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* **IN THE HIGH COURT OF DELHI AT NEW DELHI**

+ **TR.P.(CRL.) 14/2023**

CBI

..... Petitioner

Through: Mr. Anupam S.Sharrma, SPP with
Mr. Prakarsh Airan, Mr. Syamantak Modgill,
Advocates.

versus

M/S REI AGRO LTD. AND ORS.

..... Respondents

Through: Mr. Kuljeet Singh, Advocate.

CORAM:

HON'BLE MS. JUSTICE JYOTI SINGH

ORDER

05.04.2024

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1. This matter has been placed before this Court pursuant to a communication dated 24.12.2022 received from Sh. Vinay Kumar Gupta, Principal District and Sessions Judge-cum-Special Judge, PC Act (CBI), Rouse Avenue District Courts (RADC), New Delhi. From the communication, it emerges that an application was filed by the Enforcement Directorate under Section 44(1)(c) of the Prevention of Money Laundering Act, 2002 ('PMLA, 2002') seeking committal of case '*CBI v. M/s REI Agro Ltd. & Ors.*', being CBI No.537/2019, RC-BDI/2015/E/0011 under Section 120B read with Sections 420/467/468/471 IPC, pending in the Court of Sh.Deepak Kumar-II, ACMM-II-cum-ASJ, RADC, New Delhi to the Court of Additional Sessions Judge/Special Judge-CBI-03/Special Judge, PMLA, South District, Saket Courts, New Delhi, where prosecution complaint No. CT/225/2018 being '*Assistant Director, Directorate of Enforcement v. M/s*

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REI Agro Ltd. & Ors., filed under Sections 45 and 44 of PMLA, 2002 is pending. This application was allowed vide order dated 17.10.2022 and the Court directed the matter to be placed before the learned Principal District and Sessions Judge-cum-Special Judge (PC Act) CBI, RADC, New Delhi.

2. Matter was placed before the learned District Judge and on 06.12.2022, it was directed that the matter be sent to this Court for passing appropriate orders either for transfer of CBI case to the Court of learned ASJ, South District, Saket Courts or to transfer the complaint under PMLA, 2002 to RADC.

3. Mr. Anupam S. Sharma, learned SPP states that the Supreme Court in *Rana Ayyub v. Directorate of Enforcement through its Assistant Director, AIR 2023 SC 875*, has held that in view of the specific mandate of Clauses (a) and (c) of Section 44(1) of PMLA, 2002, trial of the scheduled offence should take place in the Special Court, which has taken cognizance of the offence of money laundering. In other words, trial of the scheduled offence, insofar as question of territorial jurisdiction is concerned, should follow the trial of the offence of money laundering and not *vice-versa*. Relevant paragraphs from the judgment are as follows:

“38. The only contingency that could not have been provided in the above provisions of the Cr.P.C. is perhaps where the offence of money-laundering is committed. This is why Section 44(1) begins with a non-obstante clause. The whole picture is thus complete with a combined reading of Section 44 of the PMLA and the provisions of Sections 177 to 184 of the Cr.P.C.

39. Once this combined scheme is understood, it will be clear that in view of the specific mandate of clauses (a) and (c) of sub-section (1) of Section 44, it is the Special Court constituted under the PMLA that would have jurisdiction to try even the scheduled offence. Even if the scheduled offence is taken cognizance of by any other Court that Court shall commit the same on an application by the concerned authority to the Special Court which has taken cognizance of the offence of money-laundering.



This answers the first question posed before us.”

4. Mr. Kuljeet Singh, learned counsel for the Respondents fairly submits that in view of the observations of the Supreme Court, Respondents can have no objection to the transfer, as sought by the Enforcement Directorate.
5. In view of the aforesaid facts and observations of the Supreme Court in ***Rana Ayyub (supra)***, case being ‘*CBI v. M/s REI Agro Ltd. & Ors.*’, being CBI No.537/2019, RC-BDI/2015/E/0011 under Section 120B read with Sections 420/467/468/471 IPC, pending before ACMM-II-cum-ACJ, RADC, New Delhi is transferred to the Court of ASJ/Special Judge-CBI-03/Special Judge, PMLA, South District, Saket Courts, New Delhi, where prosecution complaint No. CT/225/2018 being ‘*Assistant Director, Directorate of Enforcement v. M/s REI Agro Ltd. & Ors.*’, filed under Sections 45 and 44 of PMLA, 2002 is pending disposal.
6. Matter will be listed before the learned Principal District and Sessions Judge, South District, Saket Courts on 22.04.2024 for appropriate orders.
7. Copy of the order shall be sent to both the Courts for information and compliance.

JYOTI SINGH, J

APRIL 5, 2024/DU/kks