**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr. Revision No.812 of 2026**

Binod Kumar Singh, aged about 50 years, Son of Jagnarayan Singh, Resident of 64, Neelanchal Compound, Piska More, Sarda Battey Gali, Ratu Road, P.O.-Hehal, P.S.-Sukhdeonagar & District-Ranchi

...**Petitioner**

**Versus**

Directorate of Enforcement, Ranchi Zonal Office, Ranchi.

... ...**Opp. Party/Respondent**

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**CORAM: HON'BLEMR. JUSTICE SUJIT NARAYAN PRASAD**

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For the Petitioner : Mr. Ajit Kumar, Sr. Adv
Mr. Abhishek Abhi, Adv

For the Respondent : Mr. Amit Kumar Das, Sr. Adv
Mr. Saurav Kumar, Adv.

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**CAV/Reserved on 07.10.2026** **Pronounced on 04/11/2026**

***Per Sujit Narayan Prasad, J.***

**Prayer:**

***1.*** The present criminal revision has been filed challenging the legality, propriety, and correctness of the order dated 10.06.2026 passed in Miscellaneous Criminal Application No. 2539/2025 (arising out of ECIR Case No. 06/2023) by learned AJC-I cum Special Judge, PMLA, Ranchi, whereby and whereunder the learned trial court has rejected the application of the petitioner filed under Section 250 of the Bharatiya Nagarik Suraksha Sanhita, 2023/227 of the Criminal Procedure Code, for discharge from the offences defined under Section 3 and punishable under Section 4 of the Prevention of Money Laundering Act, 2002.

**Factual Matrix**

***2.*** Genesis of the prosecution case is like that in the course of investigation in ECIR/RNZO/18/2022, searches were conducted on 13.04.2023 at several premises, including the premises of Shri Bhanu Pratap Prasad, the then Revenue Sub-Inspector, Circle Office, Baragain, Ranchi. The searches resulted in the seizure of, inter alia, 17 original registers of the Circle Office and 11 trunks containing voluminous property documents, a large number of which were found to be forged, tampered with and falsified.

***3.*** The said information was shared with Jharkhand Government under Section 66(2) Prevention of Money Laundering Act 2002, consequent thereto an FIR bearing No. Sadar PS case No. 272/2023 dated 01.06.2023 was registered against one Bhanu Pratap Prasad, Revenue Sub-Inspector under Sections 465/467/468/469/476/420/ 379/474 of IPC on the written complaint of Manoj Kumar, Circle Officer, Baragai Anchal.

***4.*** Since Sections 467/476 and 420 of IPC out of Sections 465/467/468/469/476/420/379/474 of IPC in the FIR No. 272/2023 dated 01.06.2023 were the scheduled offences under the Prevention of Money Laundering Act, Enforcement

Directorate registered ECIR RNZO/25/2023 and conducted investigation under PMLA, 2002.

***5.*** The investigation culminated in the submission of prosecution complaint under the PMLA, 2002 against the accused persons namely Bhanu Pratap Prasad, Raj Kumar Pahan, Hilariyas Kachhap, including the present petitioner Binod Singh arraigned as accused A-5, which resulted in the institution of ECIR Court Case No. 06/2023.

***6.*** The background for sharing information u/s 66(2) of the PMLA, 2002 was the investigation by Enforcement Directorate in another case being ECIR RNZO/18/2022 into the matter of fraudulent acquisition of land, which was in possession of Ministry of Defence, Government of India, having area 4.45 acres at Morabadi, Ranchi. During the investigation of that case, it came to light that a group of private persons in connivance with government officials including the Ex-Deputy Commissioner, Ranchi, and Bhanu Pratap Prasad (Revenue Sub-Inspector, Circle Office, Baragain, Ranchi) were part of land grabbing syndicate and were involved in corrupt practices, which included acquiring properties on the basis of false deeds, falsification of Government records, tampering with original revenue documents etc. in order to facilitate private persons to acquire landed properties in a fraudulent manner.

***7.*** The investigation revealed the operation of an organised land-grabbing syndicate which acquired valuable parcels of land by fraudulent means, including by tampering with original government registers, falsifying government revenue records and manufacturing forged title documents. Among the properties so identified is a parcel admeasuring 8.86 acres situated at Shanti Nagar, Baragain, Bariyatu Road, Ranchi, in the locality commonly known and identified by witnesses as "Lalu Khatal", which has been illegally acquired and has remained in the continuous possession, control and beneficial enjoyment of the accused No. 2 since the year 2010-11.

***8.*** It is stated that during searches on 13.04.2023 in connection with ECIR/RNZO/18/2022, handwritten diaries were also seized from the possession of other persons namely, Md. Saddam Hussain, Imtiaz Ahmad and others, who were associates of Bhanu Pratap Prasad. In the diaries cash payment to Bhanu Pratap Prasad was mentioned by his associates and in the cash transactions details in respect of property measuring 4.83 acres situated at Plot Nos. 31, 32, 33, 35, 36, 38, 72 and 73, Khata No. 53, Mouza Gari, Baragain Anchal, Ranchi, two false deeds- one of the year 1940 and the other of the year 1974 were found to have been prepared by the associates of Bhanu Pratap Prasad.

***9.*** It has been stated that the land measuring 4.83 acres is a portion of 37.10 acres of land, which was purchased from Catholic Credit Cooperative Society by Mangal Mahto and Kaila Mahto in the year 1939 executed at the office of the District Sub-Registrar, Ranchi. It was revealed during investigation that the said properties are entered in Register-II at Page No. 53 of Volume-I of Gari Mouza.

***10.*** The land belongs to the Mahtos, which could not be sold or transferred to the persons belonging to the General Category. However, Bhanu Pratap Prasad in connivance with his accomplices entered the property measuring 4.83 acres in the name of Samrendra Chandra Ghoshal at Page no. 139 of Register-II, Volume I. This page was earlier opened in the name of a raiyat, namely, Jitya Bhokta, Son of Tetar Bhokta. The name of Jitya Bhokta as well as Tetar Bhokta were encircled in red ink and the name of one Samrendra Chandra Ghoshal and Jitendra Chandra Ghoshal were written in place of Jitya Bhokta and Tetar Bhokta respectively thereby making this property as a general property which became saleable.

***11.*** On being confronted with the said facts while recording statement u/s 50 PMLA, 2002, Bhanu Pratap Prasad had admitted about his involvement. The Circle Officer, Baragain was requested to provide a fresh certified copy of the concerned page but he, vide letter dated

19.03.2024, informed that the said page was torn and destroyed by someone, hence, the same could not be made available. It was therefore, implied that the records and evidence associated with the forgery committed by Bhanu Pratap Prasad and others are being destroyed and there are other persons involved, who is/are acting on behalf of Bhanu Pratap Prasad and others.

***12.*** It has been alleged that in the first survey conducted u/s 16 of the PMLA, 2002 on 20.04.2023 in respect of 8.86 acres of land in presence of the Circle Officer, Circle Inspector, Circle Aamin, Baijnath Munda, Shyam Lal Pahan, Bhanu Pratap Prasad and the officials of the Directorate of Enforcement, Ranchi Zonal Office, it was seen that there was a big chunk of land bounded by stone walls with a temporary settlement in which a family consisting of five persons were residing and on inquiry about the ownership of the land, one lady residing and available there stated that the owner of the said 8.86 acres of the land was A-2.

***13.*** In the course of inquiry, one Santosh Munda had stated that the land belonged to Mantri Ji. On further inquiry, Santosh Munda had stated that the land was in custody of A-2, which was noted by all persons present during the survey proceedings by putting their signatures on the paper drawn for that purpose.

***14.*** In the second survey dated 10.02.2024, conducted in the presence of the officials of the Circle Office, Baragain, the Anchal Ameen, the Petitioner Binod Kumar Singh himself and Shri Bhanu Pratap Prasad, it was confirmed and recorded that the locality shown on the Banquet Hall plan retrieved from the Petitioner's mobile phone is the same locality in which the 8.86 acres of land is situated, and further that no other parcel of comparable dimension was available in that locality upon which a structure of the kind proposed could be constructed. The said survey proceedings, being records prepared and attested by competent public officials.

***15.*** During investigation it is revealed that the Petitioner, Binod Kumar Singh, is a partner in M/s Grids Consultants and is a very close associate of Accused No. 2. In the course of investigation in ECIR/RNZO/07/2023, a search under Section 17 of the PMLA, 2002 was conducted on 03.01.2024 at the residential premises of the Petitioner, in the course of which his mobile phone, his laptop and unaccounted cash amounting to Rs. 23,74,000/- were seized. Scrutiny of the seized mobile phone yielded highly incriminating material, including WhatsApp communications exchanged between the Petitioner (mobile No. 983xxxxx76) and Accused No. 2 (mobile No. 94xxxxx949).

***16.*** It is further revealed that the said WhatsApp communications establish that on 06.04.2021 the Petitioner shared with Accused No. 2 the plan/layout of a proposed Banquet Hall, prepared by his own firm M/s Grids Consultants, bearing the name of the said firm upon its face and describing the location of the proposed construction as "Lalu Khatal, Bariyatu Road, Ranchi". The date borne on the said site plan is 12.04.2018.

***17.*** It is alleged that it has come during investigation that the said plan was under continuous amendment and active professional processing for a period of more than four years. The WhatsApp communications between the Petitioner and his own employee Shri Pranav Kumar Mandal establish that on 10.09.2022 the Petitioner shared with the said employee a file expressly titled "banquet @bariyatul.pdf", in which the name of the project was recorded as "Proposed Banquet Hall" and the address was recorded as "Lalu Khatal, Bariyatu Road, Ranchi".

***18.*** It has come in the investigation that the said Pranav Kumar Mandal, in his statement recorded under Section 50 of the PMLA on 08.03.2024, has confirmed that the site plan was shared with him by the Petitioner for the purpose of carrying out edits to the parking area of the said plan, and that after making the requisite edits he reverted the same to the Petitioner. Conspicuously, the said site plan bears the

name of M/s Grids Consultants but bears no client's name whatsoever.

***19.*** It is alleged that when Accused No. 2 was confronted with the said WhatsApp chats in his statement dated 05.02.2024 recorded under Section 50 of the PMLA, he refused to append his signature upon the chats, furnished false information in respect thereof, and declined to produce his mobile phone for cross-verification. When further confronted on 06.02.2024 with the construction plan of the proposed Banquet Hall at Lalu Khatal, Bariyatu Road, Ranchi, prepared on 12.04.2018 and shared by the Petitioner on 06.04.2021, Accused No. 2 had stated that he had no information whatsoever regarding the said property.

***20.*** The investigation further revealed that after the first summons was issued to Accused No. 2, an application was immediately moved by his accomplice Shri Raj Kumar Pahan before the Deputy Commissioner, Ranchi, registered as SAR Case No. 81/2023-24, and by order dated 29.01.2024 the SAR Court cancelled the jamabandis of the earlier occupants, thereby enabling Shri Raj Kumar Pahan to acquire the property on paper and to distance Accused No. 2 from his illegal occupation and possession.

***21.*** Upon completion of investigation, the Prosecution Complaint dated 30.03.2024 was filed under Sections 44 and 45 of the PMLA, 2002 before the learned Special Court

(PMLA), Ranchi, arraigning the Petitioner as Accused No. 5, and cognizance was taken vide order dated 04.04.2024. Supplementary Prosecution Complaints dated 07.06.2024 and 10.08.2024 were thereafter filed, the latter recording, inter alia, the provisional attachment of the said 8.86 acres of property at Shanti Nagar, Bariyatu Road, Ranchi.

***22.*** It is alleged that the role attributed to the Petitioner in the Prosecution Complaint is specific and he is directly a party with Accused No. 2 in the concealment of proceeds of crime and he prepared a plan of a Banquet Hall proposed for construction upon the said 8.86 acres of property, the said plan having been made in the year 2018 and having remained under continuous amendment until 2022 and the name of petitioner's firm M/s Grids Consultants was borne upon the said plan and he transmitted the said plan to Accused No. 2 over WhatsApp as such he was accordingly well aware of the land upon which the said Banquet Hall was proposed to be constructed and despite such knowledge he gave a false statement under Section 50 of the PMLA in order to assist Accused No. 2 in concealing the proceeds of crime; and that he thereby knowingly became a party with Accused No. 2 in the concealment of the true possession and use of the said property.

