

ITEM NO.10

COURT NO.5

SECTION II-D

S U P R E M E C O U R T O F I N D I A
RECORD OF PROCEEDINGS

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2234/2023

[Arising out of impugned final judgment and order dated 17-02-2022 in CRLRP No. 493/2017 passed by the High Court of Delhi at New Delhi]

DIRECTORATE OF ENFORCEMENT

Petitioner(s)

VERSUS

GAGANDEEP SINGH & ORS.

Respondent(s)

IA No. 12419/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 12421/2023 - EXEMPTION FROM FILING O.T.

WITH

SLP(Crl) No. 13630/2023 (II)

IA No. 197580/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT

SLP(Crl) No. 15095/2024 (II-B)

SLP(Crl) No. 8356/2024 (II-B)

SLP(Crl) No. 12441/2023 (II-D)

SLP(Crl) No. 3985/2023 (II-C)

IA No. 51330/2023 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT, IA No. 51333/2023 - EXEMPTION FROM FILING O.T.

SLP(Crl) No. 7935/2023 (II-B)

SLP(Crl) No. 9855-9856/2024 (II)

SLP(Crl) No. 12125/2024 (II-D)

Date : 03-02-2026 These matters were called on for hearing today.

CORAM : HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE NONGMEIKAPAM KOTISWAR SINGH

Petitioner(s) Mr. Nikhil Jain, AOR

Mr. Gautam Das, AOR
Mr. Abanikanta Sahu, Adv.
Ms. Smita Samantaray, Adv.
Mr. Santosh Bebarta, Adv.
Ms. Khushi Chopra, Adv.

Mr. Virendra Mohan Sharma, Adv.
Mr. Rajendra Singh Chauhan, Adv.

Mr. S.D. Sanjay, A.S.G.
Mr. Suryaprakash V. Raju, A.S.G.
Mr. Zoheb Hussain, Adv.
Mr. Rajat Nair, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Gaurang Bhushan, Adv.
Ms. Sairica S Raju, Adv.
Mr. Padmesh Mishra, Adv.
Mr. Arkaj Kumar, Adv.
Mr. Ashutosh Gadhe, Adv.
Mr. Samrat Goswami, Adv.
Mr. Prashant Singh-ii, Adv.
Mr. Hitarth Raja, Adv.
Mr. Arvind Kumar Sharma, AOR
Ms. Anushka Gupta, Adv.
Mr. Vatsal Joshi, Adv.
Ms. Aakriti Mishra, Adv.
Mr. Ashutosh Ghade, Adv.
Mr. Prakhar Bharadwaj, Adv.

Mr. Tishampati Sen, Adv.
Mr. Shubhanshu Gupta, AOR
Mr. Chaitanya, Adv.
Mr. Kartik Pant, Adv.
Ms. Sejal Jain, Adv.

For Respondent(s) Mr. Vikram Chaudhri, Sr. Adv. (not present)
Mr. Nikhil Jain, AOR
Mr. Rishi Sehgal, Adv.
Ms. Hargun Sandhu, Adv.
Ms. Nikita Gill, Adv.
Mr. Ishaan Sahai, Adv.
Ms. Divya Jain, Adv.

Mr. Neeraj Kumar Verma, AOR
Mr. M.A. Niyazi, Adv.
Ms. Anamika Ghai Niyazi, Adv.
Ms. Kirti Kumari, Adv.
Ms. Nehmat Sethi, Adv.
Mr. Adnan Naqash, Adv.

Ms. Kumud Lata Das, AOR
Mr. Manoj Singh, Adv.
Mr. Mohit Garg, Adv.
Ms. Pooja Rathore, Adv.
Mr. Harsh Ajay Singh, Adv.
Mr. Siddhant Narayan Das, Adv.
Mr. Shivam, Adv.

Mr. Ashish Kumar Upadhyay, Adv.
 Mr. L. R. Venkatesan, Adv.
 Mr. Y. Lokesh, Adv.
 Mr. V. Kandha Prabhu, Adv.
 Ms. Maitri Goal, Adv.
 Mr. Guneswaran Pv, Adv.
 Ms. Suchismita Bhuyan, Adv.
 Mr. Akshat Srivastava, AOR

Mr. Rajkumar Bhaskar Thakare, A.S.G.
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 Mr. Prasanjeet Mahapatra, Adv.
 Mr. B.K.satiya, Adv.
 Mr. Arkaj Kumar, Adv.
 Mr. Satya Jha, Adv.
 Mr. Vatsal Joshi, Adv.
 Mr. Rohit Khare, Adv.
 Mr. Arvind Kumar Sharma, AOR
 Mr. Anushka Gupta, Adv.
 Ms. Aakriti Mishra, Adv.
 Ms. Anushka Gupta, Adv.

Ms. Devina Sehgal, AOR
 Mr. Yatharth Kansal, Adv.
 Mr. Srikanth Varma Mudunuru, Adv.

Mr. Urfee Haider, AOR

UPON hearing the counsel the Court made the following
 O R D E R

During the course of arguments, a larger issue has emanated pursuant to a query raised by this Court.

This is with respect to the interpretation of the word 'Crime', as mentioned under the provisions of Section 2(1)(u) of the Prevention of Money Laundering Act, 2002 (for short, 'the PMLA'). To invoke the jurisdiction under the PMLA, whether it requires the mere existence of a crime, notwithstanding any interdiction by the Court dealing with the predicate offence?

The incidental issue is on the impact of Explanation (i)

to Section 44 of the PMLA, with respect to a decision made by a Court dealing with the predicate offence at the interim stage of the proceedings under the PMLA, and the said Court decides to pass an order of quashment or discharge or acquittal or drops proceedings due to lack of sanction or in case of a compromise between the parties.

We would also like the learned ASG, learned senior counsel and learned counsel to address this Court on not only the aforesaid issues, but also on the decision rendered by this Court in '*Vijay Madanlal Choudhary & Ors. Vs. Union of India & Ors.*' reported in (2022) SCC OnLine SC 929 and whether the said decision would have any bearing on the issues raised in these batch of matters.

Mr. Arkaj Kumar, learned counsel (Mob. No.9810478949, email ID: NODAL@ARKAJKUMAR.COM) is appointed as the Nodal Counsel in these matters.

List the matters on 08.04.2026 at 2.00 PM. Let the pleadings be completed in all these matters in the meanwhile.

The learned counsel, appearing for the respective parties, are permitted to file short written submissions/synopsis not exceeding four pages before the next date of hearing.

(SWETA BALODI)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR