IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. RevisionNo.214 of 2026

Hitesh V. Shah, aged about 55 years, son of Vasantlal Shamaldas Shah, resident of Flat No. 208, Swapnalok Apartment, 60 EVK Sampath Road, Vepery, PO: Vepery, PS: Vepery, District Chennai 600007 (Tamil Nadu)

… … Petitioner

Versus

Union of India through the Directorate of Enforcement … Respondent

With

Cr. Revision No. 440 of 2026

Hitesh V. Shah, aged about 55 years, son of Vasantlal Shamaldas Shah, resident of Flat No. 1002, Tower V, 10th Floor, Ceebros One 74, 174 Satyadev Avenue Extension, MRC Nagar, Main Road, Raja Annamalaipuram, PO and PS:Vepery, Chennai-600028, Tamil Nadu.

… … Petitioner

Versus

Union of India through the Directorate of Enforcement

… … Respondent

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD

For the Petitioner(s) : Mr. Indrajit Sinha, Advocate;
Mr. Sneh Singh, Advocate;
Mr. Ajay Kumar Sah, Advocate
[In both cases]

For the Respondent(s) : Mr. Amit Kumar Das, Advocate
[In both cases]

C.A.V. on:29th April, 2026 **Pronounced on:13th May, 2026**

1. Since both these criminal revisions are interlinked and, as such, both are heard together and being disposed of by a common order.

2. Both of these Criminal Revision petitions have been filed under sections 438 & 442 of Bhartiya Nagarik Suraksha Sanhita, 2023.

3. Criminal Revision No.214 of 2026 is directed against the order dated 06.08.2025 passed by the learned Additional Judicial Commissioner-1 cum Special Judge, PML Act, Ranchi by which discharge petition was filed by the petitioner under section 227 Cr.P.C. in connection with ECIR Case No. 07 of 2023 in ECIR/RNZO/04/2021, registered for the

offence under section 3 punishable under section 4 of Prevention of Money Laundering Act, 2002(in short PMLA,2002) has been rejected.

4. Criminal Revision No. 440 of 2026 is directed against the order dated 25.03.2026passed by the learned Additional Judicial Commissioner-1 cum Special Judge, PML Act, Ranchi in connection with ECIR Case No. 07 of 2023 in ECIR/RNZO/04/2021 registered for the offence under sections 3 and 4 of the Prevention of Money Laundering Act, 2002, whereby and whereunder, the charges have been framed against the petitioner.

Factual Matrix:

5. The brief facts of the case as per the pleadings made in the instant petitions which require to be enumerated herein, read as under:

(i) An FIR was registered by the CBI-ACB, Ranchi bearing No. RC 08(A)/17-R dated 30.10.2017 under section 120B of IPC, 1860, and sections 7 and 12 of the Prevention of Corruption Act, 1988 against Upendra Nath Mandal, the then Senior Manager Meteorological Wing, MECON India Ltd., Ranchi, M/s Zeal India Chemicals Ranchi (represented through its partners Shri Ajay Jalan) and M/s Shiv Machine Tools, Chennai (represented through its partner Sri Hitesh V. Shah).

(ii) After investigation, a charge sheet No. 14 of 2020 dated 27.11.2020 was filed by CBI-ACB against Shri U.N. Mandal, Shri Ajay Jalan and Shri Hitesh V. Shah for commission of offences punishable under section 120B of

IPC read with section 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act and substantive offences thereof, before the learned Court of Special Judge, CBI cases, Ranchi.

(iii) Further a supplementary charge-sheet bearing No. 2 of 2021 dated 28.4.2021 was filed against Shri Mintu Naskar under section 120B of IPC read with section 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act. Since section 120B of IPC read with section 13(2) r/w section 13(1)(d) of the Prevention of Corruption Act are scheduled offence under the Prevention of Money Laundering Act, investigation was initiated under PMLA against the aforementioned persons after recording ECIR no. ECIR/RNZO/04/2021 dated 28.03.2021 which was later on numbered as ECIR case No. 7 of 2023.

(iv) It is further alleged in the FIR that Upendra Nath Mandal while being posted and functioning as Senior Manager, Metallurgical Wing, MECON India, entered into criminal conspiracy with two firms, namely, M/s Zeal India Chemicals and M/s Shiv Machine Tools and in furtherance thereof accepted illegal gratification from the above two firms amounting to around Rs. 1,65,45,000/- through banking transactions. It has been further alleged that Upendra Nath Mandal had received the alleged amount in

various accounts existing either in his name or in the name of his relatives / friends.

(v) The CBI charge sheet No.14 of 2020 reveals that Upendra Nath Mandal while being posted and functioning as senior manager during the period 2013 to 2016 prepared the Technical Specification (TS) and Tender Appraisal Report (TAR) for Durgapur Steel Plant Project Medium Structure Mill Laboratory Facilities (package No. MSM/EXPN/07) having tender No. DSP/PROJ-PUR/EXPN/MSM-07/308 and Bokaro Steel Plant Cold Rolling Mill (CRM-III) Project tender No. T&C(M)/320/036C/SPG/314. He was responsible to pass the drawing design of machines submitted by M/s Zeal India Chemicals and M/s Shiv Machine Tools.

(vi) It is allegedly further established that Ajay Jalan, partner of M/s Zeal India Chemical along with 3 consortium partners and Hitesh V. Shah, partner of M/s Shiv Machine Tools, along with 2 consortium partners participated and got selected in Durgapur Steel Plant Project Medium Structure Mill Laboratory Facilities and Bokaro Steel Plant Cold rolling Mill (CRM-III) Project respectively in which MECON India Ltd. was appointed consultant.

(vii) The learned Special Judge PML Act, Ranchi vide order dated 23.11.2023 took cognizance of offence under section

3 punishable under section 4 of the PML Act, 2002 against the petitioner and other accused persons.

(viii) Subsequent to filing of said ECIR/ prosecution Complaint dated 11.10.2023 , cognizance of offences defined under Section 3 of PMLAct, 2002 and punishable under Section 4 of the said Act has been taken against the petitioner.

(ix) Thereafter, the petitioner filed a discharge petition praying for discharge as there was no sufficient ground for proceeding against the petitioner under Section 3 of the PMLA, 2002 and punishable under Section 4 of the Act, 2002.

(x) It is the case of the petitioner that the learned Special Judge, PML Act, Ranchi without appreciating the materials available on record, has rejected the discharge petition preferred by the petitioner vide order dated 06.08.2025 and vide order dated 25.03.2026 has framed the charge for the offence under Section 3 of the PMLA punishable under Section 4 of the PMLA against the petitioner.

(xi) Being aggrieved with the aforesaid orders dated 06.08.2025and 25.03.2026 the instant revision applications have been preferred by the present petitioner.

Arguments advanced on behalf of the petitioner:

(i) The learned counsel appearing on behalf of the petitioner has submitted that entire genesis of the case against the applicant lies

in the allegation that illegal gratification was paid to Upendra Nath Mandal for getting the contract at Bokaro Steel Plant for providing laboratory facility in connection with tender no. T & C (M)/320/036C/SPG/314. However, there is no material to prove the same either with the CBI-ACB or the Directorate of Enforcement (hereinafter referred to as 'ED'). The allegation is made on assumptions, completely rejecting the explanations tendered by the applicant. The ED failed to appreciate that the applicant is not a public servant and has erred in arriving at conclusion that Upendra Nath Mandal single handedly offered favour/help to the applicant.

(ii) The petitioner states that the prosecution has squarely failed to bring on record any material to connect the petitioner with any property that may have been derived or obtained directly or indirectly as a result of criminal activity relating to any scheduled offence.

(iii) It is further submitted that if Bokaro Steel Plant or MECON would have observed any discrepancies in the tendering process or the bid, the committee would have canceled the tender and invite fresh bids. Finalization of bids could not have been based on the decision of one person that is Upendra Nath Mandal as alleged. The applicant cooperated with the investigation and his statement was recorded under section 50 of PMLA , 2002 wherein he denied all the allegations leveled against him. No payment far less illegal gratification was given by the applicant to the accused

Upendra Nath Mandal for allotment of tender project of Bokaro Steel Plant in favourof M/s Shiv Machine Tools.

(iv) It is further submitted that the entire tender was processed as per guidelines laid in the tender document/bid document. The Tender Appraisal Report (TAR) was also prepared after following extant practices by the consultant MECON Ltd. It is beyond imagination that only one person would be responsible for the preparation of TAR and he favoured the applicant enabling him to get the contract. The entire allegations are void of material truth and are absurd and improbable.

(v) It is further submitted that the said Upendra Nath Mandal informed the applicant about the miserable conditions of his relatives and need for some loan to meet their educational and medical need. In order to avoid continuing requests for loan, the applicant thought it apt to meet the loan payment through staff and distant relatives. The entire loan amount of about over Rs. 20 Lakh was supported with promissory notes issued in favour of the staff/relative and was duly repaid by relatives of Upendra Nath Mandal with interest. The payments were made through banking channels and amount received back were deposited in bank accounts. The payment through banking channel cannot be bribe as alleged.

(vi) It has been further contended that the ED has refused to take note of the explanation tendered by the applicant with regard to

the loan and its repayment on frivolous grounds like the applicant has failed to produce travel records. It is vital to point out that the loan amount of Rs. 12.895 lacs taken by the relatives of the co-accused U.N. Mandal from the employees of the applicant's firm were mostly returned before registration of PE-01(A)/2016-R, dated 09.12.2016 and even the remaining 3.5 lacs was paid before the registration of the FIR dated 30.10.2017. Absence of travel records cannot be ground enough for bracketing the transactions as being connected to the offence of money laundering. The ED has suppressed the fact that during the search conducted by CBI-ACB on 31.10.2017, 2 original blank (security) cheques were seized bearing nos. 482758 & 482759 (SBI cheques) which were signed and given by Mr. Manvendra Nath Mandal as security towards the loan taken by him from the applicant. The applicant was forced to collect the loan /amount in cash in absence of the cheques that were seized during the search. This alone proves the fact that the applicant had given loan to the relatives and friends of the Upendra Nath Mandal. Majority of the loan availed by the relatives and friends of Upendra Nath Mandal were repaid before initiation of the Preliminary Enquiry by CBI on 09.12.2016. The repayment of loans started following the complaints regarding the financial irregularities of Upendra Nath Mandal. Such contention has no force as the PE was registered on 09.12.2016 and the first communication to appear before CBI was received by the accused

only on 23.02.2017. The applicant had no knowledge of any enquiry being conducted.

(vii)It has been further stated that entire allegation that the applicant had paid illegal gratification to Upendra Nath Mandla through Mintu Naskar is also misplaced. The applicant had in fact entered into a business transaction with M/s Naskar Ceramics, whose proprietor is Mintu Naskar for purchase of machines being Pelletiser Machine, Die Face Cutter and 40mm Twin Screw Excruder Machine and had paid Rs. 70 lakh for the same.

(viii) It is further stated that ED has based its allegations on the predicate offence being RC-08(A)/2017-R which itself is tainted with flaws of investigation. The applicant has not conspired with any public servant in commission of any illegal activity. No goods were overpriced and that any allegation regarding overpricing is not supported with any cogent material to prove the same. The reports of Central Institute of Mining and Fuel Research (CIMFR), which aims to provide R&D inputs for the entire coal energy chain in compassing exploration, mining and utilization cannot be relied upon as the same is not competent to deal with the job which was assigned to the applicant, i.e., to say not related to the Steel industry at all. The applicant has been proceeded against simply on the basis of assumptions and surmises, and by overlooking the stringent and higher standard of responsibility that has been casted over the officials of the Investigating Agency before proceeding

against any person. Thus, there must be more of a 'reason to believe' rather than mere assumptions that the offences alleged against the applicant have actually been committed by him.

