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Crl.O.P.No.8776 of 2025

IN THE HIGH COURT OF JUDICATURE AT MADRAS

RESERVED ON : 21.11.2025

DELIVERED ON : 05.03.2026

CORAM :

THE HONOURABLE MR. MANINDRA MOHAN SHRIVASTAVA,
CHIEF JUSTICE

AND

THE HONOURABLE MR.JUSTICE G.ARUL MURUGAN

CRL OP No.8776 of 2025
and CRL MP No.5762 of 2025

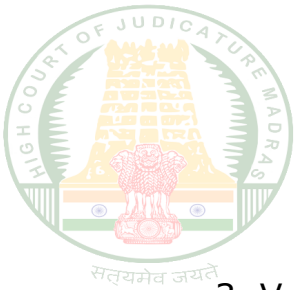
The Deputy Director
Directorate of Enforcement,
Chennai Zonal Office,
5th and 6th Floor, BSNL Administrative Building,
No 2, Kush Kumar Road,
Nungambakkam, Chennai - 600 034.

... Petitioner

Vs

1. The Deputy Superintendent of Police
Central Bureau of Investigation,
Anti Corruption Bureau, Chennai.

2. Dr.P.Vijayan
S/o. Late V.Perumal,
Shrikrishnalaya, No.3/308
AGS Colony Main Road,
Kottivakkam Seaside,
Chennai - 600 041.



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3. V.Anitha

W/o.Dr.P.Vijayan,
Shrikrishnalaya, No.3/308,
AGS Colony Main Road,
Kottivakkam Seaside,
Chennai - 600 041

... Respondent(s)

PRAYER: Petition filed under Section 538 of the Bharatiya Nagarik Suraksha Sanhita, 2023 read with Section 482 of the Criminal Procedure Code to set aside the order dated 18.03.2025 in Crl.MP. Np.154 of 2025 in C.C.No.19 of 2014 passed by the XIII Additional Special Court for CBI Cases, Chennai and to consequently transfer the case in CC.No.19 of 2014 pending before the XIII Additional Special Judge for CBI Cases, Chennai, to the Principal Sessions Judge, Chennai under Section 44(1)(c) of the PMLA in the interest of justice.

For Petitioner(s): Mr.Rajnish Pathiyil
Special Public Prosecutor

For Respondent(s): Mr.B.Mohan,
Special Public Prosecutor (CBI)
for R1

Mr.R.Sathish Kumar
for R2 and R3



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ORDER

G.ARUL MURUGAN,J.

Calling into question the correctness of the order dated 18.3.2025 passed by the XIII Additional Special Judge for CBI Cases, Chennai, the unsuccessful complainant has preferred this original petition.

2.1. Cut to the chase, the facts run thus: The petitioner herein is the investigating agency, which, *inter alia*, enforces the Prevention of Money-Laundering Act, 2002 [*the PMLA*]. Respondent Nos.2 and 3 are facing trial before the Principal Sessions Court, Special Court for PMLA cases, for the offence under Section 3 of the PMLA, punishable under Section 4 of the PMLA.

2.2. It is stated that the first respondent herein had registered a criminal case against respondent Nos.2 and 3 and, upon investigation, charge sheet was filed before the Principal Special Judge for CBI Cases, Chennai, for the offences punishable under



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Section 13(2) read with Section 13(1)(e) of the Prevention of Corruption Act, 1988 [*the PC Act*]. The case filed by the first respondent was numbered as C.C.No.19 of 2014 and is pending before the XIII Additional CBI Court, Chennai, at the stage of trial.

2.3. It is averred that the offences under the PC Act are scheduled offences and a *prima face* case of money laundering having been made out, the petitioner registered an enforcement case on 31.12.2014 and, upon investigation, a provisional attachment order dated 12.3.2015 was issued by the petitioner in exercise of the powers conferred under Section 5(1) of the PMLA. Consequently, under Section 5(5) of the PMLA, a complaint was filed before the Adjudicating Authority (PMLA), New Delhi and the same was confirmed on 26.5.2015 holding that the properties attached were proceeds of crime which were involved in money laundering.

2.4. The asseverations are to the effect that the petitioner, thereafter, filed a complaint under Section 44(1) of the PMLA against respondent Nos.2 and 3 for the offence of money laundering



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as defined under Section 3 and punishable under Section 4 of the PMLA on the file of the Principal Sessions Judge at Chennai and the said complaint was taken cognizance of and numbered as C.C. No.37 of 2015.

