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

+ CRL.M.C. 4776/2023, CRL.M.A. 18257/2023, CRL.M.A. 38728/2024, CRL.M.A. 11650/2025

PARVIN JUNEJA

.....Petitioner

Through: Mr.Bharat Shood and Mr.Utkarsh
Keshav, Advocates

versus

DIRECTORATE OF ENFORCEMENT & ANR.Respondent

Through: Mr.Anupam S.Sharma, Special
Counsel with Ms.Harpreet Kalsi,
Mr.Vashishist Rao and Mr.Anant
Prakash Mishra, Advocates for ED

CORAM:

HON'BLE MR. JUSTICE ARUN MONGA

ORDER

04.08.2025

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1. The petitioner before this Court seeks to, inter alia, set aside an Order dated 21.01.2023 passed by the court of Ld. Special Judge (PMLA/CBI) Rouse Avenue Courts, New Delhi, and quash charges framed against the Petitioner in complaint cases no. 48/2019 concerning ECIR No.278/DZ/2009.

2. As per the ECIR/Complaint filed by the prosecution, case set up against the petitioner is that the accused entered into a criminal conspiracy to cheat the Export Import Bank of India to the tune of Rs. 15 Crores by dishonestly obtaining the above mentioned amount of loan on the basis of false information and forged documents and thereafter, diverted the loan amount for purposes other than those for which the same was sanctioned.



2.1 The CBI conducted investigation which culminated in filing of chargesheet U/s 173 Cr.PC on 31.03.2010 under Sections 120B/420/467/468/471 of IPC. It is alleged that the loan amount availed from the Export Import Bank of India was dishonestly diverted to the unknown accounts of M/s SML and Shamken Group of Companies instead of utilizing the same for procurement of plant and machinery and for implementation of the project for which the same was sanctioned.

2.2 It is stated that during the course of investigation, in their statements recorded U/s 50(2) & (3) of PMLA, accused Sanjay Chaturvedi and Parvin Juneja admitted that the funds availed through loans for specific purpose were not utilized and accordingly were rotated around to the accounts of other companies so that they are still outstanding. H.B. Chaturvedi (A-1), Amit Chaturvedi (A-2) and Sanjay Chaturvedi (A-3) in their respective statements placed blame on Pravin Juneja (A-4) for the wrong doings and disowned responsibility for repaying the loans as well as for suppression of the factual transaction data.

2.3 On the basis of the facts revealed during the course of investigation and the evidence collected, it is alleged that all the accused have directly indulged and knowingly assisted and also were actually involved in the process of concealment, possession, acquisition, use of the proceeds of the crime and in projecting it as untainted property whereby they have committed the offence of money laundering as defined u/s 3 of Prevention of Money Laundering Act, 2002.

3. In the aforesaid backdrop, the learned Trial Court *vide* an order dated 21.01.2023 directed framing of the charges.

4. I have heard the learned counsel for the petitioner and the learned



counsel for the respondent-ED and perused the case file.

5. Learned counsel for the petitioner emphatically argues that the Trial Court by passing the impugned order has committed grave and serious error in facts and law, inasmuch as, it has failed to consider that all alleged actions, that demonstrate even the remotest role of the Petitioner in the Complaint, concededly took place in year 2001 - 2002, i.e., much prior to commencement of the PMLA Act.

5.1 It is further argued, *inter alia*, that there is no averment, allegation or a single piece of evidence which relates to involvement of the Petitioner in offence under Section 3 after commencement of the PMLA Act.

6. Opposing the aforesaid, learned special counsel for the respondent-ED submits that the learned Trial Court has correctly framed the charges against the petitioner. No interference by this Court is warranted. He argues that contents of the complaint which is appended as Annexure P-11, when read in the light of the chargesheet based on the cogent material collected during the course of investigation make out a clear case under Section 3 of the PLMA.

7. Having heard the rival contentions and after going through the material, at the threshold, I am constrained to observe that the very purpose stated for assailing the charges framed by the learned Trial Court at the relevant time *inter-alia* was to save the time of the Trial Court in unnecessarily recording the evidence for proving the charge, to save the time both of the prosecution as well as of the accused in case the charges are not made out.

8. It transpires that during the pendency of the proceedings before this Court, stat the entire evidence is over but stat official witness i.e.



Investigation Officer, who remains unexamined. The trial therefore, is now almost concluded and is slated for defence evidence and final arguments.

9. In the premise, without advertng to the merits of the arguments of the learned counsel for the petitioner as noted hereinabove, it is rather deemed appropriate that the entire defense as raised herein be left open to be adjudicated before the learned Trial Court. The merits of the contentions about the applicability of the PMLA and the petitioner's culpability *qua* Section 3 thereof can be raised before the learned Trial Court at the time of final arguments and, dealt with by it in light of the record and evidence adduced in the case.

10. With these observations and liberty granted to the petitioner, the petition alongwith pending application, if any, stands disposed of.

ARUN MONGA, J

AUGUST 4, 2025/dy