



.....Petitioner

Through: Mr. M. A. Niyazi, Ms. Anamika Ghai, Ms. Kirti Kumari and Ms. Nehmat Sethi, Advocates.

versus

.....Respondent

Through: Mr. Anupam S. Sharrma, Special Counsel (*through videoconferencing*) with Ms. Harpreet Kalsi, Mr. Vashishth Rao, Mr. Abhiyant Singh and Ms. Amisha P. Dash. Advocates.

CORAM: JUSTICE GIRISH KATHPALIA

J U D G M E N T (ORAL)

1. These three petitions having arisen out of same ECIR and assailing same order passed by the learned trial court are taken up together for disposal. I have heard learned senior counsel as well as learned counsel for petitioners and learned special counsel and learned counsel for respondent (*Directorate of Enforcement*).

2. Broadly speaking, the issue revolves around non-compliance with proviso to Section 223 BNSS. The admitted position is that the learned trial court passed cognizance order without issuing notice to the present petitioners (*proposed accused therein*). In this regard, learned senior counsel for petitioners has placed reliance on certain judicial precedents, already

CRL.M.C. 7536/2025, CRL.REV.P. 154/2025 & 190/2025

Page 2 of 3 pages

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forming part of these petitions.

3. Learned special counsel and learned counsel for respondent in all fairness admit that in view of the legal position as it stands today, the impugned order is not sustainable on account of non-compliance with proviso to Section 223 BNSS. However, it is submitted by them that this concession may not be extended to the merits of the case *qua* the cognizance order.

4. After some discussion, with consent of both sides, these petitions are disposed of by setting aside the impugned orders dated 25.09.2024 in CC No. 01/2024 and the consequent summons, and directing the present petitioners to appear before the learned trial court on 10.06.2026, which is the date already fixed. In this regard, with consent of both sides, issuance of formal notice by the trial court for the purposes of hearing under Section 223 BNSS shall stand dispensed with. On 10.06.2026, the learned trial court shall fix fresh date for hearing on cognizance and then pass fresh orders. Accompanying applications also stand disposed of.

5. Copy of this order be sent to the learned trial court.

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(JUDGE)

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Page 3 of 3 pages

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