***23.*** It has come on record that Petitioner was not arrested during investigation, no occasion for custodial

interrogation having arisen. He furnished bonds under Section 88 of the Cr.P.C. which were accepted by the learned Special Court vide order dated 08.08.2024.

***24.*** Thereafter the Petitioner's application for discharge, was filed under Section 250 of the BNSS, 2023 and registered as Miscellaneous Criminal Application No. 2539/2025, came to be rejected by the learned Special Judge vide the impugned order dated 10.06.2026 against which the present revision has been preferred.

**Submission of the learned counsel for the petitioner**

***25.*** While assailing the impugned order the learned counsel for the petitioner has taken the following grounds:

(i) Assailing the impugned order, learned counsel for the petitioner submits that the petitioner is innocent and has been falsely implicated in the present case. According to the petitioner, the allegations levelled against him are wholly misconceived, baseless and unsupported by any cogent material, and therefore no case is made out warranting his prosecution under the provisions of the PMLA.

(ii) It has been contended that the preparation of the sketch map allegedly relied upon by the prosecution falls squarely within the petitioner's professional responsibilities as an architect and consultant. Even if

the allegations contained in the Prosecution Complaint are accepted in their entirety, the mere preparation or transmission of a proposed architectural design cannot, by itself, constitute any criminal offence or establish complicity in money laundering.

(iii) It has further been argued that the so-called incriminating map relating to the alleged proceeds of crime, namely the 8.86 acres of land, was merely a preliminary and proposed layout plan. The same was neither a sanctioned building plan nor a construction drawing. Admittedly, no construction was ever undertaken on the said land and no further steps were taken pursuant to the alleged proposal.

(iv) It has further been contended that the petitioner being in the business of architectural consultancy, it is implicit that materials such as architectural plans, maps and designs would be communicated among employees and clients/other persons for the purposes of work/business in usual course of business and nothing is of incriminating nature. The petitioner or his firm being an Architectural Consultancy firm can be approached by anyone who claims to be having plans to construct any kinds of buildings or structures upon

the lands owned/possessed or proposed to be acquired by the them.

(v) It has been contended that while making primary suggestions, the petitioner or his firm is naturally not supposed to be concerned with the ownership or possession of the landed properties as the properties may be owned, rented or on lease or may be in occupation of someone in some arrangement with the real owners or lessees or the same may be on the basis of future plans of acquisitions to be made by the client/customer himself. The petitioner or his firm may at best be said to be in knowledge of the title status of the landed properties only if they are asked to prepare the detailed plans with structural specifications and get it filed and processed for its sanction by the competent authority and further when they are engaged to supervise the final constructions as per the plans. However, no such sanction or further processes have been done by the petitioner or his firm in this matter.

(vi) Further, as per the prosecution complaint, it would be evident that in the said complaint nowhere mentioned that the seized article contained any direct material or any chit, deed, file, document or paper related to the said land in question ad-measuring 8.86 acres which is

said to be the proceeds of crime which only goes on to show that the petitioner does not have any nexus with the said proceed of crime and have not committed any offence and allegation that the petitioner was in knowledge of the said land in question and is a party to other accused(s) cannot be *prima facie* established.

(vii) It has further been contended that it is only on vague material of a sketch map with "Lalu Khatal" mentioned on it and prepared in the year 2018, it is being said that the map was of a Banquet Hall proposed to be built in the said 8.86 Acres of land in question which is said to be proceeds of crime, but however, it is clear and evident that the said sketch map in question is neither matching with the area and other details of the disputed land in question nor even any final detailed map has been said to have been prepared or sanctioned and it is also an admitted fact that even as per the enforcement directorate no constructions have been made upon the land in question.

(viii) It has further been submitted that it is an established legal principle that while considering a petition for discharge, the Court must not act merely as a post office or mouthpiece of the prosecution, but has the power to consider the broad probabilities of the case,

the total effect of the evidence and the documents produced before the Court, any basic infirmities appearing in the case and so on but the court concerned has not taken into consideration the aforesaid settled position of law.

(ix) Further it is a settled connotation of law that the core purpose of a discharge petition is to prevent an accused person from undergoing trial when there is no reasonable basis to believe they committed the alleged offence. The case of the prosecution contains several deficiencies and the evidence presented does not sufficiently support a criminal charge against the accused. The evidentiary material on record, even if generally accepted, would fail to reasonably connect the petitioner with the proceeds of crime and/or money laundering activity or any of its acts.

(x) It has been submitted that in the case of ***Vijay Madanlal Choudhary v. Union of India (2022 SCC Online SC 929),*** the Hon'ble Supreme Court has consistently held that the existence of 'proceeds of crime' is the core requirement for invoking the rigour of the PMLA and in the absence of its existence, the charge of money laundering cannot stand. It also laid down those mere assumptions about the involvement of

an accused person are insufficient and concrete evidence is required to justify the framing of charges and proceeding with the trial.

(xi) It has further been contended that in the present case the maximum allegation against the petitioner is about sending the preliminary sketch map (which however, does not even match with the area and other details of the disputed land) to accused and admittedly no allegation is being made about preparation, sending of or final sanction of the detailed building plan or regarding indulging into any supervision for construction of any kind of building or structures on the basis of the alleged sketch map in question, thus entire allegations are thoroughly unfounded and no prima facie case against the petitioner under section 3 & 4 of the PMLA can be attributed against him.

**Submission of the learned counsel for respondent ED**

***26.*** Per contra the learned counsel for respondent ED while defending the impugned order has taken the following ground:

(i) The filing of the present petition is flagrant abuse of the process of law and the same has been filed with the sole objective of delaying the trial and obstructing the course of justice.

(ii) The instant application is based on a selective narration of facts characterizing petitioner's involvement in alleged crime merely as professional consultancy while conveniently ignoring the incriminating digital evidence that establishes his role as a key conspirator.

(iii) It is a well-settled proposition of criminal jurisprudence that at the stage of framing charges, the Court is required to exercise its judicial mind only to the limited extent of determining whether a prima facie case exists or whether there arises a grave suspicion against the accused warranting a trial and the Court is not expected to conduct a roving enquiry into the pros and cons of the matter or to meticulously weigh the evidence as if conducting a mini-trial at this preliminary stage.

(iv) The learned counsel while placing reliance upon the judgment rendered by the Hon'ble Apex Court in the case of **State of Bihar vs. Ramesh Singh (1977) 4 SCC 39**, has submitted that at the initial stage, if there is a strong suspicion which leads the Court to think that there is ground for presuming that the accused has committed an offence, then it is not open to the

Court to say that there is no sufficient ground for proceeding against the accused.

(v) It has further been submitted that the argument made on behalf of petitioner that he is an Architect/Partner of M/s Grids Consultants and acted merely in his professional capacity by preparing a sketch map, is legally wrong because a professional qualification cannot serve as a cloak for criminal conspiracy.

(vi) It has further been submitted that Section 3 of the PMLA criminalizes any person who "knowingly assists" or is "a party to" any process connected with proceeds of crime. The investigation has established that the present petitioner did not merely draw a generic map; he prepared detailed plans for a "Proposed Banquet Hall" specifically on the 8.86-acre land at Baragain, fully aware that the said land was being illegally acquired and possessed by the co-accused.

(vii) Further the nexus between the Applicant and the main accused was not limited to client-architect interactions. The recovery of WhatsApp chats involving the sharing of confidential government files, transfer-posting lists of officials, and sensitive administrative data proves that the Applicant was a close confidant and an integral

part of the syndicate, assisting in the management and projection of the crime proceeds.

(viii) It has further been submitted that the petitioner/Applicant has attempted to challenge the validity of the digital evidence (Banquet Hall Plan) by arguing that it was merely a "proposal" and "no construction took place" but these contentions are matters of trial and cannot be adjudicated at the threshold stage of discharge.

(ix) It has further been contended that under Section 3 of the PML Act 2002, the actual completion of a building is not a prerequisite for the offence. The act of planning, surveying, and designing a commercial project on tainted land constitutes an attempt to use and project the proceeds of crime as untainted property. Whether the map was just a sketch or a finalized plan for laundering money is a question of fact that requires the leading of evidence and cross-examination.

(x) It has been submitted that once the foundational facts about involvement of the present petitioner are established, the Court shall presume that the proceeds of crime are involved in money laundering thereafter the burden shifts entirely to the Applicant to rebut this

presumption. This rebuttal can only happen during the course of the trial through the leading of cogent evidence, and not at the stage of discharge.

(xi) It has further been contended that the Applicant/petitioner has raised the contention that he is not named in the First Information Report (FIR No. 272/2023) of the Scheduled Offence. This argument is legally untenable. It is settled law, as clarified by the Hon'ble Supreme Court in **Vijay Madanlal Choudhary v. Union of India (supra)**, that a person need not be an accused in the Scheduled Offence to be prosecuted under the PMLA. The only legal requirement is the person's involvement in any process or activity connected with the Proceeds of Crime. Since the 8.86 acre land is derived from the criminal activity of forgery (Scheduled Offence), the Applicant's involvement in planning its development makes him liable under PMLA independently, therefore the indulgence of discharge cannot be granted lightly in such grave matters where the accused/petitioner has allegedly utilized his professional standing to mask the illegal nature of the assets.

**Analysis**

***27.*** This Court has heard the learned counsel for the parties at length and has also gone through the finding recorded by the learned trial Court in the impugned order as also the counter affidavit.

***28.*** It is evident that the prosecution case, as emerging from the Prosecution Complaint, originates from searches conducted by the Enforcement Directorate on 13.04.2023 during investigation of ECIR/RNZO/18/2022 relating to fraudulent acquisition of government and private lands in Ranchi. During the searches at the premises of Bhanu Pratap Prasad, then Revenue Sub-Inspector, Baragain Circle Office, 17 original revenue registers and 11 trunks containing voluminous property documents were seized, many of which were found to be forged, tampered with and falsified.

***29.*** On the basis of information shared under Section 66(2) of the Prevention of Money Laundering Act, 2002, Sadar P.S. Case No. 272/2023 dated 01.06.2023 was registered against Bhanu Pratap Prasad under various provisions of the IPC, including Sections 467 and 420 IPC, which are scheduled offences under the PMLA. Consequently, ECIR/RNZO/25/2023 was registered and investigation under the PMLA commenced. The investigation culminated in filing of a Prosecution Complaint against Bhanu Pratap Prasad, Raj Kumar Pahan, Hilariyas Kachhap

and others including the present petitioner Binod Kumar Singh (A-5), leading to institution of ECIR Case No. 06/2023.

***30.*** The investigation disclosed the existence of an organised land-grabbing syndicate involving private individuals and public officials, which allegedly acquired valuable lands through forged title deeds, falsification of revenue records, tampering of government registers and illegal transfer of protected lands. Particular focus was placed on a parcel measuring 8.86 acres situated at Shanti Nagar, Bariyatu Road, Ranchi, locally known as "Lalu Khatal", which was alleged to have been fraudulently acquired and continuously possessed by accused no. 2 since 2010-11. Investigation further revealed manipulation of revenue records relating to 4.83 acres of land forming part of a larger 37.10 acres property originally belonging to members of the Mahto community.

***31.*** It has been alleged that Bhanu Pratap Prasad and his associates fraudulently altered entries in Register-II by replacing the names of tribal raiyats with those of Samrendra Chandra Ghoshal and Jitendra Chandra Ghoshal, thereby converting restricted land into transferable general category land. Bhanu Pratap Prasad allegedly admitted his involvement during his statement under Section 50 of the PMLA. Subsequently, the concerned page

of the revenue register was reported to have been torn and destroyed, suggesting attempts to obliterate evidence.