(viii) A perusal of the entire PC and the statements of witnesses and accused persons make it aptly clear that the applicant is not involved in any criminal activity relatable to the schedule offence from the commission of which any proceeds of crime was generated and the same was ever dealt with by the applicant. Thus, there is no material to show that the applicant ever paid any illegal gratification.

(ix) It is vital to point out that the loan amount of Rs. 12.895 lacs taken by the relatives of the co-accused U.N. Mandal from the employees of the petitioner's firm were mostly returned before the registration of PE-01(A)/2016-R, dated 09.12.2016. Even, the remaining 3.5 lacs was paid before the registration of the FIR dated 30.10.2017. It is respectfully submitted that absence of travel records cannot be ground enough for bracketing the transactions as being connected to the offence of money laundering.

(x) The applicant states and submits that the ED's contention that the repayment of loans started following the complaints regarding the financial irregularities of Upendra Nath Mandal. Such contention has no force as the PE was registered on 09.12.2016 and the first communication to appear before CBI was received by

the accused only on 23.02.2017. The petitioner (even other accused) had no knowledge of any enquiry being conducted.

(xi)It has been further stated that the entire prosecution initiated against the applicant is without jurisdiction and thus bad in law. There is no supporting material that the applicant has committed any offence of money laundering.

Arguments advanced on behalf of the Respondent-ED:

7. It is submitted that investigation conducted under the Prevention of Money Laundering Act (PMLA), 2002 has clearly established the direct and active involvement of the accused Petitioner, Shri Hitesh V. Shah, in the commission of offence of money laundering. The material collected during investigation demonstrates his role in the generation of illicit funds, their concealment, and their subsequent projection as untainted property.

8. The offence originates from the criminal conspiracy relating to manipulation of the Bokaro Steel Plant tender process, wherein the Petitioner, representing M/s Shiv Machine Tools, generated and paid Proceeds of Crime (POC) amounting to Rs. 94.42 Lakhs as illegal gratification to the co-accused public servant, Shri U.N. Mandal.

9. After making the said payment, the petitioner knowingly engaged in a series of structured financial transactions aimed at concealing the true origin of the funds and integrating them into the financial system. A significant component of this arrangement was the routing of Rs. 70

Lakhs through Mintu Naskar. The said transfer was projected as an "advance payment" for heavy machinery from M/s Naskar Ceramics. However, investigation revealed that the invoice relied upon was backdated to 14.12.2016, subsequent to the initiation of the CBI's Preliminary Enquiry, and that the said entity did not possess the business capacity to undertake such a transaction.

10.The laundering process was further carried out through the device of so-called "friendly loans." The petitioner caused funds to be routed through the bank accounts of his employees and relatives and thereafter disbursed as purported loans to the immediate relatives of Shri U.N. Mandal, including Smt. Sova Gayen and Shri Manabendra Nath Mandal. This structuring was undertaken to avoid a direct financial trail between the bribe giver and the recipient. Additionally, the petitioner participated in depositing unaccounted cash, including a sum of Rs. 4,14,000/- deposited into the bank account of Smt. Binny Kumari, acting on the instructions of the co-accused.

11. During the course of investigation, the petitioner was confronted with the financial trail and documentary material. However, he failed to discharge the burden placed upon him under Section 24 of the PMLA. No credible or verifiable explanation was furnished regarding the transaction with M/s Naskar Ceramics or the nature of the alleged loan disbursements.

12. In light of the above facts, it is established that Shri Hitesh V. Shah knowingly and directly involved himself in the acquisition, possession,

concealment, layering and projection of Proceeds of Crime amounting to Rs. 94.42 Lakhs as untainted property. The said acts squarely fall within the scope of Section 3 of the PMLA, 2002 and render him liable for punishment under Section 4 of the Act.

13. Learned counsel for the Opposite Party-ED, on the aforesaid grounds, has submitted that it is, therefore, not a fit case where the impugned orders to be interfered with.

Analysis:

14. This Court has heard the learned counsel for the parties at length and has also gone through the finding recorded by the learned trial Court in the impugned orders as also the counter affidavit.

15. In the background of the factual aspect as referred hereinabove in the preceding paragraphs, the issues which require consideration are that:

(i) Whether the orders dated 06.08.2025 and 25.03.2026 by which the application for discharge filed by the petitioner has been dismissed and charges have been framed respectively, can be said to suffer from an error?

(ii) Whether on the basis of the evidence which has been collected in course of investigation, prima facie case against the petitioner is made out or not?

16. Since both the issues are interlinked as such, they are taken up together.

17. This Court, before appreciating the argument advanced on behalf of the parties deems it fit and proper to discuss herein some of the provisions of law as contained under the Act, 2002 with its object and intent.

18. The Act 2002 was enacted to address the urgent need to have a comprehensive legislation inter alia for preventing money-laundering, attachment of proceeds of crime, adjudication and confiscation thereof including vesting of it in the Central Government, setting up of agencies and mechanisms for coordinating measures for combating money laundering and also to prosecute the persons indulging in the process or activity connected with the proceeds of crime.

19. It is, thus, evident that Act 2002 was enacted in order to answer the urgent requirement to have a comprehensive legislation inter alia for preventing money-laundering, attachment of proceeds of crime, adjudication and confiscation thereof for combating money-laundering and also to prosecute the persons indulging in the process or activity connected with the proceeds of crime.

20. It needs to refer herein the definition of "proceeds of crime" as provided under Section 2(1)(u) of the Act, 2002 which reads as under:

> *"2 (1) (u) "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property 3[or where such property is taken or held outside the country, then the property equivalent in value held within the country] 4[or abroad]; [Explanation.—For the removal of doubts, it is hereby clarified that "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may*

> *directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence;]"*

21. It is evident from the aforesaid provision that "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property or where such property is taken or held outside the country, then the property equivalent in value held within the country or abroad.

22. In the explanation it has been referred that for removal of doubts, it is hereby clarified that "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence. The aforesaid explanation has been inserted in the statute book by way of Act 23 of 2019. It is, thus, evident that the reason for giving explanation under Section 2(1)(u) is by way of clarification to the effect that whether as per the substantive provision of Section 2(1)(u), the property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property or where such property is taken or held outside the country but by way of explanation the proceeds of crime has been given broader implication by including property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence.

23. The "property" has been defined under Section 2(1)(v) which means any property or assets of every description, whether corporeal or

incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located.

24. The schedule has been defined under Section 2(1)(x) which means schedule to the Prevention of Money Laundering Act, 2002. The "scheduled offence" has been defined under Section 2(1)(y) which reads as under: "2(y) "scheduled offence" means— (i) the offences specified under Part A of the Schedule; or (ii) the offences specified under Part B of the Schedule if the total value involved in such offences is [one crore rupees] or more; or (iii) the offences specified under Part C of the Schedule."

25. It is evident that the "scheduled offence" means the offences specified under Part A of the Schedule; or the offences specified under Part B of the Schedule if the total value involved in such offences is [one crore rupees] or more; or the offences specified under Part C of the Schedule.

26. The offence of money laundering has been defined under Section 3 of the Act, 2002, which reads as under:

> *"3. Offence of money-laundering.—Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering. [Explanation.— For the removal of doubts, it is hereby clarified that,— (i) a person shall be guilty of offence of money-laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually involved in one or more of the following processes or activities connected with proceeds of crime,*

namely:— (a) concealment; or (b) possession; or (c) acquisition; or (d) use; or (e) projecting as untainted property; or (f) claiming as untainted property, in any manner whatsoever; (ii) the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]"

27. It is evident from the aforesaid provision that "offence of money laundering" means whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it as untainted property shall be guilty of offence of money-laundering.

28. It is further evident that the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.

29. The punishment for money laundering has been provided under Section 4 of the Act, 2002.

30. The various provisions of the Act, 2002 along with interpretation of the definition of "proceeds of crime" has been dealt with by the Hon'ble Apex Court in the case of ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors., (2022) SCC OnLine SC 929*** wherein the Bench comprising of three Hon'ble Judges of the

Hon’ble Supreme Court has decided the issue by taking into consideration the object and intent of the Act, 2002.

31. It is evident that the purposes and objects of the 2002 Act for which it has been enacted, is not limited to punishment for offence of money laundering, but also to provide measures for prevention of money laundering. It is also to provide for attachment of proceeds of crime, which are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to confiscation of such proceeds under the 2002 Act. This Act is also to compel the banking companies, financial institutions and intermediaries to maintain records of the transactions, to furnish information of such transactions within the prescribed time in terms of Chapter IV of the 2002 Act.

32. The predicate offence has been considered in the aforesaid judgment wherein by taking into consideration the explanation as inserted by way of Act 23 of 2019 under the definition of the “proceeds of crime” as contained under Section 2(1)(u), whereby and whereunder, it has been clarified for the purpose of removal of doubts that, the "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence, meaning thereby, the words “any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence” will come under the fold of the proceeds of crime.

33. In the judgment rendered by the Hon'ble Apex Court in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors. (supra)*** it has been held that the Authority under the 2002 Act, is to prosecute a person for offence of money-laundering only if it has reason to believe, which is required to be recorded in writing that the person is in possession of "proceeds of crime". Only if that belief is further supported by tangible and credible evidence indicative of involvement of the person concerned in any process or activity connected with the proceeds of crime, action under the Act can be taken forward for attachment and confiscation of proceeds of crime and until vesting thereof in the Central Government, such process initiated would be a standalone process.

34. Now, after having discussed the judgments passed by the Hon'ble Apex Court on the issue of various provisions of the Act, 2002, this Court, is proceeding to discuss the principle governing discharge and framing of charge.

35. Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for brevity) provides for discharge in sessions cases, which reads as follows:

> *"250.Discharge (1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232 (BNSS). (2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for doing so."*

36. Section 227 of Code of Criminal Procedure ('CrPC' for brevity) contemplates discharge by the Court of Session. The trial Judge is required to discharge the accused if the Judge considers that there is no sufficient ground for proceeding against the accused. Section 250(2) BNSS corresponds to section 227 CrPC. Section 250(1) BNSS stipulates a time limit of 60 days from the date of committal of the case within which an application for discharge should be filed by the accused.

37. Section 239 CrPC provides for discharge of accused in warrant cases instituted upon a police report. The power under section 239 Cr.P.C. is exercisable when Magistrate considers the charge against the accused to be groundless. Section 262(2) BNSS is similar to section 239 CrPC but section 262 BNSS provides an opportunity to the learned Magistrate to examine the accused either physically or through audio – video electronic means. Section 262(1) BNSS stipulates a time limit of 60 days from the date of supply of documents under section 230 BNSS within which an application should for discharge should be filed by the accused.

