

**IN THE COURT OF VIKAS DHULL, SPECIAL JUDGE
(PC ACT) (CBI)-23 (Mps/MLAs Cases) ROUSE
AVENUE COURT COMPLEX, NEW DELHI**

**Ct. Case no. 17/22
DLCT11-000304-2022
ECIR/04/HIU/2018**

In the matter of:

Directorate of Enforcement through its Assistant Director
Headquarter Investigation Unit-II
Pravartan Bhawan, Enforcement Directorate Delhi Office
Dr.APJ Abdul Kalam Road
New Delhi, Delhi-110001

... Complainant

Versus

1. D.K.Shivakumar, aged 60
S/o Late D.K.Kempegowda
R/o 252, Sadashivnagar, 18th Cross
Bengaluru

... Accused-1/A-1

2. Sachin Narayan, aged 45
S/o H.G.Narayan
No. 902, 9th A-Cross, 6th Main, IInd Stage
West of Chord Road, Rajajinagar
Bengaluru

... Accused-2/A-2

3. Sunil Kumar Sharma, aged 46
S/o Late D.P.Sharma
No.-3, Parikunj, 7th Cross, Ashok Nagar
Basavangudi, Opp.KarthikNetralaya
Bengaluru

... Accused-3/A-3

4. Anjaneya Hanumanthaiah, aged 49
S/o Hanumanthaiah
GoK, Quarter No-7, RK Puram, Phase-2
Ring Road Delhi

... Accused-4/A-4

5. Rajendra N.aged 76
S/o Late Kandaswamy
No-8B, DDA MG Flat, Sarai Julana
Opp.Escort Heart Research Institute

Sukhdev Vihar, New Delhi

... Accused-5/A-5

ORDER

1. Vide this order, I shall decide the issue of taking of cognizance of the offence and summoning of accused persons.
2. The brief facts of the present complaint are that a criminal complaint under Section 276, 277, 278 of the Income Tax Act, 1961 and Section 193, 199 and 120B of the Indian Penal Code, 1860 was filed before the Ld.Special Court for Economic Offences of Bangalore, against the present accused persons wherein court has also taken cognizance vide order dated 18.06.2018.
3. In the said criminal complaint, it was alleged that accused A-1 while holding a public office in the Government of Karnataka i.e. rank of Cabinet Minister, had generated a huge amount of illegal and unaccounted cash and criminal conspiracy was hatched by accused A-1 with other co-accused persons to hide the tainted cash and evade payment of tax and the said tainted cash was transported from Bangalore to Delhi. It was further alleged that the Income Tax Department had conducted search and seizure operation on 02.08.2017 at the premises of accused A-1 and his associates i.e. co-accused A-2 to A-5 and during the course of search, unaccounted cash of Rs.8,59,69,100/- was seized from the various premises in New Delhi. Since the offence under Section 120-B IPC was a scheduled offence, therefore, investigation in the present case was taken up by registering ECIR on 29.08.2018.
4. During the course of investigation in the present case, it came on record that cash amounting to Rs.6,61,26,000/- was seized from one room of premises no.201, B-5, Safdarjung Enclave, New Delhi and the

said premises were in the possession of accused A-4 and from another room of same premises, cash of Rs.7,58,100/-was recovered and the said room was in the possession of accused A-5. The keys of the aforementioned rooms were recovered from the possession of accused A-4 and A-5 respectively.

5. Statements of both accused A-4 and A-5 were recorded and it came in the statement of accused A-4 that the amount of Rs.6.6 Crores were brought to said premises at the direction of accused A-1 and the said premises were being used by accused A-1 and A-3 for storing cash. It also came in the statement of accused A-4 that the said premises belongs to the brother of accused A-3. Accused A-5 in his statement stated that the said premises was being used by accused A-1 for his personal use, the keys of which were with accused A-4. Further, it also came on record during the course of investigation that another amount of Rs.1,37,36,500/- was recovered from premises no. 17, B-4, Safdarjung Enclave, New Delhi and keys of the said premises was in the possession of accused A-4, who admitted in his statement that he is holding the keys on the direction of accused A-1. It also came in the statement of accused A-4 that the said premises were owned by company of accused A-2.

6. Thirdly, cash amount of Rs.41,03,600/- was recovered from premises no. 107, B-2, Safdarjung Enclave, New Delhi and accused A-4 stated in his statement that the said premises belongs to accused A-1 and he was just maintaining the house.

7. Lastly, the amount of Rs.12,44,900/- was seized from Flat No.01, Karnataka Government Staff Quarters, Sector-6, R.K.Puram, New Delhi and this premises was the official residence of accused A-4. Further, accused A-4 in his statement stated that amount belongs to

accused A-1 and the amount was kept by him to meet the expenditure of various guests of accused A-1. It was concluded after the investigation, that accused A-2 to A-5 assisted accused A-1 in laundering of unaccounted cash by providing their premises/ transporting money / projecting the tainted money as a part of their business. Accordingly, a criminal complaint (in the form of chargesheet) was filed against all accused persons for the offence of money laundering.

8. From the material which has come on record, statements under Section 50 of the PMLA, there is sufficient material on record to take cognizance of the offence under Section 3 read with Section 4 of the PMLA as all the accused persons knowingly assisted pursuant to criminal conspiracy in the concealment / possession of proceeds of crime i.e. unaccounted cash or in projecting it as their lawful business income. I am also satisfied that offence under Section 3 of PMLA is made out solely on the basis of Section 120-B IPC being a scheduled offence and other offences of the Income Tax Act, 1961 being not scheduled offence in the light of judgment of the Hon'ble High Court of Karnataka delivered in **Sachin Narayan Vs. Income Tax Department, 2019 SCC OnLine Kar 1726** and the Hon'ble High Court of Jammu and Kashmir delivered in **Ahsan Ahmad Mirza and Ors. Vs. Enforcement Directorate and another, WP (C) No.2780/2019 CM No. 5528/2019 dated 15.10.2019**. **Accordingly, issue summon to all accused persons for 01.07.2022.**

Announced in the open court

Dated: 31.05.2022

**(Vikas Dhull)
Special Judge (PC Act) (CBI)-23
(MPs/MLAs Cases), RADC, New Delhi**