

ITEM NO.28

COURT NO.9

SECTION II-C

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

Petition(s) for Special Leave to Appeal (Crl.) No(s). 2507-2508/2022

[Arising out of impugned final judgment and order dated 13-09-2021 in WA No. 2614/2012 13-09-2021 in WA No. 2615/2012 passed by the High Court of Judicature at Madras]

THE GOVERNMENT OF INDIA

Petitioner(s)

VERSUS

M/S INDIAN BANK & ANR.

Respondent(s)

(FOR ADMISSION and I.R

IA No. 38573/2022 - EXEMPTION FROM FILING C/C OF THE IMPUGNED JUDGMENT)

Date : 06-01-2025 These matters were called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE M.M. SUNDRESH
HON'BLE MR. JUSTICE RAJESH BINDAL

For Petitioner(s) Mr. Suryaprakash V Raju, A.S.G.
Mr. Mukul Singh, Adv.
Mr. Kanu Agarwal, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Zoheb Hussain, Adv.
Mr. Arvind Kumar Sharma, Aor, Adv.

For Respondent(s) Mr. Brijesh Kumar Tamber, AOR
Mr. Vinay Singh Bist, Adv.
Mr. Prateek Kushwaha, Adv.
Ms. Arani Mukherjee, Adv.
Mr. Yashu Rustagi, Adv.
Mr. Sahas Bhasin, Adv.

Mr. T. Harish Kumar, AOR
Mr. Navneet Dugar, Adv.
Mr. Subham Kothari, Adv.
Mr. Shubham P. Chopra, Adv.

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

The learned ASG has furnished the following
instructions from the Directorate of Enforcement:

"3. Since the objective of the attachment under the PMLA is restoration of the attached property to the victim of the offence and in the facts of the present case the respondent bank is the victim and complainant, the department would have no objection to restoration of the attached property to the respondent bank under the Second proviso to S.8(8) of the PMLA. The same position has already been taken by the ED in similar fact situations in the case of *Directorate of Enforcement v. JSW Steel Ltd. & Ors. Civil Appeal No.3362/2020* and *City Union Bank Ltd. v. Directorate of Enforcement & Ors. Misc. appeal (PMLA) 25/2024.*"

Taking note of the aforesaid statement, we are not inclined to interfere with the impugned order(s).

The Special Leave petitions are, accordingly, dismissed.

Pending application(s), if any, shall stand disposed of.

(ASHA SUNDRIYAL)
ASTT. REGISTRAR-cum-PS

(POONAM VAID)
ASSISTANT REGISTRAR