***32.*** During surveys conducted under Section 16 of the PMLA on 20.04.2023 and 10.02.2024, statements of local occupants and officials allegedly confirmed that the aforesaid 8.86 acres land was under the possession and control of accused no. 2. The second survey, attended by the petitioner himself, Bhanu Pratap Prasad and revenue officials, allegedly established that the locality depicted in a Banquet Hall plan recovered from the petitioner's mobile phone corresponded to the same "Lalu Khatal" property and that no comparable plot existed in the vicinity.

***33.*** Investigation revealed that the petitioner, a partner of M/s Grids Consultants and a close associate of accused no. 2, had shared with accused no. 2 through WhatsApp a proposed Banquet Hall plan bearing the name of his firm and showing the project location as "Lalu Khatal, Bariyatu Road, Ranchi".

***34.*** The records further indicated that the project remained under active modification from 2018 to 2022. The petitioner's employee, Pranav Kumar Mandal, in his statement under Section 50 PMLA, confirmed having edited the plan on the petitioner's instructions. It was also alleged that accused no. 2, when confronted with these communications, denied knowledge of the project, refused to

authenticate the chats and withheld his mobile phone from verification.

***35.*** The prosecution case against the petitioner is that despite being fully aware of the identity, location and possession of the 8.86 acres property, he assisted accused no. 2 in concealing the proceeds of crime. It is alleged that the petitioner knowingly prepared and repeatedly modified the Banquet Hall project plan concerning the said land and transmitted it to accused no. 2, yet subsequently furnished a false statement under Section 50 of the PMLA with a view to conceal the true ownership, possession and intended utilisation of the property.

***36.*** Upon completion of investigation, the Prosecution Complaint dated 30.03.2024 was filed under Sections 44 and 45 of the PMLA wherein present petitioner has been arraigned as accused A-5. Thereafter cognizance was taken on 04.04.2024 and supplementary complaints were thereafter filed, including one recording provisional attachment of the 8.86 acres land.

***37.*** The petitioner was not arrested during investigation and was allowed to furnish bonds under Section 88 Cr.P.C. on 08.08.2024.

***38.*** However, his application for discharge under Section 250 BNSS, registered as Miscellaneous Criminal Application No. 2539/2025, was rejected by the learned

Special Judge on 10.06.2026, giving rise to the present criminal revision.

***39.*** It has come on record that during the pendency of the present Criminal Revision, charge under Section 3 read with Section 4 of the PMLA, 2002 has been framed against the Petitioner by the learned Special Judge, PMLA, Ranchi on 11.08.2026.

***40.*** In the background of the factual aspect as referred hereinabove in the preceding paragraphs, the issues which require consideration are that:

*(i) Whether the impugned order dated 10.06.2026 by which discharge application has been rejected, can be said to suffer from an error or perversity ?*

*(ii) Whether on the basis of the evidence which has been collected in course of investigation, prima facie case against the petitioner is made out or not?*

***41.*** Since both the issues are interlinked as such, they are taken up together.

***42.*** This Court, before appreciating the argument advanced on behalf of the parties and appreciating the said issues, deems it fit and proper to discuss herein some of the provisions of law as contained under the Act, 2002 with its object and intent.

***43.*** The Act 2002 was enacted to address the urgent need to have a comprehensive legislation *inter alia* for preventing money-laundering, attachment of proceeds of crime, adjudication and confiscation thereof including vesting of it in the Central Government, setting up of agencies and mechanisms for coordinating measures for combating money laundering and also to prosecute the persons indulging in the process or activity connected with the proceeds of crime.

***44.*** It is, thus, evident that Act 2002 was enacted in order to answer the urgent requirement to have a comprehensive legislation inter alia for preventing money-laundering, attachment of proceeds of crime, adjudication and confiscation thereof for combating money-laundering and also to prosecute the persons indulging in the process or activity connected with the proceeds of crime.

***45.*** It needs to refer herein the definition of "proceeds of crime" as provided under Section 2(1)(u) of the Act, 2002 which reads as under:

> *"2 (1) (u) "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property 3[or where such property is taken or held outside the country, then the property equivalent in value held within the country] 4[or abroad]; [Explanation.—For the removal of doubts, it is hereby clarified that "proceeds of crime" include property not only derived or obtained from the scheduled*

*offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence;]"*

***46.*** It is evident from the aforesaid provision that "proceeds of crime" means any property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property or where such property is taken or held outside the country, then the property equivalent in value held within the country or abroad.

***47.*** In the explanation it has been referred that for removal of doubts, it is hereby clarified that "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence. The aforesaid explanation has been inserted in the statute book by way of Act 23 of 2019. It is, thus, evident that the reason for giving explanation under Section 2(1)(u) is by way of clarification to the effect that whether as per the substantive provision of Section 2(1)(u), the property derived or obtained, directly or indirectly, by any person as a result of criminal activity relating to a scheduled offence or the value of any such property or where such property is taken or held outside the country but by way of explanation the proceeds

of crime has been given broader implication by including property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence.

***48.*** The "property" has been defined under Section 2(1)(v) which means any property or assets of every description, whether corporeal or incorporeal, movable or immovable, tangible or intangible and includes deeds and instruments evidencing title to, or interest in, such property or assets, wherever located.

***49.*** The schedule has been defined under Section 2(1)(x) which means schedule to the Prevention of Money Laundering Act, 2002. The "scheduled offence" has been defined under Section 2(1)(y) which reads as under: "2(y) "scheduled offence" means— (i) the offences specified under Part A of the Schedule; or (ii) the offences specified under Part B of the Schedule if the total value involved in such offences is [one crore rupees] or more; or (iii) the offences specified under Part C of the Schedule."

***50.*** It is evident that the "scheduled offence" means the offences specified under Part A of the Schedule; or the offences specified under Part B of the Schedule if the total value involved in such offences is [one crore rupees] or more; or the offences specified under Part C of the Schedule.

***51.*** The offence of money laundering has been defined under Section 3 of the Act, 2002, which reads as under:

> *"3. Offence of money-laundering.—Whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the [proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming] it as untainted property shall be guilty of offence of money-laundering. [Explanation.— For the removal of doubts, it is hereby clarified that,— (i) a person shall be guilty of offence of money-laundering if such person is found to have directly or indirectly attempted to indulge or knowingly assisted or knowingly is a party or is actually involved in one or more of the following processes or activities connected with proceeds of crime, namely:— (a) concealment; or (b) possession; or (c) acquisition; or (d) use; or (e) projecting as untainted property; or (f) claiming as untainted property, in any manner whatsoever; (ii) the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.]"*

***52.*** It is evident from the aforesaid provision that "offence of money laundering" means whosoever directly or indirectly attempts to indulge or knowingly assists or knowingly is a party or is actually involved in any process or activity connected with the proceeds of crime including its concealment, possession, acquisition or use and projecting or claiming it as untainted property shall be guilty of offence of money-laundering.

***53.*** It is further evident that the process or activity connected with proceeds of crime is a continuing activity and continues till such time a person is directly or indirectly enjoying the proceeds of crime by its concealment or possession or acquisition or use or projecting it as untainted property or claiming it as untainted property in any manner whatsoever.

***54.*** The punishment for money laundering has been provided under Section 4 of the Act, 2002.

***55.*** The various provisions of the Act, 2002 along with interpretation of the definition of "proceeds of crime" has been dealt with by the Hon'ble Apex Court in the case of ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors., (supra)*** wherein the Bench comprising of three Hon'ble Judges of the Hon'ble Supreme Court has decided the issue by taking into consideration the object and intent of the Act, 2002.

***56.*** It is evident that the purposes and objects of the 2002 Act for which it has been enacted, is not limited to punishment for offence of money laundering, but also to provide measures for prevention of money laundering. It is also to provide for attachment of proceeds of crime, which are likely to be concealed, transferred or dealt with in any manner which may result in frustrating any proceeding relating to confiscation of such proceeds under the 2002 Act.

This Act is also to compel the banking companies, financial institutions and intermediaries to maintain records of the transactions, to furnish information of such transactions within the prescribed time in terms of Chapter IV of the 2002 Act.

***57.*** The predicate offence has been considered in the aforesaid judgment wherein by taking into consideration the explanation as inserted by way of Act 23 of 2019 under the definition of the “proceeds of crime” as contained under Section 2(1)(u), whereby and whereunder, it has been clarified for the purpose of removal of doubts that, the "proceeds of crime" include property not only derived or obtained from the scheduled offence but also any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence, meaning thereby, the words “any property which may directly or indirectly be derived or obtained as a result of any criminal activity relatable to the scheduled offence” will come under the fold of the proceeds of crime.

***58.*** In the judgment rendered by the Hon’ble Apex Court in ***Vijay Madanlal Choudhary and Ors. Vs. Union of India and Ors. (supra)*** it has been held that the Authority under the 2002 Act, is to prosecute a person for offence of money-laundering only if it has reason to believe, which is required to be recorded in writing that the person is in

possession of "proceeds of crime". Only if that belief is further supported by tangible and credible evidence indicative of involvement of the person concerned in any process or activity connected with the proceeds of crime, action under the Act can be taken forward for attachment and confiscation of proceeds of crime and until vesting thereof in the Central Government, such process initiated would be a standalone process.

***59.*** Now, after having discussed the judgments passed by the Hon'ble Apex Court on the issue of various provisions of the Act, 2002, this Court, is now proceeding to discuss the principle governing framing of charge.

***60.*** But before discuss the principle related framing of charge it would be apt to discuss herein principle of Section 250 of Bharatiya Nagarik Suraksha Sanhita, 2023 ('BNSS' for brevity) provides for discharge in sessions cases, because framing of charge is the stage after rejection of discharge application. The Section 250 of BNSS is being quoted herein which reads as under:

> *"250.Discharge (1) The accused may prefer an application for discharge within a period of sixty days from the date of commitment of the case under section 232 (BNSS). (2) If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for doing so."*

***61.*** Section 227 of Code of Criminal Procedure ('CrPC' for brevity) contemplates discharge by the Court of Session. The trial Judge is required to discharge the accused if the Judge considers that there is no sufficient ground for proceeding against the accused. Section 250(2) BNSS corresponds to section 227 CrPC. Section 250(1) BNSS stipulates a time limit of 60 days from the date of committal of the case within which an application for discharge should be filed by the accused.

***62.*** Section 239 CrPC provides for discharge of accused in warrant cases instituted upon a police report. The power under section 239 Cr.P.C. is exercisable when Magistrate considers the charge against the accused to be groundless. Section 262(2) BNSS is similar to section 239 CrPC but section 262 BNSS provides an opportunity to the learned Magistrate to examine the accused either physically or through audio – video electronic means. Section 262(1) BNSS stipulates a time limit of 60 days from the date of supply of documents under section 230 BNSS within which an application should for discharge should be filed by the accused.

***63.*** Section 245 Cr.P.C. deals with warrant cases instituted otherwise than on a police report. Section 245 CrPC corresponds to section 268 of BNSS. The power under section 245 (1) Cr.P.C. is exercisable when the Magistrate

considers that no case against the accused has been made out which, if unrebutted would warrant his conviction. The Magistrate has the power of discharging the accused at any previous stage of the case under section 245 (2) Cr.P.C. Sections 227 and 239 Cr.P.C. provide for discharge before the recording of evidence on the basis of the police report, the documents sent along with it and examination of the accused after giving an opportunity to the parties to be heard. But the stage of discharge under section 245 Cr.P.C., on the other hand, is reached only after the evidence referred in section 244 is taken. Despite the difference in the language of the provisions of sections 227, 239 and 245 Cr.P.C. and whichever provision may be applicable, the Court is required to see, at the time of framing of charge, that there is a prima facie case for proceeding against the accused. The main intention of granting a chance to the accused of making submissions as envisaged under sections 227 or 239 of Cr.P.C. is to assist the Court to determine whether it is required to proceed to conduct the trial.

