLAGE- MAA, MAIN ROAD, SHIVPURI, PS- SHASTRINAGAR,
DIST- PATNA

... .. Petitioner/s

Versus

UNION OF INDIA, THROUGH THE ASSISTANT DIRECTOR,
DIRECTORATE OF ENFORCEMENT, GOVERNMENT OF INDIA 1ST
FLOOR, CHANDRAPURA PLACE, BANK ROAD, PATNA- 800001

... .. Opposite Party/s

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Appearance :

For the Petitioner/s : Mr.Hemant Kumar
For the Opposite Party/s : Mr.K.N. Singh(A.S.G.)

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CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

4 07-10-2024 Heard learned counsel for the petitioner and learned

counsel for the Enforcement Directorate Shri Manoj Kumar

Singh.

2. This application has been filed on behalf of the
petitioner for quashing the order dated 4.2.2023 passed by the
learned Sessions Judge/Special Judge, Patna in Spl. Trial
(P.M.L. Act) No. 10 of 2018 (arising out of ECIR No.
21/Pat/2012) in Complaint Case No. 958 of 2018 by which this
application under Section 205 for exemption from personal
appearance in the trial has been rejected by the concerned
Special Judge.

3. Learned counsel for the petitioner has relied upon



a judgment of the Hon'ble Supreme Court in the case of ***Tarsem Lal Vs. Directorate of Enforcement*** reported in ***2024 INSC 434*** and has submitted that the impugned order cannot be sustained.

4. Learned counsel for the petitioner has also submitted that the application of the petitioner filed under Section 205 Cr.P.C. has been allowed in the scheduled offence.

5. Learned counsel for the petitioner further submits that the petitioner will co-operate in the trial and he will be represented through his lawyer on each and every date and he will appear personally before the learned Special Judge, as and when directed by the learned Special Judge.

6. Learned counsel for the petitioner also submits that the petitioner will not dispute his identity before the Special Judge in the trial.

7. Learned counsel for the enforcement directorate Mr. Manoj Kumar Singh submits that since the petitioner is undertaking to appear through his lawyer before the concerned Special Judge regularly, he has no objection if the application for exemption under Section 205 of the Cr.P.C. is allowed.

8. In view of the statement of the learned counsel for the enforcement directorate, the undertaking of the petitioner and also considering the law laid down by the Hon'ble Supreme



Court in the case of ***Tarsem Lal Vs. Directorate of Enforcement (supra)***, this application is allowed.

9. Accordingly, the order dated 4.2.2023 passed by the learned Sessions Judge/Special Judge, Patna in Spl. Trial (P.M.L. Act) No. 10 of 2018 (arising out of ECIR No. 21/Pat/2012) in Complaint Case No. 958 of 2018, is hereby quashed.

10. The petitioner is exempted from personal appearance before the learned Sessions Judge/Special Judge, P.M.L. Act in Spl. Trial (P.M.L. Act) No. 10 of 2018 (arising out of ECIR No. 21/Pat/2012) in Complaint Case No. 958 of 2018 and he will file an application giving an undertaking as mentioned above.

11. This application stands allowed.

(Sandeep Kumar, J)

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