2.5. It is further stated that the trial of the predicate offence is well behind the trial of the offence of money laundering and several documents that have been examined in C.C.No.19 of 2014 are relevant to the case in C.C.No.37 of 2015 and should be led as evidence. Therefore, it is stated that the petitioner filed an application before the CBI Court dealing the scheduled offence to transfer the scheduled offence case to the designated Special Court under the PMLA by virtue of Section 44(1)(c) of the PMLA. However, the CBI Court dismissed the application filed by the petitioner vide order dated 18.3.2025. Hence, the present petition.

3. Learned Special Public Prosecutor appearing on behalf of the petitioner/Enforcement Directorate would submit that in view of the provisions contained in Section 44(1)(c) of the PMLA and the Supreme Court decisions in *Vijay Madanlal Choudhary v. Union of*



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*India*¹ as well as *Rana Ayyub v. Directorate of Enforcement*², no discretion is left with the court which has taken cognizance and is trying the predicate offence, but to commit the case to the Special Court under the PMLA.

4. Learned Public Prosecutor appearing for the first respondent/CBI would submit that the CBI Court is a Special Court constituted under the PC Act, which has overriding effect over the Code of Criminal Procedure. Section 44(1)(c) of the PMLA, in terms, does not mandate committal of a case being tried by the Special Court constituted under the special enactment in respect of the offences specified in the special enactment.

5. Learned counsel appearing on behalf of respondent Nos.2 and 3 made similar submission as that of counsel for respondent No.1/CBI.

6. We have given our thoughtful consideration to the submissions advanced on either side.

¹ (2023) 12 SCC 1
² (2023) 4 SCC 357



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7. Before advertng to the merits of the contentions, it is apposite to reproduce Section 43 and 44 of the PMLA hereunder:

"43. Special Courts.

(1) The Central Government, in consultation with the Chief Justice of the High Court, shall, for trial of offence punishable under section 4 by notification designate one or more Courts of Session as Special Court or Special Courts for such area or areas or for such case or class or group of cases as may be specified in the notification.

Explanation.- In this sub-section, "High Court" means the High Court of the State in which a Sessions Court designated as Special Court was functioning immediately before such designation.

(2) While trying an offence under this Act, a Special Court shall also try an offence, other than an offence referred to in sub-section (1), with which the accused may, under the Code of Criminal Procedure, 1973 (2 of 1974), be charged at the same trial.

Section 44. Offences triable by Special Courts.

(1) Notwithstanding anything contained in the Code of Criminal Procedure, 1973 (2 of 1974),-

(a) an offence punishable under section 4 and any scheduled offence connected to the offence under that



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section shall be triable by the Special Court constituted for the area in which the offence has been committed:

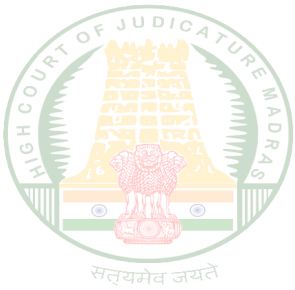
Provided that the Special Court, trying a scheduled offence before the commencement of this Act, shall continue to try such scheduled offence; or;

(b) a Special Court may, upon a complaint made by an authority authorized in this behalf under this Act take cognizance of offence under section 3, without the accused being committed to it for trial;

Provided that after conclusion of investigation, if no offence of money laundering is made out requiring filing of such complaint, the said authority shall submit a closure report before the Special Court; or

(c) if the court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the complaint of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority authorized to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court shall, on receipt of such case proceed to deal with it from the stage at which it is committed.

(d) a Special Court while trying the scheduled offence or the offence of money-laundering shall hold trial in



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accordance with the provisions of the Code of Criminal Procedure, 1973 (2 of 1974), as it applies to a trial before a Court of Session.

Explanation.- For the removal of doubts, it is clarified that,-

(i) the jurisdiction of the Special Court while dealing with the offence under this Act, during investigation, enquiry or trial 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 trial;

(ii) the complaint shall be deemed to include any subsequent complaint in respect of further investigation that may be conducted to bring any further evidence, oral or documentary, against any accused person involved in respect of the offence, for which complaint has already been filed, whether named in the original complaint or not.

(2) Nothing contained in this section shall be deemed to affect the special powers of the High Court regarding bail under section 439 of the Code of Criminal Procedure, 1973 (2 of 1974) and the High Court may exercise such powers including the power under clause (b) of sub-section (1) of that section as if the reference to "Magistrate" in that section includes also a reference to a



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Special Court designated under section 43."

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8. A Special Court is constituted under Section 43(1) of the PMLA primarily for the purpose of trying an offence punishable under Section 4 of the PMLA. Sub section (2) of Section 43 of the PMLA confers additional jurisdiction upon such Special Court to try any other offence with which the accused may be charged at the same trial.