***64.*** The issue of discharge was the subject matter before the Hon'ble Supreme Court in the case of ***State of Tamilnadu, by Inspector of Police in Vigilance and Anti-Corruption v. N. Suresh Rajan, (2014) 11 SCC 709,*** wherein, at paragraphs no.29, 32.4, 33 and 34, the Hon'ble Apex Court has observed as under:—

*"29. We have bestowed our consideration to the rival submissions and the submissions made by Mr. Ranjit Kumar commend us. True it is that at the time of consideration of the applications for discharge, the court cannot act as a mouthpiece of the prosecution or act as a post office and may sift evidence in order to find out whether or not the allegations made are groundless so as to pass an order of discharge. It is trite that at the stage of consideration of an application for discharge, the court has to proceed with an assumption that the materials brought on record by the prosecution are true and evaluate the said materials and documents with a view to find out whether the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage.*

*32.4. While passing the impugned orders [N. Suresh Rajan v. Inspector of Police, Criminal Revision Case (MD) No. 528 22 of 2009, order dated 10-12-2010 (Mad)], [State v. K. Ponmudi, (2007) 1 Mad LJ (Cri) 100], the court has not sifted the materials for the purpose of finding out whether or not there is sufficient ground for proceeding against the accused but whether that would warrant a conviction. We are of the opinion that this was not the stage where the court should have appraised the evidence and discharged the accused as if it was passing an order of acquittal. Further, defect in investigation itself cannot be a ground for discharge. In our opinion, the order impugned [N. Suresh Rajan v. Inspector of Police, Criminal Revision Case (MD) No. 528 of 2009, order dated 10-12-2010 (Mad)] suffers from grave error and calls for rectification.*

*33. Any observation made by us in this judgment is for the purpose of disposal of these appeals and shall have no bearing on the trial. The surviving respondents are directed to appear*

> *before the respective courts on 3-2-2014. The Court shall proceed with the trial from the stage of charge in accordance with law and make endeavour to dispose of the same expeditiously.*
> *34. In the result, we allow these appeals and set aside the order of discharge with the aforesaid observations.*

***65.*** It is further settled position of law that defence on merit is not to be considered at the time of stage of framing of charge and that cannot be a ground of discharge. A reference may be made to the judgment as rendered by the Hon'ble Apex Court in ***State of Rajasthan v. Ashok Kumar Kashyap, (2021) 11 SCC 191***. For ready reference, paragraph no. 11 of the said judgment is being quoted hereinbelow: —

> *"11. While considering the legality of the impugned judgment [Ashok Kumar Kashyap v. State of Rajasthan, 2018 SCC OnLine Raj 3468] and order passed by the High Court, the law on the subject and few decisions of this Court are required to be referred to.*
> *11.1. In P. Vijayan [P. Vijayan v. State of Kerala, (2010) 2 SCC 398 : (2010) 1 SCC (Cri) 1488], this Court had an occasion to consider Section 227 CrPC What is required to be considered at the time of framing of the charge and/or considering the discharge application has been considered elaborately in the said decision. It is observed and held that at the stage of Section 227, the Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused. It is observed that in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him. It is further observed that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge under Section 228 CrPC, if not, he will discharge the accused. It is further observed that while*

*exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.*

*11.2. In the recent decision of this Court in M.R. Hiremath [State of Karnataka v. M.R. Hiremath, (2019) 7 SCC 515 : (2019) 3 SCC (Cri) 109 : (2019) 2 SCC (L&S) 380], one of us (D.Y. Chandrachud, J.) speaking for the Bench has observed and held in para 25 as under : (SCC p. 526) "25. The High Court [M.R. Hiremath v. State, 2017 SCC OnLine Kar 4970] ought to have been cognizant of the fact that the trial court was dealing with an application for discharge under the provisions of Section 239 CrPC. The parameters which govern the exercise of this jurisdiction have found expression in several decisions of this Court. It is a settled principle of law that at the stage of considering an application for discharge the court must proceed on the assumption that the material which has been brought on the record by the prosecution is true and evaluate the material in order to determine whether the facts emerging from the material, taken on its face value, disclose the existence of the ingredients necessary to constitute the offence. In State of T.N. v. N. Suresh Rajan [State of T.N. v. N. Suresh Rajan, (2014) 11 SCC 709 : (2014) 3 SCC (Cri) 529 : (2014) 2 SCC (L&S) 721], adverting to the earlier decisions on the subject, this Court held : (SCC pp. 721-22, para 29)*

*'29. … At this stage, probative value of the materials has to be gone into and the court is not expected to go deep into the matter and hold that the materials would not warrant a conviction. In our opinion, what needs to be considered is whether there is a ground for presuming that the offence has been committed and not whether a ground for convicting the accused has been made out. To put it differently, if the court thinks that the accused might have committed the offence on the basis of the materials on record on its probative value, it can frame the charge; though for conviction, the court has to come to the conclusion that the accused has committed the offence. The law does not permit a mini trial at this stage."*

***66.*** Further, it is pertinent to mention here that power to discharge an accused was designed to prevent harassment to an innocent person by the arduous trial or the ordeal of prosecution. How that intention is to be achieved is reasonably clear in the section itself. The power has been entrusted to the Sessions Judge who brings to bear his knowledge and experience in criminal trials. Besides, he has the assistance of counsel for the accused and Public Prosecutor. He is required to hear both sides before framing any charge against the accused or for discharging him.

***67.*** If the Sessions Judge after hearing the parties frames a charge and also makes an order in support thereof, the law must be allowed to take its own course. Self-restraint on the part of the High Court should be the rule unless there is a glaring injustice which stares the court in the face. The opinion on any matter may differ depending upon the person who views it. There may be as many opinions on a particular matter as there are courts but it is no ground for the High Court to interdict the trial. It would be better for the High Court to allow the trial to proceed. Reference in this regard may be taken from the judgment as rendered by the Hon'ble Apex Court in ***Stree Atyachar Virodhi Parishad v. Dilip Nathumal Chordia, (1989) 1 SCC 715.***

***68.*** Further, the difference between the approach with which the Court should examine the matter in the discharge has been explained by the Hon'ble Supreme Court in ***Amit Kapoor v. Ramesh Chander, (2012) 9 SCC 460***, in the following words: —

> *"17. Framing of a charge is an exercise of jurisdiction by the trial court in terms of Section 228 of the Code, unless the accused is discharged under Section 227 of the Code. Under both these provisions, the court is required to consider the "record of the case" and documents submitted therewith and, after hearing the parties, may either discharge the accused or where it appears to the court and in its opinion there is ground for presuming that the accused has committed an offence, it shall frame the charge. Once the facts and ingredients of the Section exists, then the court would be right in presuming that there is ground to proceed against the accused and frame the charge accordingly. This presumption is not a presumption of law as such. The satisfaction of the court in relation to the existence of constituents of an offence and the facts leading to that offence is a sine qua non for exercise of such jurisdiction. It may even be weaker than a prima facie case. There is a fine distinction between the language of Sections 227 and 228 of the Code. Section 227 is the expression of a definite opinion and judgment of the Court while Section 228 is tentative. Thus, to say that at the stage of framing of charge, the Court should form an opinion that the accused is certainly guilty of committing an offence, is an approach which is impermissible in terms of Section 228 of the Code.*
>
> *30. We have already noticed that the legislature in its wisdom has used the expression "there is ground for presuming that the accused has committed an offence".*

***69.*** This has an inbuilt element of presumption once the ingredients of an offence with reference to the allegations made are satisfied, the Court would not doubt the case of the prosecution unduly and extend its jurisdiction to quash the charge in haste. The Hon'ble Apex Court in ***State of Maharashtra v. Som Nath Thapa (1996) 4 SCC 659*** referred to the meaning of the word "presume" while relying upon Black's Law Dictionary. It was defined to mean "to believe or accept upon probable evidence"; "to take as proved until evidence to the contrary is forthcoming". In other words, the truth of the matter has to come out when the prosecution evidence is led, the witnesses are cross-examined by the defence, the incriminating material and evidence is put to the accused in terms of Section 313 of the Code and then the accused is provided an opportunity to lead defence, if any. It is only upon completion of such steps that the trial concludes with the court forming its final opinion and delivering its judgment. Merely because there was a civil transaction between the parties would not by itself alter the status of the allegations constituting the criminal offence.

***70.*** The Hon'ble Apex Court has further dealt with the proper basis for framing of charge in the case of ***Onkar Nath Mishra v. State (NCT of Delhi)*** wherein, at paragraphs 11, 12 and 14, it has been held as under:

*"11. It is trite that at the stage of framing of charge the court is required to evaluate the material and documents on record with a view to finding out if the facts emerging therefrom, taken at their face value, disclosed the existence of all the ingredients constituting the alleged offence. At that stage, the court is not expected to go deep into the probative value of the material on record. What needs to be considered is whether there is a ground for presuming that the offence has been committed and not a ground for convicting the accused has been made out. At that stage, even strong suspicion founded on material which leads the court to form a presumptive opinion as to the existence of the factual ingredients constituting the offence alleged would justify the framing of charge against the accused in respect of the commission of that offence.*

*12. In State of Karnataka v. L. Muniswamy [(1977) 2 SCC 699 : 1977 SCC (Cri) 404], a three-Judge Bench of this Court had observed that at the stage of framing the charge, the Court has to apply its mind to the question whether or not there is any ground for presuming the commission of the offence by the accused. As framing of charge affects a person's liberty substantially, need for proper consideration of material warranting such order was emphasised.*

*14. In a later decision in State of M.P. v. Mohanlal Soni [(2000) 6 SCC 338 : 2000 SCC (Cri) 1110] this Court, referring to several previous decisions held that : (SCC p. 342, para 7)*

*"7. The crystallised judicial view is that at the stage of framing charge, the court has to prima facie consider whether there is sufficient ground for proceeding against the accused. The court is not required to appreciate evidence to conclude whether the materials produced are sufficient or not for convicting the accused."*

*The Hon'ble Apex Court in the case of Palwinder Singh v. Balvinder Singh, (2009) 2 SCC (Cri) 850 has been pleased to hold that charges can also be framed on the basis of strong suspicion. Marshaling and appreciation of the*

*evidence is not in the domain of the court at that point of time. 52. In the judgment passed by the Hon'ble Supreme court in the case of Sajjan Kumar v. CBI, reported in (2010) 9 SCC 368, the Hon'ble Supreme Court has considered the scope of Sections 227 and 228 CrPC. The principles which emerged therefrom have been taken note of in para 21 as under:*

*"21. On consideration of the authorities about the scope of Sections 227 and 228 of the Code, the following principles emerge: (i) The Judge while considering the question of framing the charges under Section 227 CrPC has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out. The test to determine prima facie case would depend upon the facts of each case.*

*(ii) Where the materials placed before the court disclose grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing a charge and proceeding with the trial.*

*(iii) The court cannot act merely as a post office or a mouthpiece of the prosecution but has to consider the broad probabilities of the case, the total effect of the evidence and the documents produced before the court, any basic infirmities, etc. However, at this stage, there cannot be a roving enquiry into the pros and cons of the matter and weigh the evidence as if he was conducting a trial.*

*(iv) If on the basis of the material on record, the court could form an opinion that the accused might have committed offence, it can frame the charge, though for conviction the conclusion is required to be proved beyond reasonable doubt that the accused has committed the offence.*

*(v) At the time of framing of the charges, the probative value of the material on record cannot be gone into but before framing a charge the court must apply its judicial mind on the material placed on record and must be*

*satisfied that the commission of offence by the accused was possible.*

*(vi) At the stage of Sections 227 and 228, the court is required to evaluate the material and documents on record with a view to find out if the facts emerging therefrom taken at their face value disclose the existence of all the ingredients constituting the alleged offence. For this limited purpose, sift the evidence as it cannot be expected even at that initial stage to accept all that the prosecution states as gospel truth even if it is opposed to common sense or the broad probabilities of the case.*

*(vii) If two views are possible and one of them gives rise to suspicion only, as distinguished from grave suspicion, the trial Judge will be empowered to discharge the accused and at this stage, he is not to see whether the trial will end in conviction or acquittal.*

***71.*** In the judgment passed by the Hon'ble Supreme court in the case of ***M.E. Shivalingamurthy v. CBI, reported in (2020) 2 SCC 768***, the above principles have been reiterated in para 17, 18, 28 to 31 and the Hon'ble supreme court has explained as to how the matters of grave suspicion are to be dealt with. The aforesaid paragraphs are being quoted as under:

