

28.03.2025

12

Ct. No. 32

**KAUSHIK**

**C.R.R. 557 of 2024**

**In Re. Snehasis Kar**

... petitioner

Mr. Dinabandhu Chowdhury  
Mr. Amal Kumar Saha  
Mr. Iresh Paul  
Mr. Shibam Debnath  
..... for the petitioner.

Mr. Arijit Chakraborty  
Mr. Deepak Sharma  
Ms. Swati Singh  
..... for the Enforcement Directorate.

Learned counsel appearing on behalf of the petitioner submits that when original case relating to predicate offence was closed, then the PMLA case cannot be continued and same should be quashed.

On the other hand, learned counsel appearing on behalf of Enforcement Directorate also concedes the same and placed a judgment of the Hon'ble Supreme Court reported in **2023 SCC OnLine SC 1806 (Assistant Director, Enforcement Directorate Vs. Nik Nish Retail Ltd. & Ors.)**. In **Assistant Director, Enforcement Directorate** (supra), it was held herein that:

“3. In paragraph 187 (v)(d) of the decision in the case of *Vijay Madanlal Chowdhury v. Union of India*, 2022 SCC OnLine SC 929, it is held that even if predicate offence is quashed by the Court of competent jurisdiction,

there can be no offence of money laundering against the accused.

4. Appropriate proceedings can be always filed by the concerned parties for challenging the order by which predicate offence was quashed. If the said order is set aside and the case is revived, it will be always open for the petitioner to revive the proceedings under the Prevention of Money Laundering Act, 2002.”

In view of the said judgment, the proceedings initiated against the present petitioner under the Prevention of Money Laundering Act, 2002 being M. L. Case No. 12 of 2020 pending before the learned Special Court at Kolkata is accordingly quashed. However, liberty is given to the Enforcement Directorate to continue if the closing order cancelled and/or revive in future by any valid reasons.

Let a copy of this order be communicated to the learned Court below forthwith.

In view of the above, CRR 557 of 2024 stands disposed of.

All concerned parties shall act on the server copy of this order duly downloaded from the official website of this Court.

Urgent photostat certified copy of this order, if applied for, be supplied to the parties upon compliance with all requisite formalities.

**(Ajay Kumar Gupta, J.)**

