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

+ **CRL.M.C. 5849/2022**

**DIRECTORATE OF ENFORCEMENT THROUGH ASSISTANT
DIRECTORATE**Petitioner

Through: Mr. Anupam S Sharrma, Mr. Prakarsh
Airan, Ms. Harpreet Kalsi, Advocates

versus

STATE OF DELHIRespondent

Through: Mr. Yudhvair Singh Chauhan, APP for
the State.

Dr. Amit George, Mr. Arkaneil
Bhaumik, Ms. Rupam Jha, Mr.
Adhishwar Suri, Ms. Suparna Jain,
Mr. Dushyant Kaul and Ms. Ibansara
Syiemlieh, Advocates for R-2.

**CORAM:
HON'BLE MR. JUSTICE SUBRAMONIUM PRASAD**

ORDER
30.07.2024

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1. The Enforcement Directorate has approached this Court challenging the Order dated 23.12.2021 and 20.08.2022 passed by learned Special Judge, CBI, PC Act, Rouse Avenue Courts, New Delhi returning the complaint with all the documents as prescribed under Section 201 CrPC read with Section 65 of the PMLA on the ground that the Court concerned did not have the jurisdiction to conduct the trial.
2. This Court on 05.12.2022, issued notice to the Registrar General, High Court of Delhi to ascertain the position. An affidavit has been filed by the High Court of Delhi. Paragraph 3 to 8 of the said affidavit reads as



under:-

“3. That, this Hon’ble Court vide order dated 10.11.2022 permitted the Petitioner to implead the answering Respondent as the Respondent No.2 in the present proceedings, and the primary issue involved in the present petition, relevant to the answering Respondent, is as to whether the Special Judges [PC Act] and Special Judges [ACB] at the Rouse Avenue Courts are posted for any particular Sessions Division or District and accordingly exercise limited jurisdiction confined to the particular Sessions Division or District, or do they exercise jurisdiction over the entire Delhi region.

4. That, it is respectfully submitted that the Special Judges [PC Act] and Special Judges [ACB] at Rouse Avenue Courts have not been assigned any specific Sessions Division or District in Delhi by the answering Respondent so as to exercise such limited jurisdiction, and the Special Judges exercise jurisdiction over the entire Delhi region.

5. The answering Respondent submits that the BMCC [Rouse Avenue Courts Complex] in its meeting held on 07.02.2018 recommended the shifting of all MACTs, 24 CBI Courts and 2 Anti-Corruption Courts to the Rouse Avenue Courts. The said recommendations were duly accepted by the Administrative and General Supervision Committee, and subsequently by the Full Court of the Hon'ble High Court of Delhi vide minutes dated 22.02.2018 and 25.04.2018 respectively. Thereafter, in the meeting dated 01.04.2019 of the then Ho’ble Chief Justice and Hon'ble Mr. Justice G.S Sistani with the Members of the Bar, it was recommended as under

“... It was further clarified that no separate judicial district/Sessions Division has been carved out of the existing 11 districts in Delhi. The Districts &



Sessions Judge-cum-Special Judge (PC Act) (CBI), CMM and ACMM Rouse Avenue Court Complex, have been posted only to run the day-to-day administration of the Rouse Avenue Court Complex for convenience of litigants and lawyers. The District & Sessions Judge-cum-Special Judge (PC Act) (CBI), Rouse Avenue Court Complex has not been assigned any Sessions Division or Revenue District.

The above recommendations be placed before the Full Court for approval.”

A copy of the minutes of the meeting held by BMCC [Rouse Avenue Courts Complex] on 07.02.2018 is annexed herewith as Annexure R-1. A copy of the minutes dated 22.02.2018 is annexed herewith as Annexure R-2 and a copy of the minutes dated 25.04.2018 is annexed herewith as Annexure R-3.

6. The Hon'ble Full Court while accepting the above recommendation directed as under

“... It has been further resolved that the Criminal Appeals and Criminal Revisions (other than those pertaining to PC Act), pending before the CBI/ACB Courts, shifting to Rouse Avenue Court Complex, shall not be transferred and will be dealt with in the District where they are pending, which will be assigned by the concerned District & Session Judges to the other Sessions Courts in the District ensuring equal distribution. Registry to take necessary steps accordingly.”

A copy of the minutes of the Full Court meeting is annexed herewith as Annexure R-4.



7. It is also pertinent to mention that 11 Districts/Sessions Division were created/formed by altering and modifying the limits of the existing Sub-Divisions/Tehsils in Delhi vide Notification dated 11.09.2012 and all the Courts of Special Judges [PC Act] [CBI][ACB] used to function from 06 Court Complexes i.e., Tis Hazari, Patiala House, Karkardooma, Rohini, Saket and Dwarka in Delhi. However, all these Courts were re-designated and shifted to Rouse Avenue Court Complex w.e.f. 09.04.2019, vide this Court's order dated 04.04.2019.

A copy of the Notification dated 11.09.2012 and the Hon'ble High Court's order dated 04.04.2019 are annexed herewith as Annexure R-5 and Annexure R-6 respectively.

8. Moreover, the answering Respondent vide letter dated 19.06.2023 requested the Principal District & Sessions Judge-cum-Special Judge [PC Act][CBI] to furnish the relevant information/comments qua the issue in controversy in the present petition. In response, the Principal District & Sessions Judge-cum-Special Judge [PC Act] [CBI] and Special Judges [ACB] posted at Rouse Avenue Courts, New Delhi have not been assigned any particular Sessions Division or District in Delhi by the Hon'ble High Court of Delhi and cases are assigned to the Special Judges posted in Rouse Avenue Courts in pursuance of the power granted by this Hon'ble Court.

A copy of the letters dated 19.06.2023 and 22.06.2023 are annexed herewith as Annexure R-7 and Annexure R-8 respectively.”

3. A perusal of the said affidavit shows that the Special Judges, PC Act and the Special Judge, ACB at Rouse Avenue Courts had not been assigned



any specific Sessions/Divisions or Districts in Delhi, meaning thereby, all the courts were competent to try any case assigned to it by the Sessions Judge. This has also been clarified by the Full Court Meeting of this Court wherein it has been stated that no separate judicial District/Sessions Division has been carved out of the existing 11 districts in Delhi and that the District & Sessions Judge-cum- Special Judge, (PC Act) (CBI), Rouse Avenue Courts have not been assigned any Sessions Division or Revenue Districts.

4. In view of the above, the basis of the Order dated 23.12.2021 cannot be sustained and therefore would necessarily have to be set aside and the matter be remanded back to the District Judge to assign this case to any Special Judge.

5. Since the Order dated 23.12.2021 has been set aside, this Court is of the opinion that all further orders more particularly Order dated 20.08.2022 by which the learned Special Judge has directed for conducting an enquiry against the learned Special Public Prosecutor and the Investigating Officer which is based on the premise that the said court did not have the jurisdiction to try the case also stands set aside.

6. The petition is disposed of along with pending application(s), if any.

7. It is made clear that this Court has not made any observation on the merits of the case.

SUBRAMONIUM PRASAD, J

JULY 30, 2024

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