*"17. This is an area covered by a large body of case law. We refer to a recent judgment which has referred to the earlier decisions viz. P. Vijayan v. State of Kerala and discern the following principles:*

*17.1. If two views are possible and one of them gives rise to suspicion only as distinguished from grave suspicion, the trial Judge would be empowered to discharge the accused.*

*17.2. The trial Judge is not a mere post office to frame the charge at the instance of the prosecution.*

*17.3. The Judge has merely to sift the evidence in order to find out whether or not there is sufficient ground for proceeding. Evidence would consist of the statements recorded by the police or the documents produced before the Court.*

*17.4. If the evidence, which the Prosecutor proposes to adduce to prove the guilt of the accused, even if fully accepted before it is challenged in cross-examination or rebutted by the defence evidence, if any, "cannot show that the accused committed offence, then, there will be no sufficient ground for proceeding with the trial".*

*17.5. It is open to the accused to explain away the materials giving rise to the grave suspicion.*

*17.6. The court has to consider the broad probabilities, the total effect of the evidence and the documents produced before the court, any basic infirmities appearing in the case and so on. This, however, would not entitle the court to make a roving inquiry into the pros and cons.*

*17.7. At the time of framing of the charges, the probative value of the material on record cannot be gone into, and the material brought on record by the prosecution, has to be accepted as true.*

*17.8. There must exist some materials for entertaining the strong suspicion which can form the basis for drawing up a charge and refusing to discharge the accused.*

*18. The defence of the accused is not to be looked into at the stage when the accused seeks to be discharged under Section 227 CrPC (see State of J&K v. Sudershan Chakkar). The expression, "the record of the case", used in Section 227 CrPC, is to be understood as the documents and the articles, if any, produced by the prosecution. The Code does not give any right to the accused to produce any document at the stage of framing of the charge. At the stage of framing of the charge, the submission of the accused is to be confined to the material produced by the police (see State of Orissa v. Debendra Nath Padhi).*

*28. It is here that again it becomes necessary that we remind ourselves of the contours of the jurisdiction under*

*Section 227 CrPC. The principle established is to take the materials produced by the prosecution, both in the form of oral statements and also documentary material, and act upon it without it been subjected to questioning through cross-examination and everything assumed in favour of the prosecution, if a scenario emerges where no offence, as alleged, is made out against the accused, it, undoubtedly, would ensure to the benefit of the accused warranting the trial court to discharge the accused.*

*29. It is not open to the accused to rely on the material by way of defence and persuade the court to discharge him.*

*30. However, what is the meaning of the expression "materials on the basis of which grave suspicion is aroused in the mind of the court's", which is not explained away? Can the accused explain away the material only with reference to the materials produced by the prosecution? Can the accused rely upon material which he chooses to produce at the stage?*

*31. In view of the decisions of this Court that the accused can only rely on the materials which are produced by the prosecution, it must be understood that the grave suspicion, if it is established on the materials, should be explained away only in terms of the materials made available by the prosecution. No doubt, the accused may appeal to the broad probabilities to the case to persuade the court to discharge him."*

***72.*** It has been further held in the case of ***Asim Shariff v. National Investigation Agency, (2019) 7 SCC 148***, that mini trial is not expected by the trial court for the purpose of marshalling the evidence on record at the time of framing of charge, wherein, it has been held at paragraph no.18 of the said judgment as under: —

*"18. Taking note of the exposition of law on the subject laid down by this Court, it is settled that the Judge while*

*considering the question of framing charge under Section 227 CrPC in sessions cases (which is akin to Section 239 CrPC pertaining to warrant cases) has the undoubted power to sift and weigh the evidence for the limited purpose of finding out whether or not a prima facie case against the accused has been made out; where the material placed before the court discloses grave suspicion against the accused which has not been properly explained, the court will be fully justified in framing the charge; by and large if two views are possible and one of them giving rise to suspicion only, as distinguished from grave suspicion against the accused, the trial Judge will be justified in discharging him. It is thus clear that while examining the discharge application filed under Section 227 CrPC, it is expected from the trial Judge to exercise its judicial mind to determine as to whether a case for trial has been made out or not. It is true that in such proceedings, the court is not supposed to hold a mini trial by marshalling the evidence on record."*

***73.*** In the case of ***Asim Shariff v. NIA, (supra),*** it has been held by the Hon'ble Apex Court that the words 'not sufficient ground for proceeding against the accused' clearly show that the Judge is not a mere post office to frame the charge at the behest of the prosecution, but has to exercise his judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. In assessing this fact, it is not necessary for the court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really his function after the trial starts. At the stage of Section 227, the Judge has merely to sift the evidence in

order to find out whether or not there is sufficient ground for proceeding against the accused. The sufficiency of ground would take within its fold the nature of the evidence recorded by the police or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame a charge against him.

***74.*** Thus, from aforesaid legal propositions it can be safely inferred that if, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for doing so and if, after such consideration and hearing as aforesaid, the Judge is of the opinion that there is ground for presuming that the accused has committed an offence, the trial Court shall frame the charge. However, the defence of the accused cannot be looked into at the stage of discharge. The accused has no right to produce any document at that stage. The application for discharge has to be considered on the premise that the materials brought on record by the prosecution are true.

***75.*** Thus, at the time of considering an application for discharge, the Court is required to consider the limited

extent to find out whether there is *prima facie* evidence against the accused to believe that he has committed any offence as alleged by the prosecution; if *prima facie* evidence is available against the accused, then there cannot be an order of discharge.

***76.*** Therefore, the stage of discharge is a stage prior to framing of the charge and once the Court rejects the discharge application, it would proceed to framing of charge. At the stage of discharge, the Judge has merely to sift and weigh the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused and in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the prosecution or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame the charge against him and after that if the Judge comes to a conclusion that there is sufficient ground to proceed, he will frame a charge and, if not, he will discharge the accused.

***77.*** While exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the Court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

***78.*** It is considered view that at this stage of the instant case, the court was only required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not because at the stage of discharge or considering the discharge application the mini trial is not permissible.

***79.*** The test to determine a prima facie case against the accused would naturally depend on the facts of each case and it is difficult to lay down the rule of universal application and if the material placed before the Court discloses grave suspicion against the accused which has not been properly explained, the Court will be fully justified in rejecting the discharge application and proceeding with the trial.

***80.*** Thus, from the aforesaid judicial pronouncements it is evident that at the stage of considering discharge, trial court is not to examine and assess in detail the material placed on record by the prosecution nor is it for the court to consider the sufficiency of the materials to establish the offence alleged against the accused persons. Marshalling of facts and appreciation of evidence at the time of considering discharge is not in the domain of the court. Discharge application can be rejected even on the basis of strong suspicion founded upon materials before the court which leads the court to form a presumptive opinion as to the

existence of the factual ingredients constituting the offence alleged against the accused.

***81.*** It needs to refer herein that ingredients of offences should be seen in the material produced before the court and duty of court at the stage of considering the discharge is to see whether the ingredients of offences are available in the material produced before the court. Contradictions in the statements of witnesses or sufficiency or truthfulness of the material placed before the court cannot be examined at the stage of consideration of discharge. For this limited purpose, the court may sift the evidence. Court has to consider material only with a view to find out if there is ground for presuming that the accused has committed an offense and not for the purpose of arriving at a definite conclusion. "Presume" means if on the basis of materials on record, court can come to the conclusion that commission of the offense is a probable consequence, then a case for framing of charge exists.

***82.*** Thus, it is well settled that at the time of considering discharge meticulous examination of evidence is not required, however the evidence can be sifted or weighed at least for the purpose of recording a satisfaction that a prima facie case is made out to proceed in the case. Further the trial Court is not required to discuss the evidence for the purpose of conducting a trial but the

discussion of the materials on record is required to reflect the application of judicial mind for finding that a prima-facie case is made out against the petitioner.

***83.*** It is settled connotation of law that at the stage of discharge the probable defence of the accused is not to be considered and the materials, which are relevant for consideration, are the allegations made in the First Information Report/complaint, the statement of the witnesses recorded in course of investigation, the documents on which the prosecution relies and the report of investigation submitted by the prosecuting agency. The probative value of the defence is to be tested at the stage of trial and not at the stage of discharge and at the stage of considering discharge application minute scrutiny of the evidence is not to be made.

***84.*** Further it is settled position of law that at the stage of discharge, the trial Court is not required to meticulously examine and marshal the material available on record as to whether there is sufficient material against the accused which would ultimately result in conviction. The Court is prima facie required to consider whether there is sufficient material against the accused to presume the commission of the offence. Even strong suspicion about commission of offence is sufficient for rejecting the discharge and the guilt or innocence of the accused has to be determined at the

time of the trial after evidence is adduced and not at the stage of consideration of discharge and, therefore, at the stage of considering the discharge, the Court is not required to undertake an elaborate inquiry for the purpose of sifting and weighing the material.

***85.*** Thus, from aforesaid legal propositions it can be safely inferred that if, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is no sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for doing so and if, after such consideration and hearing as aforesaid, the Judge is of the opinion that there is ground for presuming that the accused has committed an offence, the trial Court shall frame the charge.

***86.*** At the stage of discharge, the Judge has merely to sift and weigh the evidence in order to find out whether or not there is sufficient ground for proceeding against the accused and in other words, the sufficiency of grounds would take within its fold the nature of the evidence recorded by the prosecution or the documents produced before the court which ex facie disclose that there are suspicious circumstances against the accused so as to frame the charge against him and after that if the Judge

comes to a conclusion that there is sufficient ground to proceed, he will frame a charge and, if not, he will discharge the accused.

***87.*** While exercising its judicial mind to the facts of the case in order to determine whether a case for trial has been made out by the prosecution, it is not necessary for the Court to enter into the pros and cons of the matter or into a weighing and balancing of evidence and probabilities which is really the function of the court, after the trial starts.

***88.*** It is considered view that at this stage of the instant case, the court was only required to consider whether a prima facie case has been made out or not and whether the accused is required to be further tried or not because at the stage of considering the discharge application, the mini trial is not permissible.

***89.*** Further, while considering the question of discharge, the Court has the undoubted power to sift and weigh the materials for the limited purpose for finding out whether or not a prima facie case against the accused has been made out. In exercising the power, the Court cannot act merely as a post office or a mouthpiece of the prosecution.

***90.*** The test to determine a prima facie case against the accused would naturally depend on the facts of each case and it is difficult to lay down the rule of universal

application and if the material placed before the Court discloses grave suspicion against the accused which has not been properly explained, the Court will be fully justified in rejecting the discharge application and proceeding with the trial.

***91.*** In ***State of Andhra Pradesh vs. Golconda Linga Swamy (2004) 6 SCC 522,*** the Hon'ble Supreme Court held that at the stage of discharge, evidence cannot be gone into meticulously. It was held that it is immaterial whether the case is based on direct or circumstantial evidence and a charge can be framed if there are materials showing possibility about commission of the offence by the accused as against certainty.

***92.*** Thus, from the aforesaid judicial pronouncements it is evident that at the stage of discharge, trial court is not to examine and assess in detail the material placed on record by the prosecution nor is it for the court to consider the sufficiency of the materials to establish the offence alleged against the accused persons. Marshalling of facts and appreciation of evidence at the time of discharge is not in the domain of the court. Discharge application can be rejected even on the basis of strong suspicion founded upon materials before the court which leads the court to form a presumptive opinion as to the existence of the

factual ingredients constituting the offence alleged against the accused.

***93.*** It needs to refer herein that duty of court at the stage of discharge is to see whether the ingredients of offences are available in the material produced before the court. Contradictions in the statements of witnesses or sufficiency or truthfulness of the material placed before the court cannot be examined at the stage of discharge. For this limited purpose, the court may sift the evidence. Court has to consider material only with a view to find out if there is ground for presuming that the accused has committed an offense and not for the purpose of arriving at a definite conclusion.

***94.*** In the backdrop of aforesaid case laws and judicial deduction, this Court is now proceeding to examine the fact so as to come to the conclusion as to whether the evidence which has been collected in course of investigation and brought on record, as would be available in the impugned order, prima facie case against the petitioner is made out or not?

