WEB COPY

BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 23.01.2025

CORAM

THE HONOURABLE MR.JUSTICE G.R.SWAMINATHAN
and
THE HONOURABLE MS.JUSTICE R.POORNIMA

Crl.A(MD)No.337 of 2018

The Assistant Director,
Directorate of Enforcement,
Government of India,
Ministry of Finance Department of Revenue,
No.6 (Old No.42), Besant Road,
Chokkikulam,
Madurai – 625 002.
(File No.ECIR/MDSSZO/04/2014(PV)) ... Appellant / Complainant

Vs.

1.Shri A.Seeni @ Seenivasan

2.S.Vasuki

3.S.Sugumari ... Respondents / Accused

Prayer: Criminal Appeal filed under Section 378 of Code of Criminal Procedure, 1973 r/w Section 47 of the Prevention of Money Laundering Act, 2002 to take this Criminal Appeal on file, call for the entire records relating to the judgment made in C.C.No.05 of 2016 dated 20.12.2017 on the file of II

https://www.mhc.tn.gov.in/judis

WEB COPY

Additional District Court for CBI Cases, Madurai, hear the counsel for the Appellant / Complainant and to set aside the same and convict and sentence the respondents / accused to the maximum as authorised by law and allow the appeal.

For Appellant : Mr.K.Govindarajan
Deputy Solicitor General of India

For Respondents : Mr.R.Gandhi
Senior Counsel

JUDGMENT

Heard both sides.

2.The respondents herein along with 4 others were implicated as accused in Crime No.140 of 2013 on the file of the Inspector of Police, M.Kallupatti Police Station. The said case arose under the provisions of the Narcotic Drugs and Psychotropic Substances Act, 1985. Following the registration of the said predicate office, Enforcement Directorate / appellant herein registered ECIR No.MDS/ZO/04 of 2014 against the respondents herein. Subsequently, Enforcement Directorate laid complaint under Section 44 of the Prevention of Money Laundering Act, 2002 and the same was taken cognizance by the Special Court in C.C.No.5 of 2016. In the meanwhile, NDPS case

https://www.mhc.tn.gov.in/judis

WEB COPY

(predicate offence) registered against the respondents herein culminated in C.C.No.52 of 2016 on the file of the Special Court for NDPS cases, Madurai. After full trial, it ended in acquittal on 01.08.2017.

3.The learned Senior Counsel appearing for the respondents categorically states that till date no appeal has been filed questioning the acquittal in the predicate offence. In view of the acquittal of the respondents in the predicate offence, Enforcement Directorate's complaint in C.C.No.5 of 2016 also ended in acquittal vide judgment dated 20.12.2017. Aggrieved by the same, this appeal has been filed.

4.The issue raised in this appeal is no longer *res integra*. The Hon'ble Supreme Court in ***Vijay Madanlal Choudhary Vs Union of India (2023) 12 SCC 1*** had held that in the event the person named in the criminal activity relating to a scheduled offence is finally absolved by a Court of competent jurisdiction owing to an order of discharge, acquittal or because of quashing of the criminal case (scheduled offence) against him/her, there can be no action for money-laundering against such a person or person claiming through him in relation to the property linked to the stated scheduled offence. This has been consistently followed in the subsequent cases including in the decision reported

https://www.mhc.tn.gov.in/judis

in ***(2023) 5 SCC 91 (Pavana Dibbur Vs Directorate of Enforcement).*** Therefore, interference with the impugned judgment is not warranted.

5.This Criminal Appeal stands dismissed. No costs.

[G.R.S., J.] [R.P., J.]
23.01.2025

NCC : Yes / No
Internet : Yes / No
Index : Yes / No
MGA

To

II Additional District Court for CBI Cases,
Madurai.

WEB COPY
https://www.mhc.tn.gov.in/judis

WEB COPY

G.R.SWAMINATHAN, J

and

R.POORNIMA, J.

MGA

Crl.A(MD)No.337 of 2018

23.01.2025

https://www.mhc.tn.gov.in/judis