38. Section 245 Cr.P.C. deals with warrant cases instituted otherwise than on a police report. Section 245 CrPC corresponds to section 268 of BNSS. The power under section 245 (1) Cr.P.C. is exercisable when the Magistrate considers that no case against the accused has been made out which, if unrebutted would warrant his conviction. The Magistrate has the power of discharging the accused at any previous stage of the case under section 245 (2) Cr.P.C. Sections 227 and 239 Cr.P.C. provide for discharge before the recording of evidence

on the basis of the police report, the documents sent along with it and examination of the accused after giving an opportunity to the parties to be heard. But the stage of discharge under section 245 Cr.P.C., on the other hand, is reached only after the evidence referred in section 244 is taken. Despite the difference in the language of the provisions of sections 227, 239 and 245 Cr.P.C. and whichever provision may be applicable, the Court is required to see, at the time of framing of charge, that there is a prima facie case for proceeding against the accused. The main intention of granting a chance to the accused of making submissions as envisaged under sections 227 or 239 of Cr.P.C. is to assist the Court to determine whether it is required to proceed to conduct the trial.

39. The issue of discharge was the subject matter before the Hon'ble Supreme Court in the case of ***State of Tamilnadu, by Inspector of Police in Vigilance and Anti-Corruption v. N. Suresh Rajan, (2014) 11 SCC 709,*** wherein, at paragraphs no.29, 32.4, 33 and 34, the Hon'ble Apex Court has observed as under:—

> *"29. We have bestowed our consideration to the rival submissions and the submissions made by Mr. Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this*

stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.

32.4. While passing the impugned orders [N. Suresh Rajan v. Inspector of Police, Criminal Revision Case (MD) No. 528 22 of 2009, order dated 10-12-2010 (Mad)], [State v. K. Ponmudi, (2007) 1 Mad LJ (Cri) 100], the court has not sifted the materials for the purpose of finding out whether or not there is sufficient ground for proceeding against the accused but whether that would warrant a conviction. We are of the opinion that this was not the stage where the court should have appraised the evidence and discharged the accused as if it was passing an order of acquittal. Further, defect in investigation itself cannot be a ground for discharge. In our opinion, the order impugned [N. Suresh Rajan v. Inspector of Police, Criminal Revision Case (MD) No. 528 of 2009, order dated 10-12-2010 (Mad)] suffers from grave error and calls for rectification.

33. Any observation made by us in this judgment is for the purpose of disposal of these appeals and shall have no bearing on the trial. The surviving respondents are directed to appear before the respective courts on 3-2-2014. The Court shall proceed with the trial from the stage of charge in accordance with law and make endeavour to dispose of the same expeditiously.

34. In the result, we allow these appeals and set aside the order of discharge with the aforesaid observations.

40. It is further settled position of law that defence on merit is not to be considered at the time of stage of framing of charge and that cannot be a ground of discharge. A reference may be made to the judgment as

rendered by the Hon'ble Apex Court in ***State of Rajasthan v. Ashok Kumar Kashyap, (2021) 11 SCC 191***. For ready reference, paragraph no. 11 of the said judgment is being quoted hereinbelow: —

"11. While considering the legality of the impugned judgment [Ashok Kumar Kashyap v. State of Rajasthan, 2018 SCC OnLine Raj 3468] and order passed by the High Court, the law on the subject and few decisions of this Court are required to be referred to.

11.1. In P. Vijayan [P. Vijayan v. State of Kerala, (2010) 2 SCC 398 : (2010) 1 SCC (Cri) 1488], this Court had an occasion to consider Section 227 CrPC What is required to be considered at the time of framing of the charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge under Section 228 CrPC, if not, he will discharge the accused. It is further observed that while exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

11.2. In the recent decision of this Court in M.R. Hiremath [State of Karnataka v. M.R. Hiremath, (2019) 7 SCC 515 : (2019) 3 SCC (Cri) 109 : (2019) 2 SCC (L&S) 380], one of us (D.Y. Chandrachud, J.) speaking for the Bench has observed and held in para 25 as under : (SCC p. 526) "25. The High Court [M.R. Hiremath v. State, 2017 SCC OnLine Kar 4970] ought to have been cognizant of the fact that the trial court was dealing with an application for discharge under the provisions of Section 239 CrPC. The parameters which govern the

exercise of this jurisdiction have found expression in several decisions of this Court. It is a settled principle of law that at the stage of considering an application for discharge the court must proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the offence. In State of T.N. v. N. Suresh Rajan [State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709 : (2014) 3 SCC (Cri) 529 : (2014) 2 SCC (L&S) 721], adverting to the earlier decisions on the subject, this Court held : (SCC pp. 721-22, para 29)

'29. … At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."

41. Further, it is pertinent to mention here that power to discharge an accused was designed to prevent harassment to an innocent person by the arduous trial or the ordeal of prosecution. How that intention is to be achieved is reasonably clear in the section itself. The power has been entrusted to the Sessions Judge who brings to bear his knowledge and experience in criminal trials. Besides, he has the assistance of counsel for the accused and Public Prosecutor. He is required to hear both sides before framing any charge against the accused or for discharging him. If the Sessions Judge after hearing the parties frames a charge and also makes an order in support thereof, the law must be allowed to take its

own course. Self-restraint on the part of the High Court should be the rule unless there is a glaring injustice which stares the court in the face. The opinion on any matter may differ depending upon the person who views it. There may be as many opinions on a particular matter as there are courts but it is no ground for the High Court to interdict the trial. It would be better for the High Court to allow the trial to proceed. Reference in this regard may be taken from the judgment as rendered by the Hon'ble Apex Court in ***Stree Atyachar Virodhi Parishad v. Dilip Nathumal Chordia, (1989) 1 SCC 715.***

42. Further, the difference between the approach with which the Court should examine the matter in the discharge has been explained by the Hon'ble Supreme Court in ***Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460***, in the following words: —

> *"17. Framing of a charge is an exercise of jurisdiction by the trial court in terms of Section 228 of the Code, unless the accused is discharged under Section 227 of the Code. Under both these provisions, the court is required to consider the "record of the case" and documents submitted therewith and, after hearing the parties, may either discharge the accused or where it appears to the court and in its opinion there is ground for presuming that the accused has committed an offence, it shall frame the charge. Once the facts and ingredients of the Section exists, then the court would be right in presuming that there is ground to proceed against the accused and frame the charge accordingly. This presumption is not a presumption of law as such. The satisfaction of the court in relation to the existence of constituents of an offence and the facts leading to that offence is a sine qua non for exercise of such jurisdiction. It may even be weaker than a prima facie case. There is a fine distinction between the language of Sections 227 and 228 of the Code. Section 227 is the expression of a definite opinion and judgment of the Court while Section 228 is tentative. Thus, to say that at the stage of framing of*

> *charge, the Court should form an opinion that the accused is certainly guilty of committing an offence, is an approach which is impermissible in terms of Section 228 of the Code.*
>
> *30. We have already noticed that the legislature in its wisdom has used the expression "there is ground for presuming that the accused has committed an offence".*

43. This has an inbuilt element of presumption once the ingredients of an offence with reference to the allegations made are satisfied, the Court would not doubt the case of the prosecution unduly and extend its jurisdiction to quash the charge in haste. The Hon'ble Apex Court in ***State of Maharashtra v. Som Nath Thapa (1996) 4 SCC 659*** referred to the meaning of the word "presume" while relying upon Black's Law Dictionary. It was defined to mean "to believe or accept upon probable evidence"; "to take as proved until evidence to the contrary is forthcoming". In other words, the truth of the matter has to come out when the prosecution evidence is led, the witnesses are cross-examined by the defence, the incriminating material and evidence is put to the accused in terms of Section 313 of the Code and then the accused is provided an opportunity to lead defence, if any. It is only upon completion of such steps that the trial concludes with the court forming its final opinion and delivering its judgment. Merely because there was a civil transaction between the parties would not by itself alter the status of the allegations constituting the criminal offence."

44. Thus, it is evident that the law regarding the approach to be adopted by the Court while considering an application for discharge of the accused person the Court has to form a definite opinion, upon consideration of the record of the case and the documents submitted

therewith, that there is not sufficient ground for proceeding against the accused.

45. The Hon'ble Apex Court has further dealt with the proper basis for framing of charge in the case of ***Onkar Nath Mishra v. State (NCT of Delhi)*** wherein, at paragraphs 11, 12 and 14, it has been held as under:

> *"11. It is trite that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At that stage, the court is not expected to go deep into the probative value of the material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At that stage, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.*
>
> *12. In State of Karnataka v. L. Muniswamy [(1977) 2 SCC 699 : 1977 SCC (Cri) 404], a three-Judge Bench of this Court had observed that at the stage of framing the charge, the Court has to apply its mind to the question whether or not there is any ground for presuming the commission of the offence by the accused. As framing of charge affects a person's liberty substantially, need for proper consideration of material warranting such order was emphasised.*
>
> *14. In a later decision in State of M.P. v. Mohanlal Soni [(2000) 6 SCC 338 : 2000 SCC (Cri) 1110] this Court, referring to several previous decisions held that : (SCC p. 342, para 7)*
>
> *"7. The crystallised judicial view is that at the stage of framing charge, the court has to prima facie consider whether there is sufficient ground for proceeding against the accused. The court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused."*

The Hon'ble Apex Court in the case of Palwinder Singh v. Balvinder Singh, (2009) 2 SCC (Cri) 850 has been pleased to hold that charges can also be framed on the basis of strong suspicion. Marshaling and appreciation of the evidence is not in the domain of the court at that point of time. 52. In the judgment passed by the Hon'ble Supreme court in the case of Sajjan Kumar v. CBI, reported in (2010) 9 SCC 368, the Hon'ble Supreme Court has considered the scope of Sections 227 and 228 CrPC. The principles which emerged therefrom have been taken note of in para 21 as under:

"21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge: (i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.

(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.

(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.

(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.

(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be satisfied that the commission of offence by the accused was possible.

(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.

(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.

46. In the judgment passed by the Hon'ble Supreme court in the case of ***M.E. Shivalingamurthy v. CBI, reported in (2020) 2 SCC 768***, the above principles have been reiterated in para 17, 18, 28 to 31 and the Hon'ble supreme court has explained as to how the matters of grave suspicion are to be dealt with. The aforesaid paragraphs are being quoted as under:

"17. This is an area covered by a large body of case law. We refer to a recent judgment which has referred to the earlier decisions viz. P. Vijayan v. State of Kerala and discern the following principles:

17.1. If two views are possible and one of them gives rise to suspicion only as distinguished from grave suspicion, the trial Judge would be empowered to discharge the accused.

17.2. The trial Judge is not a mere post office to frame the charge at the instance of the prosecution.

17.3. The Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding. Evidence would consist of the statements recorded by the police or the documents produced before the Court.

17.4. If the evidence, which the Prosecutor proposes to adduce to prove the guilt of the accused, even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, "cannot show that the accused committed offence, then, there will be no sufficient ground for proceeding with the trial".

17.5. It is open to the accused to explain away the materials giving rise to the grave suspicion.

17.6. The court has to consider the broad probabilities, the total effect of the evidence and the documents produced before the court, any basic infirmities appearing in the case and so on. This, however, would not entitle the court to make a roving inquiry into the pros and cons.

17.7. At the time of framing of the charges, the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution, has to be accepted as true.

17.8. There must exist some materials for entertaining the strong suspicion which can form the basis for drawing up a charge and refusing to discharge the accused.