***95.*** Learned counsel for the petitioner contended that the investigation has not unearthed any material indicating that the petitioner was ever in possession of the alleged proceeds of crime or had derived any pecuniary benefit therefrom. It has been contended that the sole allegation

against the petitioner is that he prepared a proposed plan for a Banquet Hall and shared the same through WhatsApp. According to the petitioner, even if the said allegation is accepted in its entirety, such an act by itself does not constitute any process or activity connected with the proceeds of crime so as to attract the provisions of Section 3 of the Prevention of Money Laundering Act, 2002. It has further been argued that there is no material on record to suggest that the petitioner was a party to any conspiracy concerning the disputed property, was involved in the preparation of any forged document, had any role in the SAR proceedings, or was aware of the alleged tainted character of the property in question. On the aforesaid premises, it is submitted that the continuation of the proceedings against the petitioner would amount to an abuse of the process of law.

***96.*** *Per contra* the learned counsel appearing on behalf of Enforcement Directorate submitted that the role attributed to the petitioner cannot be examined in isolation and is required to be appreciated in the backdrop of the entire prosecution case. It has been contended that the preparation and dissemination of the proposed plan was not an independent or innocuous act, but formed part of a series of activities undertaken for the development and utilization of the disputed property. Learned counsel further submitted

that the cumulative material and surrounding circumstances collected during the course of investigation disclose sufficient grounds for proceeding against the petitioner in accordance with law.

***97.*** In the context of the aforesaid contention of learned Counsel for the parties, it also needs to refer herein the specific role attributed against the petitioner as has been referred in the prosecution complaint. For better appreciation, the specific role of the petitioner in the commission of offence under PMLA is being reproduced as under:

> ***"5.5 All the plots are located inside a common boundary which shows the control and occupation of a single person.***
>
> ***B. Survey dated 10.02.2024-***
>
> *5. This was conducted on 10.02.2024 under section 16 of the PMLA, 2002, on the above stated land admeasuring 8.86 acres approx. (RUD No-11) It was confirmed by the officials of Circle Office, present there i.e. Circle Inspector (Incharge), Revenue Sub Inspector, Anchal Amin and others of the Circle Office, Baragain, that the said land (8.86 acres land) is situated in the locality of Lalu Khatal. It is mentioned that an image of a plan of banquet hall was retrieved from mobile phone of Binod Singh, a very close accomplice of Hemant Soren in which the locality of the proposed construction of banquet hall was mentioned as "Lalu Khatal, Bariyatu Road, Ranchi". It was also checked during the survey that no other big parcel of land was vacant in the vicinity (i.e Lalu Khatal, Bariatu Road) where the proposed Banquet Hall could be constructed.*
>
> ***8.2 Statement of the accused person Hemant Soren –***
>
> *V. In his statement dated 05.02.2024 (RUD No- 25), he was shown his WhatsApp chats (with his mobile no. 9431106949) with the co-accused person Binod Singh on his mobile number 9835156276. The chats of both these persons contained sharing of information and conversation in respect of various properties. The accused person however, refused to*

*sign on the said chats and also submitted false statement in respect of these chats. The accused person was also requested to furnish his mobile phone for cross- verification of the chats made with his associate Binod Singh. However, he did not furnish it and submitted false information in respect to his mobile phone.*

*vi. In his statement dated 06.02.2024 (RUD No-26), he was asked about the construction plan of a banquet hall proposed at Lalu Khatal, Bariyatu Road, Ranchi, prepared on 12.04.2018 and shared by Binod Singh (made by his firm Grids Consultants) with the accused person Hemant Soren over WhatsApp on 06.04.2021. The accused person furnished false information in respect of the property by stating that he did not have any information in regard to the said property.*

*It is mentioned that a survey dated 10.02.2024 (RUD No-11) was conducted in presence of the circle officer and other officials of the Circle Office, Baragain, Ranchi. It was revealed that the locality mentioned in the said plan of the banquet hall is same where the land admeasuring 8.86 acres, in possession of Hemant Soren is situated. Further, it was also revealed that in the said locality, no such land exists on which such big banquet hall could be constructed. It is also worth mentioning that the accused person Hemant Soren has vested interest in banquet halls as one of the prominent banquet halls of Ranchi namely Sohrai Bhawan is being run by his wife Ms. Kalpana Soren. During course of investigation, it also surfaced that cash worth crores of rupees has been deposited in recent times in the bank accounts of Sohrai Bhawan and its related entities. The co-accused Binod Singh also concealed information with respect to the said banquet hall plan and gave false statement when confronted during his statement under section 50 of PMLA, 2002.*

***11.5 Details of Persons/entities involved in commissioning the offence of Money laundering and role thereof:***

***Binod Kumar Singh*** *- He is directly a party with Hemant Soren in concealment of proceeds of crime. The accused person Binod Singh had prepared a plan of a Banquet Hall proposed for construction on the said 8.86 acres property by the accused person Hemant Soren. The plan was made in the year 2018 which was under continuous amendment till 2022.*

*The name of firm of Binod Singh i.e, Grid Consultant was also mentioned over that banquet hall plan. However, despite having knowledge about the possession of the said 8.86 acres land by the*

*accused Hemant Soren and the fact that construction of a banquet hall was being contemplated over the said 8.86 acres property, the accused Binod Singh gave false statement under section 50 of PMLA, 2002 in order to assist Hemant Soren in concealing the proceeds of crime acquired by him. The accused person Binod Singh had sent a plan of Banquet Hall to accused person Hemant Soren over Whatsapp in the year 2021. The name of firm of Binod Singh i.e, Grid Consultant was mentioned over that banquet hall. Therefore, the accused person was well aware of the land on which the said Banquet Hall was to be constructed, however the accused knowingly became a party with Hemant Surin in concealment of the proceeds of Crime in form of a landed property at Bariyatu Ranchi.*

*In view of the above, it is clear that, various processes and activities connected with the offence of money laundering i.e. acquisition, possession, concealment, use and projecting as well as claiming the proceeds of crime as untainted property, were carried out by the accused persons Bhanu Pratapa Prasad and Hemant Soren. Other co accused persons namely Binod Kumar Singh, Raj Kumar Pahan and Hilarious Kachhap were a party with the accused person namely Hemant Soren in concealment of the true possession and use of the said property. Hence, the offence of money laundering u/s 3 of PMLA, 2002, is made out against the above stated accused persons as discussed in this Prosecution Complaint.*

***98.*** Thus, from the aforesaid paragraph of the prosecution complaint, it is evident that during the course of investigation, the prosecution/Enforcement Directorate found a WhatsApp communication between accused A-2, using mobile No. 943xxxxxx9, and accused/petitioner Binod Singh, using mobile No. 983xxxxx76, wherein a proposed Banquet Hall plan was shared by Binod Singh with A-2. The said plan bore the description “Lalu Khatal”.

***99.*** According to the respondent, witnesses examined during investigation have identified the disputed 8.86 acres of land as “Lalu Khatal land” or “Lalu Khatal property”, and

the said property is commonly known by the aforesaid name. The material collected during investigation is indicative of the fact that the accused A-2 was aware of the proposed project and, being interested in the property, was involved in planning its development and exercising beneficial control over the land. According to the prosecution, such circumstances assume significance under Section 3 of the Prevention of Money Laundering Act, 2002, as possession, use and enjoyment of the alleged proceeds of crime constitute part of its case.

***100.*** This court finds that the inference sought to be drawn by the Enforcement Directorate possesses some probative value, inasmuch as the expression “Lalu Khatal” emerges from two independent sources, namely, (i) the Banquet Hall plan shared by present petitioner Binod Singh with A-2 through WhatsApp, and (ii) the statements of witnesses who have consistently referred to the disputed 8.86 acres of land as “Lalu Khatal land” or “Lalu Khatal property”.

***101.*** The Banquet Hall plan is, therefore, not being relied upon in isolation. Rather, it constitutes one link in the chain of circumstantial evidence relied upon by the Enforcement Directorate to establish that A-2 was in possession of the disputed land and exercised control and supervision over the same.

***102.*** At the stage of consideration of a discharge application, the Court is not required to determine whether such material conclusively establishes ownership or possession; the relevant consideration is whether the circumstance is capable of lending support to the prosecution's case.

***103.*** Viewed from the aforesaid limited perspective, the sharing of the Banquet Hall plan between accused/petitioner Binod Singh and A-2, coupled with the reference to “Lalu Khatal” in the plan and the identification of the disputed property by the same name in the statements of witnesses, constitutes a circumstance from which an inference may be drawn that the said plan pertained to the property under investigation.

***104.*** The Banquet Hall map remains a relevant circumstance which, when read in conjunction with the other materials collected during investigation, contributes towards a prima facie inference regarding the knowledge, interest and possible beneficial enjoyment of the land by A-2. Though the plan alone may not be insufficient to sustain a prosecution, it is capable, when considered along with the other evidence relied upon by the respondent Enforcement Directorate, of contributing to a finding of grave suspicion.

***105.*** Learned counsel for the petitioner has laid considerable emphasis on the fact that while the ECIR refers

to Shri Bhanu Pratap Prasad "and unknown others", it does not specifically name the present petitioner. Therefore, it has been argued that the trial being conducted against the petitioner lacks legal foundation and is unsustainable in the eyes of law.

***106.*** But in the aforesaid context it needs to refer herein that an ECIR is an internal departmental record and is not a statutory document equivalent to an FIR, as has been authoritatively held in ***Vijay Madanlal Choudhary v. Union of India (supra)***. Investigation under the PMLA is a progressive and dynamic exercise, and the arraignment of a person whose complicity surfaces in the course of investigation is not merely permissible but obligatory. As reaffirmed in ***Pavana Dibbur v. Directorate of Enforcement 2023 INSC 1029*** a person need not be named in the predicate FIR, much less in the ECIR, to be prosecuted under Section 3 of the PMLA.

***107.*** It has further been contended on behalf of the petitioner that the document recovered during the course of investigation i.e. the alleged/incriminating map, was nothing more than a “rough conceptual sketch” which was never acted upon or implemented. Therefore, according to the petitioner, no inference regarding his involvement in the alleged commission of the crime can be drawn solely on the basis of the said map.

***108.*** In the aforesaid context it needs to refer herein that from the record it appears that the document was a site plan dated 12.04.2018, bearing the imprimatur of M/s Grids Consultants, bearing the specific project name "Proposed Banquet Hall" and the specific address "Lalu Khatal, Bariyatu Road, Ranchi", transmitted to Accused No. 2 on 06.04.2021, and thereafter transmitted on 10.09.2022 to the Petitioner's own employee under the file name "banquet @ bariyatul.pdf" for the purpose of effecting edits to the parking layout edits which were in fact carried out and returned.

***109.*** Thus, prima facie, it can be inferred that a drawing which is site-specific, bears the name and branding of the concerned architectural firm, and has undergone revisions over a period of more than four and a half years, cannot readily be characterized as a mere conceptual doodle or rough sketch. Be that as it may, whether the document in question constitutes only a preliminary sketch or a developed architectural layout, and whether an architect is professionally obligated to verify the title or ownership of the land concerned, are essentially questions of fact as well as matters of professional practice. Such issues can only be adjudicated upon after appreciation of evidence during trial and cannot be conclusively determined at this stage of the proceedings.

***110.*** Further from record it is evident that a search under Section 17 of the PMLA was conducted on 03.01.2024 at the residential premises of the Petitioner in the course of investigation in ECIR/RNZO/07/2023, in which his mobile phone, his laptop and unaccounted cash amounting to Rs. 23,74,000/- were seized. It is from that very mobile phone that the incriminating WhatsApp communications between the Petitioner and Accused No. 2, and the Banquet Hall plan bearing the address "Lalu Khatal", were retrieved. However the Petitioner is not charged with acquiring or holding the 8.86 acres and is charged with knowingly being a party to its concealment.

