



Crl.R.C.No.684 of 2026

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED: 17.06.2026

CORAM :

THE HONOURABLE MR.SUSHRUT ARVIND DHARMADHIKARI,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

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& Crl.M.P.No.5206 of 2026

1.Pannirselvam
S/o.Late M.Venkatesan,
6-A, Parry Nagar, Kellys Road,
Ranipet – 632 401.

2.Pushpa
W/o.M.Pannirselvam,
6-A, Parry Nagar, Kellys Road,
Ranipet – 632 401.

Petitioner(s)

Vs

The Asst. Director,
Enforcement Directorate,
Chennai Zone – II.

Respondent(s)

PRAYER: Criminal Revision Case filed under Section 436 of BNSS, 2023 and Section 47 of PMLA, (i) to call for the records relating to the order passed in Crl.M.P.No.1547 of 2025 dated 01.11.2025 in Spl.C.C.No.5 of 2024, on the file of Court of Learned Principal Special Judge for CBI Cases, VIII Additional City Civil Court at Chennai; (ii) examine the



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legality, propriety and correctness of the proceedings and the order passed by the said court; and (iii) set aside the order passed in Crl.M.P.No.1547 of 2025 dated 01.11.2025 by the Court of learned Principal Special Judge for CBI Cases, VIII Addl. City Civil Court at Chennai.

For Petitioner(s): Mr. T.Sivananthan

For Respondent(s): Mr. P.Sidharthan,
Special Public Prosecutor
(ED Cases)

ORDER

(Made by G.ARUL MURUGAN, J.)

The petitioners/accused 1 and 2 have filed the Criminal Revision Case, challenging the order dated 01.11.2025 made in Crl.M.P.No.1547 of 2025, in Spl.C.C.No.05 of 2024, on the file of the Principal Special Judge for CBI Cases, Chennai (VIII Additional City Civil Court, Chennai), rejecting the petition filed under Section 244 of Cr.P.C.

2. The petitioners are accused in Crime No.7 of 2020, registered by the Directorate of Vigilance and Anti-Corruption, Vellore under Section 7 of the Prevention of Corruption Act, 1988. Based on the predicate case, registered for scheduled offences under the Prevention of Corruption Act, 1988, the respondent/Enforcement Directorate



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registered ECIR/CEZO-11/16/ 2021 dated 30.03.2021. On completion of the investigation, the respondent filed a complaint under Sections 44(1)(b) and 45(1) of the Prevention of Money-Laundering Act, 2002 (hereinafter referred to as "the PML Act"), against the petitioners, before the Special Court, for the offences under Section 3 r/w 4 of the PML Act. The Special Court took cognizance on 30.04.2024 and the trial is pending.

3. The petitioners filed a petition under Section 244 Cr.P.C., seeking the Special Court to follow the procedure prescribed under Cr.P.C., for the trial of warrant-cases by Magistrates. The respondent filed counter and resisted the petition. The trial Court, by order dated 01.11.2025, dismissed the petition, holding that the proceedings before the Special Court shall be a trial as before the Court of Session and not a trial of warrant-cases by Magistrates.

4. Mr.T.Sivananthan, learned counsel appearing for the petitioners, contended that when the case has been instituted against the petitioners, otherwise than on a police report, then the trial is governed by Sections 244 to 247 under Chapter XIX Cr.P.C., as trial of warrant-cases by Magistrates.



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5. The learned counsel, by placing reliance to the second schedule of Cr.P.C., regarding classification of offence against other laws, submitted that if the offence is punishable with imprisonment of more than three years and less than seven years, the case is to be tried by Magistrate and when the punishment prescribed under Section 4 of the PML Act, is for minimum of three years but which may extend up to seven years, then even though the money-laundering case is tried by the Special Court, which is a Court of Session, only the procedure as contemplated under Chapter XIX in Sections 244 to 247 Cr.P.C., has to be adopted and the case is to be tried as trial of warrant-cases by Magistrates.

6. *Per contra*, Mr.P.Sidharthan, learned Special Public Prosecutor for the respondent Enforcement Directorate, submitted that the relief sought for is baseless and not sustainable, in view of the fact that the complaint is tried by the Special Court, which is constituted as per Section 43 of the PML Act. Further, in view of Section 65 of the PML Act, the provisions of Cr.P.C. shall apply only insofar as they are not inconsistent with the provisions of the Act and in view of the overriding effect contemplated under Section 71 of the PML Act, proceedings



have to be conducted before the Special Court, only as per the provisions of the PML Act.