18. The defence of the accused is not to be looked into at the stage when the accused seeks to be discharged under Section 227 CrPC (see State of J&K v. Sudershan Chakkar). The expression, "the record of the case", used in Section 227 CrPC, is to be understood as the documents and the articles, if any, produced by the prosecution. The Code does not give any right to the accused to produce any document at the stage of framing of the charge. At the stage of framing of the charge, the submission of the accused is to be confined to the material produced by the police (see State of Orissa v. Debendra Nath Padhi).

28. It is here that again it becomes necessary that we remind ourselves of the contours of the jurisdiction under Section 227 CrPC. The principle established is to take the materials produced by the prosecution, both in the form of oral statements and also documentary material, and act upon it without it been subjected to questioning through cross-examination and everything assumed in favour of the prosecution, if a scenario emerges where no offence, as alleged, is made out against the accused, it, undoubtedly, would ensure to the

benefit of the accused warranting the trial court to discharge the accused.

29. It is not open to the accused to rely on the material by way of defence and persuade the court to discharge him.

30. However, what is the meaning of the expression "materials on the basis of which grave suspicion is aroused in the mind of the court's", which is not explained away? Can the accused explain away the material only with reference to the materials produced by the prosecution? Can the accused rely upon material which he chooses to produce at the stage?

31. In view of the decisions of this Court that the accused can only rely on the materials which are produced by the prosecution, it must be understood that the grave suspicion, if it is established on the materials, should be explained away only in terms of the materials made available by the prosecution. No doubt, the accused may appeal to the broad probabilities to the case to persuade the court to discharge him."

47. It has been further held in the case of ***Asim Shariff v. National Investigation Agency, (2019) 7 SCC 148***, that mini trial is not expected by the trial court for the purpose of marshalling the evidence on record at the time of framing of charge, wherein, it has been held at paragraph no.18 of the said judgment as under:—

"18. Taking note of the exposition of law on the subject laid down by this Court, it is settled that the Judge while considering the question of framing charge under Section 227 CrPC in sessions cases (which is akin to Section 239 CrPC pertaining to warrant cases) has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the material placed before the court discloses grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing the charge; by and large if two views are possible and one of them giving rise to suspicion only, as distinguished from grave suspicion against

the accused, the trial Judge will be justified in discharging him. It is thus clear that while examining the discharge application filed under Section 227 CrPC, it is expected from the trial Judge to exercise its judicial mind to determine as to whether a case for trial has been made out or not. It is true that in such proceedings, the court is not supposed to hold a mini trial by marshalling the evidence on record."

48. In the case of ***Asim Shariff v. NIA, (supra),*** it has been held by the Hon'ble Apex Court that the words 'not sufficient ground for proceeding against the accused' clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.

49. Thus, from aforesaid legal propositions it can be safely inferred that if, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for doing so and if, after such

consideration and hearing as aforesaid, the Judge is of the opinion that there is ground for presuming that the accused has committed an offence, the trial Court shall frame the charge. However, the defence of the accused cannot be looked into at the stage of discharge. The accused has no right to produce any document at that stage. The application for discharge has to be considered on the premise that the materials brought on record by the prosecution are true.

50. Thus, at the time of considering an application for discharge, the Court is required to consider the limited extent to find out whether there is prima facie evidence against the accused to believe that he has committed any offence as alleged by the prosecution; if prima facie evidence is available against the accused, then there cannot be an order of discharge.

51. Therefore, the stage of discharge is a stage prior to framing of the charge and once the Court rejects the discharge application, it would proceed to framing of charge. At the stage of discharge, the Judge has merely to sift and weigh the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused and in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the prosecution or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame the charge against him and after that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge and, if not, he will discharge the accused.

52. While exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the Court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

53. It is considered view that at this stage of the instant case, the Court was only required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not because at the stage of framing of the charge and / or considering the discharge application, the mini trial is not permissible.

54. It requires to refer herein that the purpose of framing a charge is to provide the accused with detailed information about the allegations against him. Framing of proper charge is one of the basic requirements of a fair trial. Charge is of great significance in a criminal trial as it helps not only the accused in knowing the accusation against him but also helps him in the preparation of his defence.

55. In a criminal trial the charge is the foundation of the accusation and every care must be taken to see that it is not only properly framed. At the initial stage of framing a charge, the truth, veracity and effect of the evidence which the prosecution proposes to adduce are not to be considered meticulously.

56. It is settled position of law that the accused is entitled in law to know with precision what is the law on which they are put to trial. Charges are framed against the accused only when the Court finds that

the accused is not entitled to discharge under the relevant provision of CrPC/BNSS.

57. In Sessions case the Court shall frame a charge in writing against the accused when the Court is of the opinion that there is ground for presuming that the accused has committed an offence as can be seen from Section 252 of the BNSS. In warrant cases, a charge shall be framed when a prima facie case has been made out against the accused as is evident from sections 263 and 269 of BNSS.

58. The Hon'ble Supreme Court of India in ***State of Maharastra vs. Som Nath Thapa, (1996) 4 SCC 659*** has been pleased to hold that if the Court were to think that the accused might have committed the offence, it can frame the charge, though for conviction the conclusion is required to be that the accused had committed the offence. It was further held that at the stage of framing of charge the Court cannot look into the probative value of the materials on record.

59. Further, while considering the question of framing a charge, the Court has the undoubted power to sift and weigh the materials for the limited purpose for finding out whether or not a prima facie case against the accused has been made out. In exercising the power, the Court cannot act merely as a post office or a mouthpiece of the prosecution.

60. The test to determine a prima facie case against the accused would naturally depend on the facts of each case and it is difficult to lay down the rule of universal application and if the material placed before the Court discloses grave suspicion against the accused which has not

been properly explained, the Court will be fully justified in framing the charge and proceeding with the trial.

61. In ***Kanti Bhadra Shah vs. State of West Bengal, (2000) 1 SCC 722***, the Hon'ble Supreme Court held that whenever the trial Court decides to frame charges, it is not necessary to record reasons or to do discuss evidence in detail.

62. In ***State of Andhra Pradesh vs. Golconda Linga Swamy, (2004) 6 SCC 522***, the Hon'ble Supreme Court held that at the stage of framing of charge, evidence cannot be gone into meticulously. It was held that it is immaterial whether the case is based on direct or circumstantial evidence and a charge can be framed if there are materials showing possibility about commission of the offence by the accused as against certainty.

63. It needs to refer herein that Sections 215 and 464 CrPC ensure that technicalities do not defeat justice. Both the sections lay that irregularity or error in framing a charge is not fatal unless the accused is able to show that prejudice is caused to him as result of such irregularity or omission. The object of section 238 BNSS is to prevent failure of justice on account of irregularity in framing of charge.

64. In judging a question of prejudice, as of guilt, the Court must act with a broad vision and look to the substance and not to the technicalities, and its main concern should be to see whether the accused had a fair trial, whether he knew what he was being tried for, whether the main facts sought to be established against him were explained to him

fairly and clearly and whether he was a full and fair chance to defend himself.

65. In State of ***Uttar Pradesh vs. Paras Nathi Singh, 2009 INSC 669,*** the Hon'ble Supreme Court after considering the language of Section 464 Cr.P.C. held that the burden is on the accused to show that a failure of justice has been occasioned on account of error, omission or irregularity of the charge.

66. Thus, framing of charge is not a mere empty formality. Every endeavour must be made in a criminal trial to ensure that appropriate charge is framed against the accused. Even though mere omission, error or irregularity in framing charges does not ipso facto vitiate trial, the accused should be made fully aware of the specific accusations against him in order to defend himself properly. Apart from safeguarding the interests of the accused, framing of proper charge also ensures that the interests of the victims and the society at large are safeguarded and no guilty person goes unpunished only on account of error in framing the charge.

67. The Hon'ble Supreme Court of India in ***Dipakbhai Jagdhishchandra Patel vs. State of Gujarat, (2009) 16 SCC 547*** has been pleased to hold that:

> *"21. At the stage of framing the charge in accordance with the principles which have been laid down by this Court, what the Court is expected to do is, it does not act as a mere post office. The Court must indeed sift the material before it. The material to be sifted would be the material which is produced and relied upon by the prosecution. The sifting of material before the Court is not to be meticulous in the sense that Court dons the mantle of the trial Judge hearing arguments*

after the entire evidence has been adduced after a full fledged trial and the question is not whether the prosecution has made out the case for the conviction of the accused. All that is required is, the Court must be satisfied that with the materials available, a case is made our for the accused to stand trial. A strong suspicion suffices. However, a strong suspicion must be founded on some material."

68. Thus, from the aforesaid judicial pronouncements, it is evident that at the stage of framing charges, trial court is not to examine and assess in detail the material placed on record by the prosecution nor is it for the court to consider the sufficiency of the materials to establish the offence alleged against the accused persons. Marshalling of facts and appreciation of evidence at the time of framing of charge is not in the domain of the court. Charge can be framed even on the basis of strong suspicion founded upon materials before the court which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged against the accused.

69. It needs to refer herein that ingredients of offences should be seen in the material produced before the court for framing of charges and duty of court at the stage of framing of charges is to see whether the ingredients of offences are available in the material produced before the court. Contradictions in the statements of witnesses or sufficiency or truthfulness of the material placed before the court cannot be examined at the stage of framing of the charge. For this limited purpose, the court may sift the evidence. Court has to consider material only with a view to find out if there is ground for presuming that the accused has committed an offense and not for the purpose of arriving at a definite conclusion. "Presume‟ means if on the basis of materials on record, court can come

to the conclusion that commission of the offense is a probable consequence, then a case for framing of charge exists.

70. Thus, it is well settled that at the time of framing of charge, meticulous examination of evidence is not required, however the evidence can be sifted or weighed at least for the purpose of recording a satisfaction that a prima facie case is made out for framing charge to proceed in the case. Further the trial Court is not required to discuss the evidence for the purpose of conducting a trial but the discussion of the materials on record is required to reflect the application of judicial mind for finding that a prima-facie case is made out against the petitioner.

71. It is settled connotation of law that at the stage of framing of charge, the probable defence of the accused is not to be considered and the materials, which are relevant for consideration, are the allegations made in the First Information Report/complaint, the statement of the witnesses recorded in course of investigation, the documents on which the prosecution relies and the report of investigation submitted by the prosecuting agency. The probative value of the defence is to be tested at the stage of trial and not at the stage of framing of charge and at the stage of framing of charge minute scrutiny of the evidence is not to be made and even on a very strong suspicion, charges can be framed.

72. Further, it is settled position of law that at the stage of framing the charge, the trial Court is not required to meticulously examine and marshal the material available on record as to whether there is sufficient material against the accused which would ultimately result in conviction. The Court is prima facie required to consider whether there is sufficient

material against the accused to presume the commission of the offence. Even strong suspicion about commission of offence is sufficient for framing the charge, the guilt or innocence of the accused has to be determined at the time of conclusion of the trial after evidence is adduced and not at the stage of framing the charge and, therefore, at the stage of framing the charge, the Court is not required to undertake an elaborate inquiry for the purpose of sifting and weighing the material.

