

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

Writ Petition(s) (Criminal) No(s). 301/2025

BHUPESH KUMAR BAGHEL

Petitioner(s)

VERSUS

UNION OF INDIA & ORS.

Respondent(s)

(IA No. 182834/2025 - EX-PARTE AD-INTERIM RELIEF and IA No. 183512/2025 - PERMISSION TO FILE ADDITIONAL DOCUMENTS/FACTS/ANNEXURES)

Date : 11-08-2025 This matter was called on for hearing today.

CORAM : HON'BLE MR. JUSTICE SURYA KANT
HON'BLE MR. JUSTICE JOYMALYA BAGCHI

For Petitioner(s) : Mr. Kapil Sibal, Sr. Adv.
Mr. Mukul Rohatgi, Sr. Adv. (NP)
Mr. S Nagamuthu, Sr. Adv.
Mr. Vipin Nair, AOR
Mr. Mayank Jain, Adv.
Mr. Madhur Jain, Adv.
Mr. Harshwardhan Parghaniha, Adv.
Mr. Arpit Goel, Adv.
Mr. Deepak Jain, Adv.

For Respondent(s) : Mr. S.V. Raju, ASG
Mr. Bhuvan Kapoor, Adv.
Mr. Annam Venkatesh, Adv.
Mr. Zoheb Hussain, Adv.
Mr. A.K. Sharma, AOR

UPON hearing the counsel the Court made the following

O R D E R

1. Heard learned senior counsel for the petitioner as well as learned Additional Solicitor General on behalf of the respondents.
2. It is a matter of record that, with respect to the interpretation of Section 44(1) of the Prevention of Money-Laundering Act, 2002, a three-Judge Bench of this Court in *Vijay Madanlal Choudhary & Ors. v. Union of India & Ors.*, (2023) 12 SCC 1

in paragraph 263 has held as follows:

"263. Clause (i) of the Explanation enunciates that the jurisdiction of the Special Court while dealing with the offence being tried under this Act, shall not be dependent upon any orders passed in respect of the scheduled offence, and the trial of both sets of offences by the same court shall not be construed as joint trials. This, in fact, is reiteration of the earlier part of the same section, which envisages that even though both the trials may proceed before the same Special Court, it must be tried separately as per the provisions of the 1973 Code. Insofar as clause (ii) of the Explanation, at the first glance, it does give an impression that the same is unconnected with the earlier part of the section. However, on closer scrutiny of this provision, it is noted that the same is only an enabling provision permitting to take on record material regarding further investigation against any accused person involved in respect of offence of money laundering for which complaint has already been filed, whether he has been named in the complaint or not. Such a provision, in fact, is a wholesome provision to ensure that no person involved in the commission of offence of money laundering must go unpunished. It is always open to the authority authorised to seek permission of the court during the trial of the complaint in respect of which cognizance has already been taken by the court to bring on record further evidence which request can be dealt with by the Special Court in accordance with law keeping in mind the provisions of the 1973 Code as well. It is also open to the authority authorised to file a fresh complaint against the person who has not been named as accused in the complaint already filed in respect of same offence of money laundering, including to request the court to proceed against such other person appearing to be guilty of offence under Section 319 of the 1973 Code, which otherwise would apply to such a trial."

3. To sum up the contention of the petitioner, this Court has held that: (i) The authorities of the Enforcement Directorate can bring on record further evidence during the trial; (ii) the further evidence can be brought on record with the prior permission

of the Court; and (iii) the Enforcement Directorate can either file a fresh complaint or the Court can proceed against such other person under Section 319 Cr.P.C. (now substituted by a new provision under the Bharatiya Nagarik Suraksha Sanhita, 2023).

4. There is no gainsaying if the Enforcement Directorate or the authority has acted contrary to the principles of law, which are explained by this Court in *Vijay Madanlal Choudhary*, the aggrieved person(s), including the petitioner, if so advised, shall always be at liberty to approach the High Court questioning such action of the authorities.

5. With the liberty aforesaid, the instant writ petition is disposed of with pending application(s), if any.

(NITIN TALREJA)
ASTT. REGISTRAR-cum-PS

(PREETHI T.C.)
ASSISTANT REGISTRAR