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7. He further submitted that Section 44(1)(d) of the PML Act, specifically prescribes that the Special Court shall try the scheduled offence or the offence of money-laundering, as it applies to a trial before a Court of Session and when Section 44 of the PML Act had been upheld by a decision of the Hon'ble Supreme Court in the case of ***Vijay Madanlal Choudhary and Others. Vs. The Union of India and Others [(2023) 12 SCC 1]***, the relief sought, is not maintainable.

8. Heard the rival submissions and considered the materials available on record.

9. The PML Act, is a special enactment promulgated to prevent and provide for confiscation of property derived from or involving money laundered. As per Section 3 of the PML Act, whoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity as set out under Section 3 of the PML Act, would be guilty of an offence of money-



laundering. Section 4 of the PML Act prescribes the punishment for the offence committed under Section 3 of the PML Act.

10. Chapter VII of the PML Act deals with offences that are triable by Special Courts and also applicability of Cr.P.C. to proceedings before Special Court. Sec.43 deals with the constitution of special court and Sec.44 deals with the offences triable by the Special Courts. Sections 43 and 44 of the PML Act read as under;

"43. Special Courts - (1) *The Central Government, in consultation with the Chief Justice of the High Court, shall, for trial of offence punishable under section 4 by notification designate one or more Courts of Session as Special Court or Special Courts for such area or areas or for such case or class or group of cases as may be specified in the notification.*

Explanation - In this sub-section, "High Court" means the High Court of the State in which a Sessions Court designated as Special Court was functioning immediately before such designation.

(2) *While trying an offence under this Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.*

44. Offences triable by Special Courts - (1) *Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974) -*

(a) *an offence punishable under section 4 and any scheduled offence connected to the offence under that section shall be triable by the Special Court constituted for the area in which the offence has*



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been committed:

Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or

(b) a Special Court may, upon a complaint made by an authority authorised in this behalf under this Act take [cognizance of offence under section 3, without the accused being committed to it for trial];

Provided that after conclusion of investigation, if no offence of moneylaundering is made out requiring filing of such compliant, the said authority shall submit a closure report before the Special Court; or;

(c) if the court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the compliant of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority authorised to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court shall, on receipt of such case proceed to deal with it from the stage at which it is committed;

(d) a Special Court while trying the scheduled offence or the offence of money-laundering shall hold trial in accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), as it applies to a trial before a Court of Session.

Explanation – For the removal of doubts, it is clarified that, -

(i) the jurisdiction of the Special Court while dealing with the offence under this Act, during investigation, enquiry or trial under this Act, shall not be dependent upon any orders passed in respect of the scheduled offence, and the trial of both sets of offences by the same court shall not be construed as joint trial;

(ii) the complaint shall be deemed to include any subsequent complaint in respect of further investigation that may be conducted to bring any further evidence, oral or documentary, against any accused



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person involved in respect of the offence, for which complaint has already been filed, whether named in the original compliant or not.

(2) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974) and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section includes also a reference to a "Special Court" designated under section 43."

11. As per Section 43 of the PML Act, the Courts of Session are notified and designated as Special Courts, which shall try the offence under the PML Act and further, as per Section 43(2), the Special Court, while trying the offence under PML Act, shall also try the offence other than the offence under PML Act, with which the accused is charged at the time of trial.

12. Further, as per Section 44 (1)(b) of the PML Act, the Special Court, only upon a complaint made by the authority authorized under the Act, can take cognizance of the offence under Section 3 of the PML Act. Section 44(1)(c) of the PML Act also mandates that if the Court, which had taken cognizance of the scheduled offence in the predicate case, is other than the Special Court which had taken cognizance of the complaint under the PML Act, then the Court trying the predicate

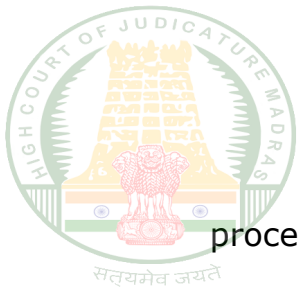


offence, shall on an application by the authority, commit the scheduled offence case to the Special Court trying the money-laundering offence.

Moreover, Section 44(1)(d) of the PML Act stipulates that the Special Court while trying the scheduled offence or the offence of money-laundering shall hold trial in accordance with Cr.P.C., as it applies to a trial before a Court of Session.

13. The above provision makes it amply clear that the Special Court constituted under Section 43 of the PML Act, on taking cognizance of a complaint filed by the authorised authority, shall hold trial as per the provisions of Cr.P.C., as it applies to a trial before a Court of Session, which is contemplated under Chapter XVIII, Sections 225 to 237 of Cr.P.C.