73. Recently, the Full Bench of the Hon'ble Apex Court in the case of ***Ghulam Hassan Beigh v. Mohd. Maqbool Magrey, (2022) 12 SCC 657*** has elaborately discussed the issue of framing of charge and has held at paragraph-27 which reads as under:

> *"27. Thus from the aforesaid, it is evident that the trial court is enjoined with the duty to apply its mind at the time of framing of charge and should not act as a mere post office. The endorsement on the charge-sheet presented by the police as it is without applying its mind and without recording brief reasons in support of its opinion is not countenanced by law. However, the material which is required to be evaluated by the court at the time of framing charge should be the material which is produced and relied upon by the prosecution. The sifting of such material is not to be so meticulous as would render the exercise a mini trial to find out the guilt or otherwise of the accused. All that is required at this stage is that the court must be satisfied that the evidence collected by the prosecution is sufficient to presume that the accused has committed an offence. Even a strong suspicion would suffice. Undoubtedly, apart from the material that is placed before the court by the prosecution in the shape of final report in terms of Section 173 CrPC, the court may also rely upon any other evidence or material which is of sterling quality and has direct bearing on the charge laid before it by the prosecution."*

74. Thus, from aforesaid legal propositions it can be safely inferred that if, upon consideration of the record of the case and the documents

submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for doing so and if, after such consideration and hearing as aforesaid, the Judge is of the opinion that there is ground for presuming that the accused has committed an offence, the trial Court shall frame the charge.

75. Therefore, the stage of discharge is a stage prior to framing of the charge and once the Court rejects the discharge application, it would proceed for framing of charge. At the stage of discharge, the Judge has merely to sift and weigh the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused and in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the prosecution or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame the charge against him and after that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge and, if not, he will discharge the accused.

76. While exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the Court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

77. It is the considered view that at this stage of the instant case, the Court was only required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not because at the stage of framing of the charge and / or considering the discharge application, the mini trial is not permissible.

78. In the backdrop of aforesaid case laws and judicial deduction, this Court is now proceeding to examine the fact so as to come to the conclusion, "as to whether the evidence which has been collected in course of investigation and has been brought on record, as would be available in the impugned order prima facie case against the petitioner is made out or not?"

79. The learned counsel for the petitioner has contended that the petitioner has been prosecuted on the basis of assumptions and surmises, and the officials of the Investigating Agency has totally overlooked the principle that there must be 'reason to believe' rather than mere assumptions that the offences alleged against the petitioner have actually been committed by him and further the learned Special Judge, PML Act, Ranchi has failed to appreciate that the prosecution has not produced material which would show that the petitioner has, in any manner, dealt with "proceeds of crime".

80. Per contra, the learned counsel for ED has contended by referring to the various paragraphs of the ECIR that that orders impugned in these Cr. Revisions are refusal of the prayer of discharge and subsequently framing of charge and both the orders cannot be said to suffer from an error since ample materials are available based upon

which it cannot be said that no prima facie case is available against the petitioner leading to discharge of the petitioner rather all these aspects are to be adjudicated in course of the trial.

81. In order to appreciate the contention of the learned counsel for the parties, this Court has gone through the various paragraphs of the ECIR which has been annexed with the instant petition being Cr. Revision, for ready reference, the various paragraphs of the said ECIR are being quoted as under:

Movable property

That from the scrutiny of different bank accounts, Documents received from Additional Registrar of Assurances, Kolkata, Income Tax Authorities, LIC, submissions made by related persons, and investigation under the provisions of PMLA, 2002, the above properties (Movable & Immovable) were found to be derived/obtained out of proceeds of crime generated by Upendra Nath Mandal and subsequently the same was layered with an intention to use and project it as untainted property. Movable property (vehicle) of the value of Rs. 3,71,848/- and immovable property as the value of Rs. 1,25,00,000/- totaling Rs. 1,28,71,848/- were provisionally attached vide Provisional Attachment Order No. 01/2022 dated 22.04.2022 u/s 5(1) of PMLA, 2002. Subsequently, Original Complaint No. 1742/2022 dated 19.05.2022 was also filed before the Ld. Adjudicating Authority (PMLA), New Delhi u/s 5(5) of the PMLA, 2002 for confirmation of the Provisional Attachment Order No. No. 01/2022 dated 22.04.2022. The Ld. Adjudicating Authority vide its Order dated 13.10.2022 confirmed the aforesaid Provisional Attachment Order.

Further, during the PMLA investigation, it was found that Rs. 8,00,055/-was transferred from the account of Central Bank of India bearing number 3171853699 of Zeal India Chemicals to the account of Niranjan Krishna Gayen bearing number 424201010008499 (Father-in-Law of U.N. Mandal) on 12.06.2013 and Rs. 8,00,055/- was transferred from account of Central Bank of India bearing number 3171853699 of Zeal India Chemicals to the

account of Shobha Gayen bearing number 424210110013825 (Mother-in-Law of U.N. Mandal) on 12.06.2013 and then Rs 15,08,000/- was transferred from the account of Mr. Niranjan Krishna Goven to the account of Mr. Subir Kumar Gupta on 14.06.2013 and the fund was transferred to Subir Kumar Gupta, totaling to Rs. 15,08,000/-, from whom a constructed house with land, 05 cottah land (approx.), Where a two storey Building situated over 3 cottah 4 chatak land (approx.) consisting of 1083 Sq.Ft. in the ground floor, 356 Sq.Ft in the first floor at Mouaza West Ichapore, Anwarpur, Parganas, PS Barasaat, Barasat Muncipality, North 24 Paganas, West Bengal, was purchased by U.N. Mandal in the name of his wife Mrs. Supriti Mandal for a total consideration of Rs 26,23,000/- (deed bearing No. 4416/2013, dated 05/07/2013). Further Jayant Kumar Das, son-in-law of Subir Kumar Gupta, in his statement u/s 50 of PMLA, stated that on the instruction of U. N. Mandal, an amount of Rs. 2,08,000/- was credited in his State Bank of India Account from the account of Shagul Ameedh which was originally sourced from Shiv Machine Tools, Partner - Hitesh V Shah to which Jayant Kumar Das withdrew in cash. The said amount was used for renovation of this house which was purchased by U.N. Mandal from Subir Kr Gupta. The said property was purchased at a total consideration of Rs 26.23 lakhs, out of which Rs 15.08 lakhs was paid directly from the Proceeds of crime as discussed above and the remaining amount as stated by U.N.Mandal was paid in cash and source of which could not be explained with documentary evidences. Thus, the said property was found to be acquired from Proceeds of crime.

Further, the said property was transferred by Smt. Supriti Mandal to Mintu Naskar vide sale deed no 5261/2019 on 30.08.2019 to claim the amount of Rs 70 lakhs which was received from Mintu Naskar (which was received by him from M/s Shiv Machine Tools) in FY 2015-16 & 2016-17 as untainted. Thus, the "sale" of such property acquired from proceeds by U.N. Mandal to Mintu Naskar was nothing but asham transaction to show the illegal gratification as untainted received by U.N. Mandal from M/s Shiv Machine tools through Mintu Naskar, the whole money trail and the matter is discussed in detail in paras below. Thus, the said property was not only acquired from the proceeds of crime but also used for the commission of an offence under the PMLA as defined u/s 2(1)(v) of

PMLA, 2002. Thus, the said property was found to be acquired from Proceeds of crime and used in the commissioning of the offence of Money laundering and thus attached vide PAO No. 7/2023 dated 10/10/2023 u/s 5(1) of PMLA, 2002.

6.1.2 Sh. Mintu Naskar (Accused No. 6) in his statement recorded u/s 50 of PMLA, 2002 has inter-alia stated that:-

(i) That he has established a proprietorship firm Naskar Ceramic in the year 2000, which manufactures ceramic products and "mechanical heat-treatment instruments"; That he knew U.N. Mandal as a friend of his father and Smt. Supriti Mandal as wife of Shri Upendra Nath Mandal; That he knew M/s Shiv Machine Tools as a customer and he had done some transactions with M/s Shiv Machine Tools and supplied material to M/s Shiv Machine Tools; That he had transferred in total Rs. 70 Lakhs (Rs 5 lakh in FY 2015-16 & Rs 65 lakhs in FY 2016-17) in the bank account of Upendra Nath Mandal after receiving the said amount from the account of M/s Shiv Machine Tools to whom he supplied goods/equipments i.e. 40 mm Twin Screw Extruder Machine, Pelletizer Machine and Die Face Cutter vide purchase order no. 6503 dated 07.04.2016; That he had transferred said amount i.e. Rs.70,00,000/- to the account of UN Mandal for the purpose of purchasing Residential Plot with Building from Mrs. Supriti Mandal, wife of U N Mandal;

(ii) That he has acquired three certificates one is "The Central Sales Tax (Registration and Turnover) Rules, 1957, FORM-B" dated 06/03/2006, The West Bengal Value Added Tax Rules, 2005 Form-3" dated 06/03/2006 and One document has been issued by Howrah Municipal Corporation, on 14/07/2021 for manufacturing of items such as Twin Screw Extruder Machine, Pelletizer Machine and Die Face Cutter., however, after examination of these documents, it is found that Naskar Ceramics, prop concern of Mintu Naskar is registered as Manufacturer of Ceramics and refractories and not of any machine which he has sold to M/s Shiv Machine Tools, Chennai; That he could not be able to produce paper related to corresponding purchase of raw material Twin Screw Extruder Machine, Pelletizer Machine and Die Face Cutter sold to M/s Shiv Machine Tools. Ledger account of all Purchase & Sale, Ledger account of M/s Shiv Machine Tools, Chennai, List of

Sundry Creditors, Debtors was obtained. He was asked to explain why the land of Rs. 70,00,000/- was shown as asset in the balance sheet of the Naskar Ceramics and at the same year U.N. Mandal have also been shown as sundry creditor as on 31/03/2016 for Rs. 65 lakhs, as per definition of sundry creditor "a person who gives goods or services to the business in credit or does not receive the payment immediately from the business and is liable to receive the payment from the business in future is called a Sundry Creditor", by this definition U.N. Mandal can't be consider a Sundry Creditor and hence it is an afterthought defence, secondly the land was in the name of Supriti Mandal and thus transferring the amount in the account of U.N. Mandal can't be justify as seller of land. He has also shown that land of Rs 70 lakh as asset in the asset side of Balance sheet of M/s Naskar Ceramics for F.Y. 2015-16, whereas the land was actually purchased in FY 2019-20. Hence, Mintu Naskar has failed to substantiate the money given to U. N. Mandal which was originally sourced from M/s Shiv Machine Tools.

That his Proprietorship firm M/s Naskar Ceramic has never sold any good/machinery to M/s Shiv Machine Tools, Chennai earlier or after the sale of these goods worth Rs. 70 Lakhs in 2016; That M/s Naskar Ceramic has never sold the aforesaid goods to any firm/company/individual that he sold to M/s Shiv Machine Tools, Chennai, in any year prior or after F.Y. 2016-17; That he never contacted M/s Shiv Machine Tools, Chennai; That Hitesh V shah contacted him directly over phone regarding purchase of equipments; That M/s Naskar Ceramic has never been in the list of approved vendor of MECON Ltd; That M/s Naskar Ceramic has never sold any goods/equipments to any company/firm/individuals through MECON Ltd; That they had never contacted each other through e-mail or other means, apart from discussion over phone before quotation sent on 05.04.2016 through e-mail however, he has not submitted copy of the e-mail: That Quotation date issued by Naskar Ceramic to Shiv Machine Tools was 05.04.2016 and the purchase order date was 07.04.2016; That Hitesh V Shah transferred Rs. 5,00,000/- on 14.03.2016 in advance in his bank account without having any proper communication & as stated M/s Shiv Machine Tools never purchased any goods from M/s Naskar Ceramic before; That he was asked to provide the details of equipment/goods along with details of purchasers from whom he

has taken 100% invoice value/full payment in advance before the sale of any goods to them, however, he has not submitted such details. Hence, from the above discussion, it is established that all the theory of Mintu Naskar is nothing but a concocted story to camouflage the gratification given by M/s Shiv Machine Tools/Hitesh V. Shah to U. N. Mandal through Mintu Naskar.