***111.*** Further the prosecution/ED relies upon the seized mobile device and its contents, the plan of 12.04.2018 bearing the address "Lalu Khatal, Bariyatu Road, Ranchi"; the transmission of *whatsapp* made by petitioner on 06.04.2021 to Accused No. 2, the transmission of 10.09.2022 to Shri Pranav Kumar Mandal under the file name "banquet @bariyatul.pdf"; the Section 50 statement of Shri Pranav Kumar Mandal dated 08.03.2024; the survey proceedings under Section 16 of the PMLA dated 20.04.2023 and 10.02.2024; the identification by witnesses of the disputed parcel as "Lalu Khatal"; the statements of the Petitioner under Section 50 of the PMLA; and the statements

and refusal to co-operate of Accused No. 2 when confronted with the very same chats.

***112.*** Further, it is alleged by the ED that petitioner concealed his knowledge of the Banquet Hall plan and of the property. The falsity of his statement stands demonstrated by the contents of his own seized device, by the survey proceedings, by the statement of his own employee and by the mutually corroborative statement of Accused No. 2 on the very same subject.

***113.*** It is the considered view of this Court that whether the alleged falsity of the assertions or documents relied upon by the prosecution is ultimately established beyond reasonable doubt is a matter to be determined upon appreciation of evidence during trial. At this stage, it would not be proper for the Court to undertake a detailed examination of the merits of the allegations or to record findings on disputed questions of fact.

***114.*** Further it is apparent from record that the Petitioner is not alleged to have projected the property as untainted in his own hands but he is alleged to have knowingly assisted accused No. 2 in concealing the true possession, control and beneficial enjoyment of the tainted property.

***115.*** It needs to refer herein that Clause (i) of the Explanation to Section 3 of the Act 2002 enumerates

concealment, possession, acquisition, use, projecting as untainted property and claiming as untainted property as six independent and severable processes or activities, involvement in any one of which constitutes the offence. Clause (ii) declares the offence to be a continuing one. The Explanation to Section 2(1)(u), inserted by the Finance (No. 2) Act, 2019, expressly extends the definition of proceeds of crime to property derived or obtained, directly or indirectly, as a result of any criminal activity relatable to the scheduled offence.

***116.*** Further, the petitioner has placed his reliance upon the case of ***Jafar Mohammed Hasanfatta v. Deputy Director, Directorate of Enforcement, 2017 SCC OnLine Guj 2476***. In that case the impugned conduct of the petitioners was the passive receipt of funds through regular banking channels from a relative, and there was no material of any description to impute knowledge.

***117.*** In the present case the Petitioner as per allegation, has affirmatively created, branded, transmitted and, over a period of four and a half years, revised a development plan for the very parcel constituting the proceeds of crime, transmitted it directly to the person in illegal possession thereof, and thereafter denied all knowledge of it upon oath. Further, and decisively, ***Jafar Mohammed Hasanfatta*** case was decided in the year 2017 and its observations upon

the reach of Sections 3 and 24 of the PMLA must now be read subject to the authoritative and binding exposition of the Hon'ble Supreme Court in ***Vijay Madanlal Choudhary (supra),*** decided in 2022. Accordingly, in the light of the factual matrix and circumstances obtaining in the present case, this Court finds that the ratio laid down in the judgment relied upon by the petitioner doesn't lends support to the petitioner's contention.

***118.*** Further the reliance placed by the petitioner on the case of ***Shyam Radhakrishna Malpani v. State of Maharashtra, 2025 SCC OnLine Bom 2404***, is also distinguishable upon its facts and affords the Petitioner no assistance. The case concerned a statutory external auditor prosecuted for a failure to detect sham transactions for an omission amounting at highest to professional negligence, in the discharge of a statutory audit function performed transparently and on the record.

***119.*** The present case concerns as per the prosecution complaint, an act, performed off the record, for a client whose name does not appear anywhere upon the document, followed by an affirmative denial of that act upon oath. The distinction between a professional who fails to detect wrongdoing and a professional who conceals his own participation is fundamental. It may further be noticed that the Bombay High Court in the very passage extracted by the

Petitioner reiterates that the Court must consider "the broad probabilities of the case" and "the cumulative effect of the documents produced" which is an exercise which the learned Special Judge has performed in the impugned order.

***120.*** The learned counsel for the petitioner has also placed reliance upon the ***Deputy Director, Directorate of Enforcement v. Murali Krishna Chakrala, 2024 SCC OnLine SC 878,*** wherein the judgment of the Madras High Court dated 23.11.2022 in ***Murali Krishna Chakrala v. Deputy Director, Directorate of Enforcement***, has been affirmed. In the said case Chartered Accountant was discharged upon the specific reasoning that in issuing a Form 15CB certificate he was required only to examine the nature of the remittance and was not required to go behind the genuineness of the documents furnished by his client. But in the instant case three features distinguish the present case decisively. First, the Petitioner acted for no disclosed client at all: the site plan bears the name of M/s Grids Consultants but bears no client's name whatsoever, and no engagement letter, fee note, invoice, professional register entry or any other contemporaneous professional record has been produced by the Petitioner to evidence a bona fide professional engagement. Secondly, the Chartered Accountant in *Chakrala* performed a statutory function transparently and never denied having performed it but

herein as per allegation the Petitioner concealed the very existence of the plan and gave a false statement under Section 50 of the PMLA. Thirdly, here the Petitioner was, on his own showing, professionally engaged with a site over four and a half years, transmitted the plan directly to the person in illegal possession, and had every means of knowing. The *Chakrala* principle protects the professional who is transparent; it does not protect the professional who conceals. Therefore, the judgment relied upon by the petitioner is not applicable in the fact and circumstances of the instant case.

***121.*** Upon consideration of the rival submissions and the materials placed on record, this Court is of the view that the settled principles governing discharge favour continuation of the prosecution where the circumstances, when cumulatively assessed, give rise to a grave suspicion regarding the involvement of the accused. At this stage, the Enforcement Directorate is not required to establish actual conspiracy, actual manipulation of records, or the ultimate guilt of the accused beyond doubt. The requirement is only to demonstrate the existence of material giving rise to a reasonable prima facie inference warranting a trial.

***122.*** The circumstances relied upon by the Enforcement Directorate, including the disputed property under

investigation, the emergence of the SAR proceedings, the alleged unusual urgency surrounding the passing of the order contemporaneous with the investigation being conducted by the Enforcement Directorate, and the broader materials linking A-2 with possession of the property and an intention to develop and commercially exploit the same, when viewed cumulatively, appear sufficient to justify the continuation of the proceedings.

***123.*** The contention of the petitioner that preparation of a plan by itself does not establish the offence alleged cannot be accepted as a ground for discharge at this stage. The issue before this court is not whether the said circumstance conclusively establishes guilt but whether it constitutes relevant material requiring examination during trial.

***124.*** The prosecution seeks to rely upon said document as one link in a chain of circumstances and not as a sole incriminating material whether the proposed Banquet Hall plan actually relates to the disputed property, whether the applicant prepared the same with knowledge of the alleged of the property, and whether his acts amount to knowingly giving assistance or participating in activities connected with the proceeds of crime are all matters requiring evidence and cross-examination. These issues cannot be conclusively determined at the stage of discharge.

***125.*** Further, whether the Petitioner prepared the plan with knowledge of the character of the property and whether his acts amount to knowingly giving assistance in activities connected with proceeds of crime are "all matters requiring evidence and cross-examination" which "cannot be conclusively determined at the stage of discharge".

***126.*** Further, it is settled position of law that no professional enjoys a status-based immunity under the PMLA. The said protection attaches to the professional who acts transparently within the four corners of a disclosed engagement and does not conceal what he has done. But it does not attach to a professional who acts for an undisclosed client, whose drawing bears no client's name, who produces no engagement letter, fee note or invoice, who transmits his work directly and privately to a person in illegal possession of the site, and who thereafter denies the whole transaction upon oath in a proceeding deemed judicial by Section 50(4) of the PMLA. Therefore, the question whether the Petitioner falls in the former class or the latter is precisely what the trial must determine.

***127.*** It is settled position which has been settled in ***State of Maharashtra v. Som Nath Thapa, (1996) 4 SCC 659***, wherein it has been held that the requisite intention or knowledge may be inferred from the circumstances proved

and need not be established by direct evidence at the stage of framing of charge.

***128.*** The circumstances from which such knowledge is *prima facie* inferable herein based upon the prosecution complaint that the Petitioner is a close associate of Accused No. 2, petitioner's firm carried the project on its books from 2018 to 2022, the plan bore the specific locality description "Lalu Khatal", and witnesses identify the disputed 8.86 acres by that very name. Further the survey dated 10.02.2024, conducted in the Petitioner's own presence, confirmed the identity of the locality and the plan bore no client's name; and it is alleged that the Petitioner concealed the entire transaction and gave a false statement under Section 50 of the PMLA. Whether these aforesaid circumstances ultimately sustain a finding of knowledge beyond reasonable doubt is a question for the trial.

***129.*** The petitioner is hereby charged under Section 3 of the PMLA with allegation that he is knowingly being a party to, and knowingly assisting in, a process or activity connected with proceeds of crime. Further it alleged that he assists to Accused no.2 in the concealment of the possession and beneficial enjoyment of the 8.86 acres by Accused No. 2. Thus, it is impossible at this stage to adjudicate the Petitioner's participation in that concealment without

examining what was being concealed, by whom and from whom.

***130.*** Having considered the prosecution complaint, witnesses statements, documentary evidence relied upon by the complainant/prosecution, digital evidence and the surrounding circumstances relied upon by the prosecution, this court is of the opinion that the material on record cannot be said to be wholly insufficient or incapable of giving rise to a *prima facie* inference against the petitioner. The material rather raises issues requiring adjudication upon evidence during the trial.

***131.*** Furthermore, it is the settled position of law that in the exercise of revisional jurisdiction, interference with an order passed by a subordinate Court is permissible only if such order suffers from perversity or patent error, thereby occasioning a failure of justice.

***132.*** At this juncture it needs to refer herein that the word 'perverse' has been interpreted by the Hon'ble Apex Court which means that there is no evidence or erroneous consideration of the evidence. The Hon'ble Apex Court in ***Arulvelu and Anr. vs. State [Represented by the Public Prosecutor] and Anr., (2009) 10 SCC 206*** while elaborately discussing the word perverse has held that it is, no doubt, true that if a finding of fact is arrived at by ignoring or excluding relevant material or by taking into consideration

irrelevant material or if the finding so outrageously defies logic as to suffer from the vice of irrationality incurring the blame of being perverse, then, the finding is rendered infirm in law. Relevant paragraphs, i.e., paras-24, 25, 26 and 27 of the said judgment reads as under:

> ***"24.*** *The expression "perverse" has been dealt with in a number of cases. In Gaya Din v. Hanuman Prasad [(2001) 1 SCC 501] this Court observed that the expression "perverse" means that the findings of the subordinate authority are not supported by the evidence brought on record or they are against the law or suffer from the vice of procedural irregularity.*
>
> ***25.*** *In Parry's (Calcutta) Employees' Union v. Parry & Co. Ltd. [AIR 1966 Cal 31] the Court observed that "perverse finding" means a finding which is not only against the weight of evidence but is altogether against the evidence itself. In Triveni Rubber & Plastics v. CCE [1994 Supp (3) SCC 665 : AIR 1994 SC 1341] the Court observed that this is not a case where it can be said that the findings of the authorities are based on no evidence or that they are so perverse that no reasonable person would have arrived at those findings.*
>
> ***26.*** *In M.S. Narayanagouda v. Girijamma [AIR 1977 Kant 58] the Court observed that any order made in conscious violation of pleading and law is a perverse order. In Moffett v. Gough [(1878) 1 LR 1r 331] the Court observed that a "perverse verdict" may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence. In Godfrey v. Godfrey [106 NW 814] the Court defined "perverse" as turned the wrong way, not right; distorted from the right; turned away or deviating from what is right, proper, correct, etc.*
>
> ***27.*** *The expression "perverse" has been defined by various dictionaries in the following manner:*
>
> *1. Oxford Advanced Learner's Dictionary of Current English, 6th Edn.*
>
> *"Perverse.—Showing deliberate determination to behave in a way that most people think is wrong, unacceptable or unreasonable."*
>
> *2. Longman Dictionary of Contemporary English, International Edn.*
>
> *Perverse.—Deliberately departing from what is normal and reasonable.*

*3. The New Oxford Dictionary of English, 1998 Edn.*

*Perverse.—Law (of a verdict) against the weight of evidence or the direction of the judge on a point of law.*

*4. The New Lexicon Webster's Dictionary of the English Language (Deluxe Encyclopedic Edn.)*

*Perverse.—Purposely deviating from accepted or expected behavior or opinion; wicked or wayward; stubborn; cross or petulant.*

*5. Stroud's Judicial Dictionary of Words & Phrases, 4th Edn.*

*"Perverse.—A perverse verdict may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence.""*

***133.*** Thus, from the aforesaid it is evident that if any order made in conscious violation of pleading and law then it will come under the purview of perverse order. Further "perverse verdict" may probably be defined as one that is not only against the weight of evidence but is altogether against the evidence.