9. Under Section 44(1) of the PMLA, an offence punishable under Section 4 of the PMLA and any scheduled offence connected to the offence under that section shall be triable by the Special Court constituted for the area in which the offence has been committed.

10. From a cursory glance of Section 44(1)(c) of the PMLA, it can be deduced that if the court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the complaint of the offence of money-laundering under sub-clause (b), it shall, on an application by the authority



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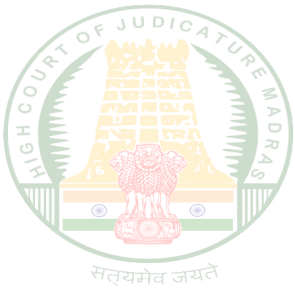
authorized to file a complaint under this Act, commit the case relating to the scheduled offence to the Special Court and the Special Court shall, on receipt of such case, proceed to deal with it from the stage at which it is committed.

11. Section 44 of the PMLA silhouettes two categories of cases, to wit, (i) cases involving offence of money laundering and any scheduled offence connected thereto; and (ii) cases where the court which has taken cognizance of the scheduled offence, is other than the Special Court which has taken cognizance of the complaint of the offence of money laundering.

12. In order to answer the issues formulated herein above, it is seemly to refer to the decision of the Supreme Court in *Rana Ayyub v. Directorate of Enforcement* (supra). In the said decision, the Supreme Court considered two issues:

(i) Whether the trial of the offence of money-laundering should follow the trial of the scheduled/predicate offence or vice versa; and

(ii) Whether the Court of the Special Judge, Anti-



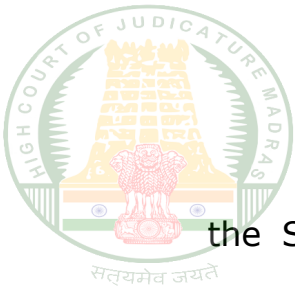
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Corruption, CBI Court No. 1, Ghaziabad, can be said to have exercised extra-territorial jurisdiction, even though the offence alleged, was not committed within the jurisdiction of the said Court?

13. The Supreme Court emphatically held that Section 44(1) (a) of the PMLA lays down the most fundamental rule relating to territorial jurisdiction, by providing that an offence punishable under Section 4 of the PMLA and any scheduled offence connected to the same shall be triable by the Special Court constituted for the area in which the offence has been committed, and that Section 44(1)(a) of the PMLA uses the expression "offence" in three places in contradistinction to the expression "scheduled offence" used only once. This usage is not without significance. In all three places where the word "offence" alone is used, it connotes the offence of money-laundering. The place where the expression "scheduled offence" is used, it connotes the predicate offence. By prescribing that an offence punishable under Section 4 of the PMLA and any scheduled offence connected to the same shall be triable by the Special Court constituted for the area in which "the offence" has been committed, Section 44(1)(a) makes it crystal clear that it is



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the Special Court constituted under Section 44(1), which will be empowered to try even the scheduled offence connected to the same.

14. The Supreme Court then dealt with a situation as to what happens if the Court which has taken cognizance of the scheduled offence is other than the Special Court which has taken cognizance of the offence of money-laundering. It was held that if the Court which has taken cognizance of the scheduled offence is different from the Special Court which has taken cognizance of the offence of money laundering, then the authority authorized to file a complaint under PMLA should make an application to the Court which has taken cognizance of the scheduled offence. On the application so filed, the Court which has taken cognizance of the scheduled offence, should commit the case relating to the scheduled offence to the Special Court which has taken cognizance of the complaint of money-laundering. Since the PMLA contemplates the trial of the scheduled offence and the trial of the offence of money-laundering to take place only before the Special Court constituted under Section 43(1), a doubt is prone to arise as to whether all the



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offences are to be tried together. This doubt is sought to be removed by Explanation (i) to Section 44(1). Explanation (i) clarifies that the trial of both sets of offences by the same Court shall not be construed as joint trial.

15. The proposition enunciated by the Supreme Court in the aforesaid decision leaves no room for doubt that the trial of the scheduled offence should take place in the Special Court which has taken cognizance of the offence of money laundering. In other words, the trial of the scheduled offence, in so far as the question of territorial jurisdiction is concerned, should follow the trial of the offence of money laundering and not vice versa.

