



\$~12

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

+ **W.P.(CRL) 2683/2019 & CRL.M.A. 36350/2019 (Stay)**

D.K SHIVAKUMAR

..... Petitioner

Through: **Mr. Reshul Mittra & Mr. Mayank Jain, Advocates.**

versus

ASSISTANT DIRECTOR, ENFORCEMENT DIRECTORATE &

ANR

..... Respondents

Through: **Mr. Zoheb Hossain, Spl. Counsel with Mr. Vivek Gurnani & Mr. Kartik Sabharwal, Advocates.**

CORAM:

HON'BLE MR. JUSTICE AMIT SHARMA

ORDER

13.02.2024

%

1. The present petition under Article 226/227 of the Constitution of India seeks the following prayers:

- “a) Call for the transcripts of statements of the petitioner recorded by the respondent no. 1 under section 50 of the PML Act and hold that the statements of the petitioner for the period prior to the alleged commission of scheduled offence or the commencement of the PML Act be not used in evidence in any manner or otherwise against the petitioner for investigation or prosecution under the PML Act; and
- b) Issue a writ of mandamus or any other writ, direction or order directing the respondents that the statement in the case of the petitioner in ECIR/04/HQ/2018 under Section 50 of the PML Act can be recorded only by the Director of the respondent no. 2; and
- c) Issue a writ of mandamus or any other writ, direction or order directing the respondents to remove the statements recorded of the petitioner under Section 50 of the Act by any other officer except the



Director of the respondent no. 2; and

d) Hold that the respondents have no jurisdiction to invoke the provisions of PML Act against the petitioner; and

e) Direct the respondent no. 1 to provide the copy of statements recorded u/s 50 of the PML Act of the petitioner to him; and

f) Pass such other order or orders as this Hon'ble Court may deem fit and proper in the facts and circumstances of the case.”

2. Learned counsel appearing on behalf of the petitioner seeks leave to withdraw the present petition with liberty to raise the contentions taken herein during the course of the trial in the prosecution.

3. Leave and liberty granted.

4. The present petition is dismissed as withdrawn and disposed of accordingly.

5. Pending application(s), if any, also stand disposed of.

AMIT SHARMA, J

FEBRUARY 13, 2024/bsr