6/1.4 Hitesh V Shah s/o Late Sh. Vasant Lal Shamaldas Shah in his statements dated 14.03.2022, 02.08.2023, 03.08.2023, 08.08.2023, 09.08.2023 & 10.08.2023 recorded u/s 50 of PMLA, 2002 has inter-alia stated the following facts: -

(i) That he is running M/s Shiv Machine Tools as CEO and proprietary pattern after the demise of his father in 1997; That his wife Smt. Parul Shah is another partner in the said partnership firm M/s Shiv Machine Tools. However, she is dormant partner and all the business operations as well as bank accounts of the firm are handled by him only; That his company alongwith M/s Thermo Fisher Scientific India Pvt Ltd and M/s Chennai Metco Pvt Ltd have formed the consortium and BID for the tender T&C(M)/B320/036C/SPG/314 dated 03.09.2014 of Bokaro Steel Plant (BSL);

(ii) That he did not make any cash dealings in the account of Binny Kumari. However, Bibhuti Prasad Amar told that Owner of M/s Shiv Machine Tools made cash deposit of Rs. 4,14,000/- into bank account of Binny Kumari on instruction of U. N. Mandal. Hence, the claim of U. N. Mandal is wrong.

(iii) That transactions from M/s Shiv Machine Tools amounting to Rs. 70 lakhs with Shri Mintu Naskar pertains to purchase of machinery vide purchase order No. 6503 dated 07.04.2016 & Invoice No. NCC/12 dated 14.12.2016; That Submission of the documents by Hitesh V Shah relating to purchase of machineries (Pelletiser Machine, Die Face Cutter & 40 mm twin screw extruder machine) from M/s Naskar Ceramics, Howrah (WB), it is noticed from TCI freight challan that the said machineries were delivered to his firm-M/s Shiv Machine Tools in the month of January, 2017 and bill for the same were raised in December, 2016 to which Hitesh V Shah however, the whole payment was already made six months before (approx.). The reason was asked from Hitesh V Shah

however he did not give any satisfactorily explanation. That his submission of documents i.e. Ledger summary of M/s Naskar Ceramics & bank account statement show that he has given Rs. 5,00,000/- to Mintu Naskar (Prop of M/s Naskar Ceramic) on 14.03.2016, however he has not shown M/s Naskar Ceramic as Sundry Debtor in the Balance sheet for the respective year. Hence, he could not substantiated Rs. 70 Lakhs paid to Mintu Naskar after having been given ample opportunities.

(iv) That on considering the miserable condition of the relatives of U.N. Mandal for educational and medical purpose, as informed to him by Mr. U.N. Mandal in the year 2015 and 2016 but he could not give satisfactory explanation and failed to substantiate the amount given to U. N. Mandal & his relatives.

(v)That he has received back in total Rs. 4,87,500/- in cash from Manabendra Nath Mandal & Rs. 2,40,000/-in cash from Pushpendu Sekhar Mandal (relatives of U. N. Mandal) in respect of loan given to them however, he has not provided cash book for the relevant financial year highlighting the entries of these relevant cash; That he instructed his relative - Suresh J. Shah to collect the aforesaid cash from Manabendra Nath Mandal (relative of U.N. Mandall from Erode, Tamil Nadu however, he has not submitted evidence of any journey performed by Suresh Shah; That he was asked through whom his employee received the cash from Pushpendu Sekhar Mandal as he is resident of West Bengal to which Hitesh V Shah stated that he had received the intimation from U. N. Mandal about the readiness of the loan repayment from Mr. Pushpendu Sekhar Mondal and he deputed his staff Mr. Anil Praveen Adhyaru to go to Kolkata, West Bengal and collect the money from Mr. Pushpendu Sekhar Mondal. However, he did not provide evidence of any journey performed by Anil Praveen Adhvaru. That he was asked why he instructed his employee & relative to collect cash from relative of U.N. Mandal whereas they could directly deposit the cash into account of his employee/relative or him to which Hitesh V Shah did not give any satisfactory explanation. Hence, all the theories of Hitesh V Shah is just an afterthought defence.

<u>10. Specific role of the accused in the commission of offence of money laundering by directly or by indirectly attempts to indulge</u>

or knowingly assist or knowingly is a party or is involved in concealment/possession/acquisition or use in projecting or claiming Proceeds of Crime as untainted property under Section 3 of PMLA, 2002.

Hitesh V Shah (Accused No.-4)

(a) Hitesh V Shah through M/s Shiv Machine Tools paid illegal gratification to the tune of Rs. 94.42 Lakhs to Upendra Nath Mandal, the then Senior Manager, Metallurgical Wing, MECON Ltd, Ranchi in favour of allotment of tender project of Bokaro Steel Plant to M/s Shiv Machine Tools.

(b) Hitesh V Shah paid illegal gratification to U. N. Mandal however, he told that he had given the part amount to relatives of U. N. Mandal as loan on interest for educational and medical purpose. In this way, he has not directly paid money to U. N. Mandal, however, he routed the same through the account of his relatives to to claim the same as untainted transactions. Hitesh V Shah had partly paid illegal gratification (Rs. 70,00,000/-) to U. N. Mandal through Mintu Naskar and claiming the same as untainted as discussed in above paras.

(c) Hitesh V Shah had partly paid illegal gratification (Rs. 4,14,000/-) in cash to the account of Binny Kumari on instruction of U. N. Mandal as discussed in above paras.

(d) Hitesh V Shah, in spite of having given the illegal gratification, tried to conceal the real facts during the proceedings of investigation and claiming the same as untainted. Hence, he is directly indulged, knowingly assisted and is actually involved in the activities connected with the offence of money laundering, as defined u/s 3 of PMLA, 2002. He has committed the offence of Money Laundering as defined under section 3 of PMLA and is, therefore, liable to be punished under section 4 of PMLA, 2002.

82. It is evident from the aforesaid paragraphs of the prosecution complaint that the offence originates from the criminal conspiracy relating to manipulation of the Bokaro Steel Plant tender process, wherein the Petitioner, representing M/s Shiv Machine Tools, generated

and paid Proceeds of Crime (PoC) amounting to Rs. 94.42 Lakhs as illegal gratification to the co-accused public servant, Shri U.N. Mandal.

83. It has been alleged that after making the said payment, the Petitioner knowingly engaged in a series of structured financial transactions aimed at concealing the true origin of the funds and integrating them into the financial system. A significant component of this arrangement was the routing of Rs. 70 Lakhs through Mintu Naskar. The said transfer was projected as an "advance payment" for heavy machinery from M/s Naskar Ceramics. However, from prosecution complaint, it revealed that the invoice relied upon was backdated to 14.12.2016, subsequent to the initiation of the CBI's Preliminary Enquiry, and that the said entity did not possess the business capacity to undertake such a transaction.

84. It has come in the complaint that the laundering process was further carried out through the device of so-called "friendly loans." The Petitioner caused funds to be routed through the bank accounts of his employees and relatives and thereafter disbursed as purported loans to the immediate relatives of Shri U.N. Mandal, including Smt. Sova Gayen and Shri Manabendra Nath Mandal. This structuring was undertaken to avoid a direct financial trail between the bribe giver and the recipient. Additionally, the Petitioner participated in depositing unaccounted cash, including a sum of Rs. 4,14,000/- deposited into the bank account of Smt. Binny Kumari, acting on the instructions of the co-accused. It has been alleged that no credible or verifiable explanation was furnished

regarding the transaction with M/s Naskar Ceramics or the nature of the alleged loan disbursements.

85. From the several paragraphs of the prosecution complaint it is evident that the financial trail, supported by certified bank account statements of M/s Shiv Machine Tools and intermediary entities, demonstrates how illegal gratification was generated and subsequently layered through a transaction which, upon examination of VAT returns, absence of production records, and timing of invoice, has been found to be sham or colourable device for routing funds. This includes routing Rs. 70 Lakhs through M/s Naskar Ceramics under the guise of a machinery advance and channeling funds to the relatives of co-accused Shri U.N. Mandal as "friendly loans." These transactions are corroborated by statements recorded under Section 50 of the PMLA.

86. It requires to refer herein that the statement of the Petitioner was also recorded under Section 50 of the Prevention of Money Laundering Act, 2002, and that the Prosecution Complaint dated 11.10.2023 sets out his specific role in the offence. However, the averments are denied to the extent that the Petitioner seeks to portray his bare denials as proof of innocence or to characterize his conduct as genuine cooperation. A mere denial during examination cannot override the documentary material collected during investigation.

87. Thus, the material on record prima facie indicates that the Petitioner was involved in the generation of Rs. 94.42 Lakhs, and also involved in the routing and structuring of such funds through intermediary entities and accounts. The CBI Charge Sheet No. 14/2020

indicates he existence of a criminal conspiracy under Section 120B IPC between the petitioner and Shri U.N. Mandal.

88. Thus, *prima facie* it appears that for the purposes of the PMLA, the petitioner acted as the generator and layerer of the Proceeds of Crime.The acts of transferring, layering and projecting funds as legitimate transactions fall within the scope of "process or activity connected with Proceeds of Crime" under Section 3 of the PMLA, 2002. Accordingly, sufficient grounds exist for proceeding against the Petitioner under Section 3 punishable under Section 4 of the Act.

89. Thus, *prima facie* it appears that Shri Hitesh V. Shah knowingly and directly involved himself in the acquisition, possession, concealment, layering, and projection of Proceeds of Crime amounting to Rs. 94.42 Lakhs as untainted property.

90. The learned counsel for the petitioner has stated that from perusal of the entire Prosecution Complaint and the documents attached it is aptly clear that the petitioner is not involved in any criminal activity relatable to the schedule offence from the commission of which any proceeds of crime was generated and the same was ever dealt with by the petitioner.

91. But from the discussion made hereinabove in the preceding paragraphs it has surfaced during investigation that the Petitioner caused funds to be routed through the bank accounts of his employees and relatives and thereafter disbursed as purported loans to the immediate relatives of Shri U.N. Mandal, including Smt. Sova Gayen and Shri Manabendra Nath Mandal. This structuring was undertaken to avoid a

direct financial trail between the bribe giver and the recipient. Additionally, the Petitioner participated in depositing unaccounted cash, including a sum of Rs. 4,14,000/- deposited into the bank account of Smt. Binny Kumari, acting on the instructions of the co-accused.

92. Thus, the contention of the learned counsel for the appellant is contrary to the documented banking records, which trace the movement and integration of funds into the attached properties. Further, at the stage of Section 227 Cr.P.C., the Court is only required to ascertain whether sufficient grounds exist to proceed.

93. Further, the Act 2002 is independent and concern the process or activity connected with Proceeds of Crime. Whether the tender underwent scrutiny at multiple levels, whether the contract was executed, or whether milestone payments were released does not legitimize the payment of Rs. 94.42 Lakhs allegedly made as illegal gratification.