***134.*** Thus, "perversity" refers to a finding or decision so unreasonable or irrational that no reasonable person acting judicially could have reached it. It signifies a gross and unreasonable assessment of evidence or law by a court.

***135.*** Further Perversity is a high threshold for intervention, distinguishing it from a mere error of fact or law. The "safest approach on perversity is the classic approach on the reasonable man's inference on the facts but inadequacy of evidence or a different reading of evidence is not perversity, reference in this regard be made to the

judgment rendered by the Hon'ble Apex Court in the case of ***Damodar Lal v. Sohan Devi, (2016) 14 SCC 197.***

***136.*** This Court, in order to examine whether the impugned order dated 10.06.2026 suffers from perversity, has perused the same.

***137.*** From the impugned order it is evident that the learned Special Judge has recorded satisfaction that there exists sufficient material to proceed against the petitioner for the offence under Section 3 of the Prevention of Money Laundering Act, 2002, punishable under Section 4 thereof.

***138.*** Further it is also evident from impugned order that the learned Special Judge sets out Section 250 of the BNSS and its correspondence with Section 227 of the Cr.P.C. and applies ***State of Tamil Nadu v. N. Suresh Rajan, (2014) 11 SCC 709*** and the allied line of authority. Further it is evident from the impugned order that the learned special Judge deals specifically and separately with the material available against this Petitioner and identifies the cumulative circumstances relied upon and records conclusion with reasons.

***139.*** Thus, it is evident from the impugned order that the learned Special Court, PMLA, Ranchi, upon due consideration of the materials available on record, confined itself to the limited exercise of examining whether a *prima facie* case existed against the petitioner warranting

continuation of the proceedings. Having found sufficient material for such purpose, the learned Special Court proceeded to reject the discharge application. Therefore, the impugned order cannot be said to suffer from any legal infirmity, jurisdictional error, or perversity warranting interference by this Court.

***140.*** At this juncture, it needs to refer herein that the Hon'ble Apex Court in the case of ***Pradeep Nirankarnath Sharma Versus Directorate of Enforcement and Another, 2025 SCC OnLine SC 560*** has observed that as established in multiple judicial pronouncements, cases involving economic offences necessitate a thorough trial to unearth the complete chain of events, financial transactions, and culpability of the accused, therefore the material submitted by the respondent, coupled with the broad legislative framework of the PMLA, indicates the necessity of allowing the trial to proceed and not discharging the appellant at the nascent stage of charge framing and discharging the appellant at this stage would be premature and contrary to the principles governing the prosecution in money laundering cases, for ready reference the relevant paragraphs are being quoted as under:

> *"30. The PMLA was enacted with the primary objective of preventing money laundering and confiscating the proceeds of crime, thereby ensuring that such illicit funds do not undermine the financial system. Money laundering has far-reaching consequences, not only in terms of individual acts of corruption but also in causing significant loss to the*

*public exchequer. The laundering of proceeds of crime results in a significant loss to the economy, disrupts lawful financial transactions, and erodes public trust in the system. The alleged offences in the present case have a direct bearing on the economy, as illicit financial transactions deprive the state of legitimate revenue, distort market integrity, and contribute to economic instability. Such acts, when committed by persons in positions of power, erode public confidence in governance and lead to systemic vulnerabilities within financial institutions.*

*31. The illegal diversion and layering of funds have a cascading effect, leading to revenue losses for the state and depriving legitimate sectors of investment and financial resources. It is settled law that in cases involving serious economic offences, judicial intervention at a preliminary stage must be exercised with caution, and proceedings should not be quashed in the absence of compelling legal grounds. The respondent has rightly argued that in cases involving allegations of such magnitude, a trial is imperative to establish the full extent of wrongdoing and to ensure accountability.*

*32. The PMLA was enacted to combat the menace of money laundering and to curb the use of proceeds of crime in the formal economy. Given the evolving complexity of financial crimes, courts must adopt a strict approach in matters concerning economic offences to ensure that perpetrators do not exploit procedural loopholes to evade justice.*

*33. The present case involves grave and serious allegations of financial misconduct, misuse of position, and involvement in transactions constituting money laundering. The appellant seeks an end to the proceedings at a preliminary stage, effectively preventing the full adjudication of facts and evidence before the competent forum. However, as established in multiple judicial pronouncements, cases involving economic offences necessitate a thorough trial to unearth the complete chain of events, financial transactions, and culpability of the accused.*

*34. The material submitted by the respondent, coupled with the broad legislative framework of the PMLA, indicates the necessity of allowing the trial to proceed and not discharging the appellant at the nascent stage of charge framing. The argument that the proceedings are unwarranted is devoid of substance in light of the statutory objectives, the continuing nature of the offence, and the significant financial implications arising from the alleged acts. Discharging the appellant at this stage would be premature and contrary to the principles governing the prosecution in money laundering cases."*

***141.*** Thus, on the basis of discussion made hereinabove, the materials available on record, including the statements of witnesses and other documents collected during investigation, and bearing in mind the principles laid down by the Hon'ble Supreme Court, this Court is satisfied that a *prima facie* case is made out against the present petitioner. The contentions advanced on behalf of the petitioner essentially pertain to disputed questions of fact and matters requiring appreciation of evidence, which can be adjudicated only during trial. Therefore, the petitioner cannot seek rebuttal of the prosecution allegations at this stage of the proceedings.

***142.*** Further, it needs to refer herein that the Hon'ble Apex Court in the case of ***Munna Devi v. State of Rajasthan, (2001) 9 SCC 631*** has observed that the revisional power under the Code of Criminal Procedure cannot be exercised in a routine and casual manner. While exercising such powers the High Court has no authority to appreciate the evidence in the manner as the trial and the appellate courts are required to do. Revisional powers could be exercised only when it is shown that there is a legal bar against the continuance of the criminal proceedings or the framing of charge or the facts as stated in the first information report even if they are taken at the face value

and accepted in their entirety do not constitute the offence for which the accused has been charged.

***143.*** Thus, it is evident that the revisional power can only be exercised to correct patent error of law or procedure which would occasion unfairness, if it is not corrected. The revisional power cannot be compared with the appellate power. A Revisional Court cannot undertake meticulous examination of the material on record as it is undertaken by the trial court or the appellate court. This power can only be exercised if there is any legal bar to the continuance of the proceedings or if the facts as stated in the charge-sheet are taken to be true on their face value and accepted in their entirety do not constitute the offence for which the accused has been charged.

***144.*** The Hon'ble Apex Court in the case of ***State of Tamil Nadu v. R. Soundirarasu, and Ors.***, ***(2023) 6 SCC 768*** has held at paragraphs-81 to 83 as under:

> *"81.* ***The High Court has acted completely beyond the settled parameters, as discussed above, which govern the power to discharge the accused from the prosecution. The High Court could be said to have donned the role of a chartered accountant. This is exactly what this Court observed in Thommandru Hannah Vijayalakshmi [CBI v. Thommandru Hannah Vijayalakshmi, (2021) 18 SCC 135]. The High Court has completely ignored that it was not at the stage of trial or considering an appeal against a verdict in a trial****. The High Court has enquired into the materials produced by the accused persons, compared with the*

*information compiled by the investigating agency and pronounced a verdict saying that the explanation offered by the accused persons deserves to be accepted applying the doctrine of preponderance of probability. This entire exercise has been justified on account of the investigating officer not taking into consideration the explanation offered by the public servant and also not taking into consideration the lawful acquired assets of the wife of the public servant i.e. Respondent 2 herein.*

*82. By accepting the entire evidence put forward by the accused persons applying the doctrine of preponderance of probability, the case put up by the prosecution cannot be termed as "groundless". As observed by this Court in C.S.D. Swami [C.S.D. Swami v. State, AIR 1960 SC 7] that the accused might have made statements before the investigating officer as to his alleged sources of income, but the same, strictly, would not be evidence in the case.*

*83. Section 13(1)(e) of the 1988 Act makes a departure from the principle of criminal jurisprudence that the burden will always lie on the prosecution to prove the ingredients of the offences charged and never shifts on the accused to disprove the charge framed against him. The legal effect of Section 13(1)(e) is that it is for the prosecution to establish that the accused was in possession of properties disproportionate to his known sources of income but the term "known sources of income" would mean the sources known to the prosecution and not the sources known to the accused and within the knowledge of the accused. It is for the accused to account satisfactorily for the money/assets in his hands.* ***The onus in this regard is on the accused to give satisfactory explanation. The accused cannot make an attempt to discharge this onus upon him at the stage of Section 239CrPC. At the stage of Section 239CrPC, the court has to only look into the prima facie case and decide whether the case put up by the prosecution is groundless."***

## Conclusion

***145.*** Thus, the ambit and scope of exercise of power of discharge is fairly well settled which has been elaborately discussed in the preceding paragraphs and as per settled proposition of law, no comprehensive assessment of the materials or meticulous consideration of the possible defence need to be undertaken at this stage nor any exercise of weighing materials in golden scales is to be undertaken at this stage. The only deliberation at the stage of framing of charge is *"as to whether prima facie case was made out or not and whether the accused is required to be further tried or not".*

***146.*** Further, it is well settled that the revisional power cannot be parallelled with appellate power. The Revisional Court cannot undertake meticulous examination of the material on record as is undertaken by the Trial Court or the Appellate Court.

***147.*** Further, it is evident from the impugned order that the learned Special Court, PMLA, Ranchi, correctly applied the settled principles governing consideration of a discharge application and restricted its scrutiny to ascertaining whether sufficient material existed on record to proceed against the petitioner. Upon being satisfied that a *prima facie* case was made out, the discharge application was rejected. In such circumstances, this Court finds no error in the approach adopted by the learned Special Court.

***148.*** Hence, on the basis of discussion made hereinabove and taking into consideration the settled position of law as discussed and referred hereinabove and further taking into consideration the ratio of the judgment rendered by the Hon'ble Apex Court in the case of ***Pradeep Nirankarnath Sharma Versus Directorate of Enforcement and Another (supra)***, this court is of the considered view that there is no illegality or perversity in the impugned dated 10.06.2026 passed in Miscellaneous Criminal Application No. 2539/2025 (arising out of ECIR Case No. 06/2023) by learned AJC-I cum Special Judge, PMLA, Ranchi, whereby and whereunder the learned trial court has rejected the application of the petitioner filed for discharge from the offences defined under Section 3 and punishable under Section 4 of the Prevention of Money Laundering Act, 2002

***149.*** Accordingly, this Court does not find any justifiable reason to interfere with the impugned order dated 10.06.2026.

***150.*** In view thereof, the instant criminal revision petition, is hereby, dismissed.

***151.*** Pending Interlocutory Applications, if any, also stand disposed of.

***152.*** It is made clear that any observations made herein are prima-facie for consideration of issue involved in the

instant revision petition and view expressed herein shall not be construed as an expression on the merits of the case. The learned Trial Court shall proceed with the matter uninfluenced by any observations made by this Court and shall decide the case strictly in accordance with law.

**(Sujit Narayan Prasad, J.)**

***04/11/2026***

*Alankar*/**A.F.R.**

**Uploaded on 06.11.2026**