14. It is the main plank of contention of the learned counsel for the petitioners that since the case against the petitioners has been instituted otherwise than on police report and under Schedule II to Cr.P.C., if the punishment is more than three years and less than seven years, the case could be tried only by the Magistrate and, therefore, even though the Special Court tries the offence under the PML Act, still Sections 244 and 245 under Chapter XIX Cr.P.C. are applicable and the



proceedings are to be conducted, as trial of warrant-cases by Magistrates.

15. In this regard, it is useful to refer to Section 46 of the PML Act, which prescribes the application of Cr.P.C. to proceedings before Special Court. Section 46 of the PML Act reads as under:

"46. Application of the Code of Criminal Procedure, 1973 to proceedings before Special Court.-- (1) *Save as otherwise provided in this Act, the provisions of the Code of Criminal Procedure, 1973 (2 of 1974) (including the provisions as to bails or bonds), shall apply to the proceedings before a Special Court and for the purposes of the said provisions, the Special Court shall be deemed to be a Court of Session and the persons conducting the prosecution before the Special Court, shall be deemed to be a Public Prosecutor:*

Provided that the Central Government may also appoint for any case or class or group of cases a Special Public Prosecutor.

(2) *A person shall not be qualified to be appointed as a Public Prosecutor or a Special Public Prosecutor under this section unless he has been in practice as an advocate for not less than seven years, under the Union or a State, requiring special knowledge of law.*

(3) *Every person appointed as a Public Prosecutor or a Special Public Prosecutor under this section shall be deemed to be a Public Prosecutor within the meaning of clause (u) of section 2 of the Code of Criminal Procedure, 1973 (2 of 1974) and the provisions of that Code shall have effect accordingly."*

16. Further Section 65 of the PML Act deals with the applicability of Cr.P.C., and Section 71 of the PML Act deals with the overriding



effect of the Act. The relevant provisions are extracted hereunder;

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"65. Code of Criminal Procedure, 1973 to apply - *The provisions of the Code of Criminal Procedure, 1973 (2 of 1974) shall apply, in so far as they are not inconsistent with the provisions of this 28 Act, to arrest, search and seizure, attachment, confiscation, investigation, prosecution and all other proceedings under this Act.*

71. Act to have overriding effect - *The provisions of this Act shall have effect notwithstanding anything inconsistent therewith contained in any other law for the time being in force."*

17. As per Section 65 of the PML Act, the provisions of Cr.P.C. are made applicable to the PML Act only insofar as they are not inconsistent with the provisions of this Act with respect to prosecution and all other proceedings. Section 71 of the PML Act provides for an overriding effect with a *non obstante* clause giving primacy to the provisions of the Act notwithstanding anything contained inconsistent with any other law for the time being in force.

18. When Section 46 of the PML Act makes it abundantly clear that the provisions of Cr.P.C., will apply to the proceedings before special court for bails or bonds and for that purpose the Special Court would be deemed to be a Court of Session and further in view of the overriding effect of the PML Act and also the applicability of Cr.P.C.



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being restricted in Section 65 of the PML Act, the proceedings before the trial Court shall be as trial before a Court of Session, under Chapter XVIII of Cr.P.C., and not a trial of warrant-cases by Magistrates under Chapter XIX of Cr.P.C.

19. The constitutional validity of Section 44 of the PML Act has also been upheld by the Hon'ble Supreme Court in the case of **Vijay Madanlal Choudhary** (cited *supra*).

20. As such, when Section 44(1)(d) of the PML Act mandates that the Special Court under the Act while trying the scheduled offence or the offence of money-laundering, shall hold trial in accordance with the provisions of Cr.P.C., as it applies to a trial before a Court of Session, the contentions of the petitioners seeking to hold trial in accordance with the provisions, as it applies to a trial in warrant-cases by the Magistrates, by relying on the provisions of the Prevention of Corruption Act, is totally misconceived and not sustainable.

21. The trial Court rightly by adverting to Section 5(1) of the Prevention of Corruption Act, which contemplates that the Special Court constituted therein shall follow the procedure prescribed by



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Cr.P.C., for trial of warrant-cases by Magistrates, has held that the same is not applicable to the PML Act, which mandates that the Special Court under PML Act shall follow the procedure of Cr.P.C., as it applies to a trial before the Court of Session.

22. In such circumstances, we see no error or infirmity in the order of the trial Court warranting interference. Accordingly, the Criminal Revision Case is dismissed. Consequently, the connected miscellaneous petition is closed.

(SUSHRUT ARVIND DHARMADHIKARI, CJ) (G.ARUL MURUGAN, J)
17.06.2026

Index : Yes/No
Neutral Citation : Yes/No
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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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To

1.The Asst. Director,
Enforcement Directorate,
Chennai Zone-II.

2.The Principal Special Judge
for CBI Cases,
VIII Additional City Civil Court,
Chennai.

3.The Public Prosecutor,
Madras High Court.

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