94. It is apparent from record that the prosecution case is not based merely on procedural aspects of the tender process, but on the documented financial trail establishing the generation and laundering of bribe money. The material indicates that the petitioner paid illegal gratification to secure favourable Technical Appraisal Reports (TAR) and thereafter engaged in layering through fabricated invoices and a transaction which, upon examination of VAT returns, absence of production records, and timing of invoice, has been found to be colourable device for routing funds.

95. Thus, on the basis of discussion made hereinabove this Court is of the considered view that the contention of the learned counsel for the

petitioner that the petitioner is not involved in any criminal activity relatable to the schedule offence from the commission of which any proceeds of crime was generated and the same was ever dealt with by the petitioner is not fit to be accepted.

96. It needs to refer herein that this Court finds that the provisions of the PMLA are attracted to any person who is directly or indirectly involved in the concealment, possession, use, projection, or claiming of proceeds of crime as untainted property. Herein the material collected during investigation prima facie establishes such involvement.

97. The requisite mens rea under Section 3 of the PMLA is apparent from the routing pattern, timing of transactions, and the deliberate structuring of funds through intermediary entities. These circumstances, taken cumulatively, indicate conscious participation in the process or activity connected with the proceeds of crime, thereby satisfying the statutory ingredients of the offence.

98. So far, the issue of lack of jurisdiction is concerned it is evident that the alleged scheduled offence was registered at Ranchi. The alleged criminal conspiracy to manipulate the MECON tender was executed at Ranchi. The core criminal conspiracy to manipulate the tenders of MECON Ltd. was conceived and executed at Ranchi by the co-accused public servant, thereby firmly establishing the territorial jurisdiction of the Special Court (PMLA) at Ranchi. The Proceeds of Crime arose from the said scheduled offence and since the offence under Section 3 of the PMLA is a continuing offence, therefore, the Special Court (PMLA) at Ranchi is the competent forum and have requisite jurisdiction to hear the

matter. Therefore, the contentions regarding lack of territorial jurisdiction and absence of "Proceeds of Crime" (PoC) are legally untenable and without merit.

99. The further contention of the learned counsel for the petitioner that no property was physically seized from the Petitioner, or that the CBI did not quantify his personal illicit enrichment, is misplaced reason being that the prosecution is not confined to mere possession of final assets; rather, the Petitioner is being prosecuted under Section 3 of the PMLA as the main person who generated and layered a sum of ₹94.42 lakhs as illegal gratification. The investigation under the PMLA is independent in nature, and the successful tracing of these funds to their ultimate integration into the attached properties of the co accused fully supports and validates the prosecution case.

100. The Petitioner’s attempt to portray his money-laundering activities as legitimate business or personal transactions is untenable and contrary to the material on record. The prosecution complaint prima facie disproves the claim of bona fide business. It reveals that the Petitioner deliberately routed a sum of ₹70 lakhs as a purported 100% advance for heavy machinery to M/s Naskar Ceramics, a tile vendor with an annual turnover of less than ₹20 lakhs. In order to create a statutory cover before the tax/VAT authorities, the Petitioner relied upon Invoice No. NCC/12, which was conspicuously fabricated on 14.12.2016, exactly five days after the CBI registered its Preliminary Enquiry on 09.12.2016.

101. Likewise, the so-called "friendly loans" were nothing but bogus layering transactions, wherein the Petitioner used his own employees, namely Shri Suresh J. Shah and Shri Anil Adhyaru, to extend unsecured proxy loans to unrelated family members of the public servant, namely Smt. Sova Gayen and Shri Manabendra Nath Mandal. These circumstances, taken cumulatively, establish deliberate structuring and conscious involvement in the laundering of proceeds of crime.

102. Thus, Routing bribe money through banking channels by employing proxy accounts and backdated waybills does not confer legitimacy upon such transactions; rather, it epitomizes the very essence of money laundering. The alleged deliberate use of formal financial instruments and fabricated documentation to disguise illicit origins underscores conscious involvement in the laundering process and squarely attracts the mischief contemplated under Section 3 of the PMLA.

103. Further it requires to refer the Petitioner's reliance on the multi-tier scrutiny and internal committee approvals relating to the Bokaro Steel Plant tender is not fit to be relied reason being that from prosecution complaint prima facie it is evident that Rs. 94.42 Lakhs was paid by the Petitioner in order to secure favourable Technical Appraisal Reports (TAR), therefore, the existence of procedural formalities or committee approvals does not dilute or negate the independent offence of laundering the bribe money paid to manipulate that very process.

104. So far admissibility of the statement recorded under Section 50 of the Act 2002 is concerned it requires to refer herein that the three

Judge Bench of the Hon'ble Apex Court in the case of ***Rohit Tandon vs. Directorate of Enforcement,*** **(2018) 11 SCC 46** held that the statements of witnesses recorded by Prosecution – ED are admissible in evidence in view of Section 50. Such statements may make out a formidable case about the involvement of the accused in the commission of the offence of money laundering. For ready reference the relevant paragraph is being quoted as under:

> *"31. Suffice it to observe that the appellant has not succeeded in persuading us about the inapplicability of the threshold stipulation under Section 45 of the Act. In the facts of the present case, we are in agreement with the view taken by the Sessions Court and by the High Court. We have independently examined the materials relied upon by the prosecution and also noted the inexplicable silence or reluctance of the appellant in disclosing the source from where such huge value of demonetised currency and also new currency has been acquired by him. The prosecution is relying on statements of 26 witnesses/accused already recorded, out of which 7 were considered by the Delhi High Court. These statements are admissible in evidence, in view of Section 50 of the 2002 Act. The same makes out a formidable case about the involvement of the appellant in commission of a serious offence of money laundering. It is, therefore, not possible for us to record satisfaction that there are reasonable grounds for believing that the appellant is not guilty of such offence. Further, the courts below have justly adverted to the antecedents of the appellant for considering the prayer for bail and concluded that it is not possible to hold that the appellant is not likely to commit any offence ascribable to the 2002 Act while on bail. Since the threshold stipulation predicated in Section 45 has not been overcome, the question of considering the efficacy of other points urged by the appellant to persuade the Court to favour the appellant with the relief of regular bail will be of no avail. In otherwords, the fact that the investigation in the predicate offence instituted in terms of FIR No. 205/2016 or that the investigation qua the appellant in the complaint CC No. 700 of 2017 is completed; and that the proceeds of crime are already in possession of the investigating agency and provisional attachment order in relation*

thereto passed on 13-2-2017 has been confirmed; or that charge-sheet has been filed in FIR No. 205/2016 against the appellant without his arrest; that the appellant has been lodged in judicial custody since 2-1-2017 and has not been interrogated or examined by the Enforcement Directorate thereafter; all these will be of no consequence.

105. The Hon'ble Supreme Court in ***Abhishek Banerjee & Anr. v. Enforcement Directorate, (2024) 9 SCC 22*** has again made similar observations:

"21. ...Section 160 which falls under Ch. XII empowers the police officer making an investigation under the said chapter to require any person to attend within the limits of his own or adjoining station who, from the information given or otherwise appears to be acquainted with the facts and circumstances of the case, whereas, the process envisaged by Section 50 PMLA is in the nature of an inquiry against the proceeds of crime and is not "investigation" in strict sense of the term for initiating prosecution; and the authorities referred to in Section 48 PMLA are not the police officers as held in Vijay Madanlal [Vijay Madanlal Choudhary v. Union of India, (2023) 12 SCC 1] .

22. It has been specifically laid down in the said decision that the statements recorded by the authorities under Section 50 PMLA are not hit by Article 20(3) or Article 21 of the Constitution, rather such statements recorded by the authority in the course of inquiry are deemed to be the judicial proceedings in terms of Section 50(4), and are admissible in evidence, whereas the statements made by any person to a police officer in the course of an investigation under Ch. XII of the Code could not be used for any purpose, except for the purpose stated in the proviso to Section 162 of the Code. In view of such glaring inconsistencies between Section 50 PMLA and Sections 160/161CrPC, the provisions of Section would prevail in terms of Section 71 read with Section 65 thereof."

106. In light of the foregoing judicial pronouncements, it is evident that statements recorded under Section 50 of the PMLA hold evidentiary value and are admissible in legal proceedings. The Hon'ble Supreme Court, while emphasizing the legal sanctity of such statements, observed

that they constitute valid material upon which reliance can be placed to sustain allegations under the PMLA.

107. In the aforesaid judgment, the Hon'ble Supreme Court also reaffirmed the admissibility of Section 50 of the PMLA distinguishing them from statements recorded under the CrPC. The Court underscored that such statements, being recorded during an inquiry rather than an investigation, are not subject to the restrictions under Article 20(3) and Article 21 of the Constitution. Instead, they are deemed to be judicial proceedings under Section 50(4) of the PMLA and, therefore, admissible as evidence in proceedings under the PMLA. The Hon'ble Apex Court further clarified that the provisions of Section 50 of the PMLA having an overriding effect by virtue of Sections 65 and 71 of the PMLA prevail over the procedural safeguards under the CrPC.

108. In the case of ***Tarun Kumar v. Assistant Director 2023 INSC 1006*** the Hon'ble Apex Court while relying upon the ratio rendered by the three judge Bench of the Hon'ble Apex Court in the case of ***Rohit Tandon (supra)***has observed thatthe statements of witnesses/ accused are admissible in evidence in view of Section 50 of the said Act and such statements may make out a formidable case about the involvement of the accused in the commission of a serious offence of money laundering. For ready reference the relevant paragraph of the aforesaid judgment is being quoted as under:

> *"14. The first and foremost contention raised by learned Senior Counsel Mr. Luthra would be that the appellant was not named in the FIR nor in first three prosecution/supplementary complaints and has been implicated only on the basis of the statements of witnesses*

recorded pursuant to the summons issued under Section 50 of the PML Act, without there being any material in support thereof.

15.In our opinion, there is hardly any merit in the said submission of Mr. Luthra. In Rohit Tandon vs. Directorate of Enforcement (2018) 11 SCC 46, a three Judge Bench has categorically observed that ***the statements of witnesses/ accused are admissible in evidence in view of Section 50 of the said Act and such statements may make out a formidable case about the involvement of the accused in the commission of a serious offence of money laundering. Further, as held in Vijay Madanlal (supra), the offence of money laundering under Section 3 of the Act is an independent offence regarding the process or activity connected with the proceeds of crime which had been derived or obtained as a result of criminal activity relating to or in relation to a scheduled offence. The offence of money laundering is not dependent or linked to the date on which the scheduled offence or predicate offence has been committed.*** *The relevant date is the date on which the person indulges in the process or activity connected with the proceeds of crime. Thus, the involvement of the person in any of the criminal activities like concealment, possession, acquisition, use of proceeds of crime as much as projecting it as untainted property or claiming it to be so, would constitute the offence of money laundering under Section 3 of the Act."*

109. Accordingly, this Court is of the considered view that statements recorded under Section 50 of the PMLA are admissible in evidence and can be relied upon to establish culpability in money laundering cases.

110. From prosecution complaint it is evident that in instant case such statements which have been recorded under Section 50 is only corroborate the primary and unimpeachable documentary evidence in the form of bank trails.

111. In the catena of judgments, the Hon'ble Supreme Court has clearly held that officers under the PMLA are not police officers, and

statements recorded under Section 50 are legally admissible in evidence. In any event, such statements in the present matter only corroborate the primary and unimpeachable documentary evidence in the form of bank trails.