16. In view of the above, when an application is filed before the CBI Court dealing with the scheduled offence, seeking to transfer the scheduled offence to the designated Special Court under Section 44(1)(c) of the PMLA, the CBI Court is mandated and left with no other option than to transfer the scheduled offence case to the designated Special Court under the PMLA. The impugned order of the trial court rejecting the application, holding that the

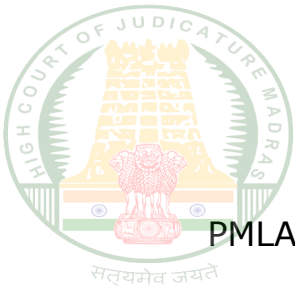


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trial in the scheduled offence is in an advanced stage and that the transfer to the designated Special Court under the PML Act would delay the trial, is in the teeth of the decision of the Hon'ble Supreme Court in *Rana Ayyub v. Directorate of Enforcement* (supra) and as such, the impugned order is perverse and cannot be sustained.

17. However, further question arises as to whether the same position would apply to a situation, where the predicate offence is an offence under a special enactment and is being tried by a special court constituted under the special enactment, viz., the PC Act and the Special Court under the PMLA is not a designated Special Court under the PC Act. In view of the overriding effect contained in the provisions of PMLA and being a special Act, would the Special Court under the PMLA impliedly vest with jurisdiction to try the scheduled offence under the PC Act, on the case being transferred to it under Section 44(1)(c) of the PMLA.

18. Before delving into that issue, we find in the facts of the present case that when the Special Court constituted under the



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PMLA is not a designated Special Court under the Prevention of Corruption Act, however the CBI Court, which is trying the scheduled predicate offence under the Prevention of Corruption Act, incidentally is also a designated Special Court under the PMLA.

19. In a similar situation, the Hon'ble Supreme Court in the case of *Assistant Director, Directorate of Enforcement v. Inspector of Police and another* [SLP Diary No.18882 of 2022 dated 30.09.2022] based on the statement of the Additional Solicitor General, that the case under the PMLA, may be transferred to the Special Court which is trying the scheduled predicate offence under the PC Act, 1988, as that the said Court is competent to try both cases, by keeping the legal issue open, directed the case from the Special Court under the PMLA to be transferred to the Special Court trying the predicate offence under the PC Act. The relevant portion reads as below:-

"Mr.Suryaprakash V. Raju, learned Additional Solicitor General, on instructions from the appellant and respondent No. 1, states that the case under the Prevention of Money Laundering Act, 2002 may be transferred to the Court of the Special Judge (SPE/CBI)-I, Ernakulam, Kerala, which is in seisin



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of the case under the Prevention of Corruption Act, 1988. He states that the said court is competent to try both cases.

The statement made by the learned Additional Solicitor General is taken on record. Accordingly, we direct the case/prosecution under the Prevention of Money Laundering Act, 2002 would be transferred to the Court of the Special Judge (SPE/CBI)-I, Ernakulam, Kerala, where the trial in the case under the Prevention of Corruption Act, 1988 is pending. We clarify that the we have not commented on the merits of the legal issue raised, which is left open.

Recording the aforesaid, the appeal is allowed and disposed of."

20. Taking note of the aforesaid decision of the Hon'ble Supreme Court, as in the instant case also, the Special Court trying the predicate scheduled offence under the PC Act, is also a designated Special Court under the PMLA, which is competent to try both cases, whereas the Special Court under the PMLA is not a designated Special Court under the PC Act, by keeping the larger issue open to be decided in an appropriate case, we deem it fit to follow the same proposition.

21. Ergo, the impugned order is set aside and we direct the case in C.C.No.37 of 2015 on the file of the learned Principal



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Sessions Judge, Chennai, under PMLA, be transferred to the XIII Additional Special Court for CBI Cases, Chennai, which is trying the predicate scheduled offence in C.C.No.19 of 2014 under the Prevention of Corruption Act, 1988.

22. Accordingly, this Criminal Original Petition stands allowed with the above directions.

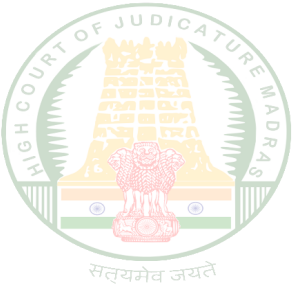
(MANINDRA MOHAN SHRIVASTAVA, CJ) (G.ARUL MURUGAN,J)
05.03.2026

Index : Yes
Neutral Citation : Yes

sasi/sri

To:

1. The Deputy Superintendent of Police
Central Bureau of Investigation,
Anti Corruption Bureau, Chennai.



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THE HON'BLE CHIEF JUSTICE
AND
G.ARUL MURUGAN,J.

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