



Crl.OP.No.14071 of 2019

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.11.2024

CORAM

THE HONOURABLE MR. JUSTICE S.M.SUBRAMANIAM
AND
THE HONOURABLE MR. JUSTICE M.JOTHIRAMAN

Crl.OP.No.14071 of 2019
in Crl.MP.Nos.6831 & 6832 of 2019

R.Subramanian

...Petitioner

Versus

1. The Assistant Director
Director of Enforcement
Chennai Zonal Office
3rd Floor C Block
Murugesu Naicker Complex
84, Greaves Road,
Chennai – 600006.

2. Viswapriya Investors Welfare Association
A registered association rep by its executive committee
member Mr.Suriyanarayanan
No.17/13, 4th cross street
Indira Nagar, Adyar,
Chennai – 600 020.

.. Respondents

Prayer:-Criminal Original Petition filed under Section 482 of Cr.P.C., to call



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for the records of CC4/2018 on the file of the Special Court for PMLA offences, Chennai being the Principal Sessions Court, Chennai and based thereon to set aside the order dated 29.04.2019 passed therein as though extending the remand of the petitioner till 17.06.2019.

For Petitioner : Mr.R.Subramanian
Party-in-Person.

For Respondents : Mr.AR.L.Sunderasan, ASG
assisted by Mr.N.Ramesh,
Spl.P.P. For E.D.Cases for R1.
R2 – No appearance.

ORDER

[Order of the Court was made by S.M.SUBRAMANIAM, J]

The Criminal Original Petition on hand has been instituted challenging the order dated 29.04.2019 passed in Memo dated 26.04.2019 in C.C.No.4 of 2018.

2. The petitioner is accused No.2 in CC.No.4 of 2018. Based on the scheduled offence an ECIR under the provisions of the PML Act was recorded and the Enforcement Directorate launched investigation, on



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completion of investigation, complaint was registered before the competent Court under the provisions of the PMLA on 26.09.2014, for the alleged offence of money laundering under Section 3 & 4 of PMLA. The scheduled offence was registered by CBI (BS&FC) Bangalore at the Additional Chief Metropolitan Magistrate, Egmore, Chennai. In the Scheduled offence also charge sheet has been filed and it was taken cognizance in CC.No.9635 of 2014 by the Additional Chief Metropolitan Magistrate, Egmore, Chennai.

3. The petitioner/A2 filed memo setting out facts and sought for relief that the remand of petitioner/A2 does not subsist and cannot be extended dehorse the position that the custody itself is illegal. Therefore, it was prayed that the Special Court may release the petitioner/A2 from the custody forthwith, taking note of the order dated 16.04.2019 passed by this Court and the Hon'ble Apex Court order dated 12.04.2019.

4. The order dated 16.04.2019 was passed by the High Court in Crl.RC.No.552 of 2018. The petitioner/A2 filed the said criminal revision under Section 397 r/w.401 Cr.PC to set aside the order dated 28.02.2018



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passed in unnumbered Crl.MP.No.NIL in ECIR/CEZO/08/2014 passed by the XIV Metropolitan Magistrate, Egmore, Chennai (Special Court for enforcement Directorate cases).

5. While dealing with the case this Court made an observation that the learned Metropolitan Magistrate who initially passed the remand order had no jurisdiction and consequently allowed the criminal revision petition partly, with an observation that the Special Court has already taken the PMLA case on file in CC.No.4 of 2018 and the same is pending for trial. Liberty was granted to the petitioner to take all his defence before the Special Court in appropriate proceedings. The order passed by the learned XIV Metropolitan Magistrate in the unnumbered MP was set aside.

6. The fact remains that the petitioner/A2 was arrested on 27.02.2018 and remanded to judicial custody on 28.02.2018, though initial remand order was passed by the Judicial Magistrate, the extension of remand was passed by the Special Court designated to try the PMLA cases. The Enforcement Directorate completed investigation and filed complaint in



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CC.No.4 of 2018 and it is further not in dispute that the petitioner/A2 was enlarged on bail. He has approached the Hon'ble Supreme Court, challenging the entire PMLA proceedings which is also pending. As far as the present criminal original petition is concerned, the order impugned relating to initial remand of the petitioner lost its relevance, since the remand order was extended by competent Special Court designated to try the PMLA cases and subsequently, the petitioner was enlarged on bail as observed by the learned single judge of this court in Crl.RC.No.552 of 2018 dated 16.04.2019. Thus, the petitioner is at liberty to take all further defence in the pending proceedings, in the manner known to law.

7. Thus we are not inclined to adjudicate other grounds raised on merits by the petitioner. Consequently, the criminal original petition is dismissed and the consequently, connected miscellaneous petitions are closed.

[S.M.S., J.]

**[M.J.R.,
J.]**

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To

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