112. Further it is evident from impugned order that in the present case, the Petitioner has produced no sterling and unimpeachable material. His explanations rest upon demonstrably relied upon documents, including Invoice No. NCC/12 dated 14.12.2016, which the Learned Special Court has found to be prima facie backdated and structured subsequent to registration of the Preliminary Enquiry dated 09.12.2016.

113. Further, at the stage of recording statements during enquiry, it cannot be construed as an investigation for prosecution. The process envisaged under Section 50 of PMLA is in the nature of an inquiry against the proceeds of crime and it is not an investigation and the authorities who are recording the statements are not police officers and therefore, these statements can be relied upon as admissible piece of evidence before the Court. The summons proceedings and recording of statements under PMLA are given the status of judicial proceedings under Section 50(4) of PMLA. When such is the sweep of Section 50 of PMLA, the statements that have been recorded by the respondent and which have been relied upon in the complaint must be taken to be an important material implicating the petitioner.

114. Further, the legal presumption under Section 24(a) of the Act 2002, would apply when the person is charged with the offence of

money-laundering and his direct or indirect involvement in any process or activity connected with the proceeds of crime, is established. The existence of proceeds of crime is, therefore, a foundational fact, to be established by the prosecution, including the involvement of the person in any process or activity connected therewith. Once these foundational facts are established by the prosecution, the onus must then shift on the person facing charge of offence of money- laundering to rebut the legal presumption that the proceeds of crime are not involved in money-laundering, by producing evidence which is within personal knowledge of the accused.

115. Further, the argument that there was no criminal intent (mens rea) is not tenable because the at this stage criminal intent (mens rea) cannot be appreciated and the same can be appreciated in the full blown trial by leading the evidences by the parties.

116. Thus, entire gamut of discussion is like that the prosecution case is not based merely on procedural aspects of the tender process, but on the documented financial trail establishing the generation and laundering of bribe money. The material indicates that the petitioner paid illegal gratification to secure favourable Technical Appraisal Reports (TAR) and thereafter engaged in layering through fabricated invoices and a transaction which, upon examination of VAT returns, absence of production records, and timing of invoice, has been found to be colourable device for routing funds.

117. At this juncture, it needs to refer herein that the Hon'ble Apex Court in the case of ***Pradeep Nirankarnath Sharma Versus Directorate***

of Enforcement and Another, 2025 SCC OnLine SC 560 has observed that as established in multiple judicial pronouncements, cases involving economic offences necessitate a thorough trial to unearth the complete chain of events, financial transactions, and culpability of the accused, therefore the material submitted by the respondent, coupled with the broad legislative framework of the PMLA, indicates the necessity of allowing the trial to proceed and not discharging the appellant at the nascent stage of charge framing and discharging the appellant at this stage would be premature and contrary to the principles governing the prosecution in money laundering cases, for ready reference the relevant paragraphs are being quoted as under:

> *"30. The PMLA was enacted with the primary objective of preventing money laundering and confiscating the proceeds of crime, thereby ensuring that such illicit funds do not undermine the financial system. Money laundering has far-reaching consequences, not only in terms of individual acts of corruption but also in causing significant loss to the public exchequer. The laundering of proceeds of crime results in a significant loss to the economy, disrupts lawful financial transactions, and erodes public trust in the system. The alleged offences in the present case have a direct bearing on the economy, as illicit financial transactions deprive the state of legitimate revenue, distort market integrity, and contribute to economic instability. Such acts, when committed by persons in positions of power, erode public confidence in governance and lead to systemic vulnerabilities within financial institutions.*
>
> *31. The illegal diversion and layering of funds have a cascading effect, leading to revenue losses for the state and depriving legitimate sectors of investment and financial resources. It is settled law that in cases involving serious economic offences, judicial intervention at a preliminary stage must be exercised with caution, and proceedings should not be quashed in the absence of compelling legal grounds. The respondent has rightly argued that in cases involving allegations*

of such magnitude, a trial is imperative to establish the full extent of wrongdoing and to ensure accountability.

32. The PMLA was enacted to combat the menace of money laundering and to curb the use of proceeds of crime in the formal economy. Given the evolving complexity of financial crimes, courts must adopt a strict approach in matters concerning economic offences to ensure that perpetrators do not exploit procedural loopholes to evade justice.

33. The present case involves grave and serious allegations of financial misconduct, misuse of position, and involvement in transactions constituting money laundering. The appellant seeks an end to the proceedings at a preliminary stage, effectively preventing the full adjudication of facts and evidence before the competent forum. However, as established in multiple judicial pronouncements, cases involving economic offences necessitate a thorough trial to unearth the complete chain of events, financial transactions, and culpability of the accused.

34. The material submitted by the respondent, coupled with the broad legislative framework of the PMLA, indicates the necessity of allowing the trial to proceed and not discharging the appellant at the nascent stage of charge framing. The argument that the proceedings are unwarranted is devoid of substance in light of the statutory objectives, the continuing nature of the offence, and the significant financial implications arising from the alleged acts. Discharging the appellant at this stage would be premature and contrary to the principles governing the prosecution in money laundering cases."

118. Thus, from perusal of case record, statements of witnesses, materials available on record and in view of law laid down by the Hon'ble Apex Court as referred hereinabove, this Court is of the considered view that prima-facie sufficient materials are available on record for framing of charge against the present petitioner.

119. It needs to refer herein that the Hon'ble Apex Court in the case of ***Munna Devi v. State of Rajasthan, (2001) 9 SCC 631*** has observed that the revisional power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such

powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the first information report even if they are taken at the face value and accepted in their entirety do not constitute the offence for which the accused has been charged.

120. Thus, it is evident that the revisional power can only be exercised to correct patent error of law or procedure which would occasion unfairness, if it is not corrected. The revisional power cannot be compared with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which the accused has been charged.

121. The Hon'ble Apex Court in the case of ***Asian Resurfacing of Road Agency (P) Ltd. v. CBI, (2018) 16 SCC 299*** has held that interference in the order framing charges or refusing to discharge is called for in the rarest of the rare cases only to correct the patent error of jurisdiction.

122. The Hon'ble Apex Court in the case of ***State of Tamil Nadu v. R. Soundirarasu, and Ors.*, *(2023) 6 SCC 768***has held at paragraphs-81 to 83 as under:

"81. The High Court has acted completely beyond the settled parameters, as discussed above, which govern the power to discharge the accused from the prosecution. The High Court could be said to have donned the role of a chartered accountant. This is exactly what this Court observed in Thommandru Hannah Vijayalakshmi [CBI v. Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135]. The High Court has completely ignored that it was not at the stage of trial or considering an appeal against a verdict in a trial. The High Court has enquired into the materials produced by the accused persons, compared with the information compiled by the investigating agency and pronounced a verdict saying that the explanation offered by the accused persons deserves to be accepted applying the doctrine of preponderance of probability. This entire exercise has been justified on account of the investigating officer not taking into consideration the explanation offered by the public servant and also not taking into consideration the lawful acquired assets of the wife of the public servant i.e. Respondent 2 herein.

82. By accepting the entire evidence put forward by the accused persons applying the doctrine of preponderance of probability, the case put up by the prosecution cannot be termed as "groundless". As observed by this Court in C.S.D. Swami [C.S.D. Swami v. State, AIR 1960 SC 7] that the accused might have made statements before the investigating officer as to his alleged sources of income, but the same, strictly, would not be evidence in the case. 83. Section 13(1)(e) of the 1988 Act makes a departure from the principle of criminal jurisprudence that the burden will always lie on the prosecution to prove the ingredients of the offences charged and never shifts on the accused to disprove the charge framed against him. The legal effect of Section 13(1)(e) is that it is for the prosecution to establish that the accused was in possession of properties disproportionate to his known sources of income but the term "known sources of income" would mean the sources known to the prosecution and not the sources known to the accused and within the knowledge of the accused. It is for the accused to account satisfactorily for the money/assets in his hands. The onus in this regard is on the accused to give satisfactory explanation. The accused cannot make an attempt to discharge this onus upon him at the stage of Section 239CrPC. At the stage of Section 239CrPC, the court has to only look into the prima facie case and decide whether the case put up by the prosecution is groundless."

123. It requires to refer herein that the ambit and scope of exercise of power of discharge, are fairly well settled which has been elaborately discussed in the preceding paragraphs and as per settled proposition of law, no comprehensive assessment of the materials or meticulous consideration of the possible defence need to be undertaken at this stage nor any exercise of weighing materials in golden scales is to be undertaken at this stage. The only deliberation at the stage of discharge is "as to whether prima facie case was made out or not and whether the accused is required to be further tried or not".

124. Further, it is well settled that the revisional power cannot be parallelled with appellate power. The Revisional Court cannot undertake meticulous examination of the material on record as is undertaken by the Trial Court or the Appellate Court.

125. It is evident from the impugned orders that the learned Special Court, PMLA, Ranchi, upon due consideration of the active and conscious role of the petitioner and after perusal of the record has applied the settled principles laid down by the Hon'ble Apex Court and confined its consideration to examining whether the material on record gives rise to "grave suspicion." Upon such examination, the Ld. Special Court observed that the certified bank account statements clearly trace the layering of Rs. 94.42 Lakhs, and that the Petitioner relied upon documents whose timing and surrounding circumstances, as noted in the impugned order, clearly indicate fabrication, including Invoice No. NCC/12.

126. Further it is apparent that the Ld. Court has properly appreciated that the "defence documents" produced by the Petitioner which appears to be self-serving and constitute the very instruments used for concealment and commission of the offence. The rejection of such fabricated material at the threshold does not amount to non-application of mind; rather, it reflects a sound judicial approach and a conscious refusal to conduct a mini-trial for entertaining defence. This approach is in absolute conformity with the settled position of law as discussed and referred hereinabove in the preceding paragraph. Furthermore, the Ld. Special Court has recorded a clear and categorical finding of fact that the Petitioner did not directly pay money to Shri U.N. Mandal, but specifically routed the same through the accounts of relatives to falsely claim the transactions as untainted.

127. Hence, on the basis of discussion made hereinabove and taking into consideration the settled position of law as discussed and referred hereinabove and further taking into consideration the ratio of the judgment rendered by the Hon'ble Apex Court in the case of ***Pradeep Nirankarnath Sharma Versus Directorate of Enforcement and Another (supra)***, this court is of the considered view that there is no illegality in the impugned orders dated 06.08.2025 and 25.03.2026 passed by the learned learned Additional Judicial Commissioner-1 cum Special Judge, PML ActRanchi, in connection with ECIR Case No. 07 of 2023 in ECIR/RNZO/04/2021.

128. Accordingly, this Court do not find any justifiable reason to interfere with the impugned orders dated 03.12.2024 and 07.12.2024.

129. In view thereof, the instant criminal revision petitions are hereby, dismissed.

130. Pending Interlocutory Applications, if any, also stand disposed of.

131. It is made clear that any observations made herein are prima-facie for consideration of issue involved in the instant revision petitions and view expressed herein shall not be construed as an expression on the merits of the case. The learned Trial Court shall proceed with the matter uninfluenced by any observations made by this Court and shall decide the case strictly in accordance with law.

(Sujit Narayan Prasad, J.)

Jharkhand High Court
Dated:13 /05/2026
KNR/**AFR**

Uploaded On:16.5.2026