

IN THE COURT OF THE ADDITIONAL SPECIAL SESSIONS JUDGE, (SPE/CBI)-III,
ERNAKULAM

Present :-

SRI.SHIBU THOMAS, SPECIAL JUDGE.

Tuesday the 21st day of November, 2023/ 30th Karthika, 1945.

Crl. M.P. No. 1140 /2023

in

File No.ECIR/KCZO/45/2021

(On the Directorate of Enforcement, Cochin)

Petitioner/Complainant : Directorate of Enforcement,
Represented by Assistant Director,
Directorate of Enforcement,
Government of India,
Cochin Zonal Office, Kanoos Castle,
A.K. Seshadri Road, (Mullassery
Canal Road West, Cochin -682011.

Represented By : Adv.M.J. Santhosh
Spl. Public Prosecutor,
Directorate of Enforcement

Respondents/Accused No.1 : Shri Bijoy A.K., Aged 48 Years,

Accused No.2: M/s Thekkady Resorts Ltd.,
Represented by its Director,
Shri Bijoy A.K., PESO Tower,
Chugam, Irinjalakuda,
Thrissur – 680121.

Accused No.3: M/s Peso Marketing Pvt. Ltd.,
Represented by its Director,
Shri. Bijoy A.K., Building No.II/126,
Ananthathuparambil, Krumbissery,
Irinjalakuda P.O., Thrissur – 680121.

Accused No.4: M/s Vedasuthra Herbal Healthcare Ltd.,
Represented by its Director,
Shri. Bijoy A.K., PESO Tower,



Chungam, Irinjalakuda,
Thrissur -680121.

Accused No.5: M/s Peso Medicare Pvt. Ltd.,
Represented by its Director,
Shri. Bijoy A.K., PESO Tower,
Chungam, Irinjalakuda,
Thrissur - 680121.

Accused No.6: M/s Peso Infrastructure Ltd.,
Represented by its Director,
Shri Bijoy A.K., PESO Tower,
Chungam, Irinjalakkuda,
Thrissur - 680121.

Accused No.7: M/s Kreez Nidhi Ltd., Represented by
its Director, Shri Bijoy A.K.,
PESO Tower, Chungam, Irinjalakkuda,
Thrissur - 680121.

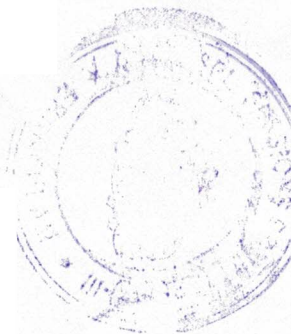
Accused No.8: M/s Luxway Hotel & Resorts Ltd.,
PESO Tower, Chungam, Irinjalakkuda,
Thrissur - 680121.

Accused No.9:
(Custody) Shri. Kiran P.P., aged 33 years,

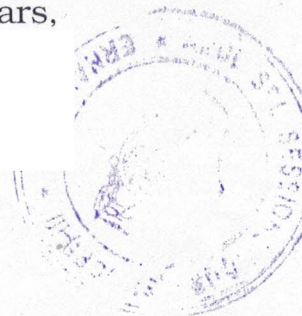
Accused No.10: Shri. Anil Shivaji Jagadale,
@ Anil Subash, aged 46 years,

Accused No.11: Shri. Anil Kumar K.B., aged 57 years,

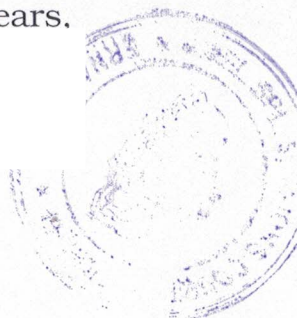
Accused No.12: Shri. Rajeevan Cheerambath,
aged 64 years,



- Accused No.13: M/s Goodwin Packpet Pvt.Ltd.,
Represented by its Director
Shri. Rajeevan Cheerambath,
- Accused No.14: Shri. Satheeshkumar P., aged 56 years,
(Custody)
- Accused No.15: Shri. Aravindakshan P.R., aged 57 years,
(Custody)
- Accused No.16: Shri. Jilse C.K., aged 45 years,
(Custody)
- Accused No.17: Shri Ramesh.P.V, aged 52 years,
- Accused No.18: Shri. Jacob Chackery, aged 79 years,
- Accused No.19: Shri. Sunilkumar.K.D, aged 55 years,
- Accused No.20: Shri. Gopalakrishnan.O.A,
aged 68 years,
- Accused No.21: Shri. Abdul Gafoor, aged 54 years,



- Accused No.22: Shri. Abdul Nazar.P.K, aged 55 years,
- Accused No.23: Shri. Paulson.A.J, aged 63 years,
- Accused No.24: Shri. Pradeep.K.K, aged 41 years,
- Accused No.25: Shri. Alisabri, aged 59 years,
- Accused No.26: Shri. Davi Varghese, aged 76 years,
- Accused No.27: Shri. M.J. Abdul Khadher, aged 60 years,
- Accused No.28: Shri. Sunny Jacob, aged 63 years,
- Accused No.29: Shri. Suresh Babu, aged 64 years,
- Accused No.30: Shri. Satheesh P.P, aged 54 years,
- Accused No.31: Shri. Aniruduan K.T, aged 63 years.



- Accused No.32: Shri. Deepak Sathyapalan,
aged 46 years,
- Accused No.33: Shri Sunil Kumar. T.R, aged 60 years,
- Accused No.34: Shri Biju.M.K, aged 48 years,
- Accused No.35: Shri C.K. Chandran, aged 66 years,
- Accused No.36: Shri.K.K. Diwakaran, aged 76 years,
- Accused No.37: Baiju.T.S, aged 47 years,
- Accused No.38: Shri.Dinesh M.B, aged 46 years,
- Accused No.39: Shri. Lalithakumar.V.K @ Lalithan,
aged 71 years,
- Accused No.40: Shri. Jose C.A, aged 62 years,
- Accused No.41: Smt. Ambily Mahesh, aged 40 years,



Accused No.42: Smt.Mini Nandan, aged 48 years,

Accused No.43: Shri. Poulouse.T.R, aged 75 years,

Accused No.44: Shri. Kadhar Hussain, aged 70 years,

Accused No.45: Shri.Mahesh Korambil, aged 45 years,

Accused No.46: Shri. Anto.E.C, aged 64 years,

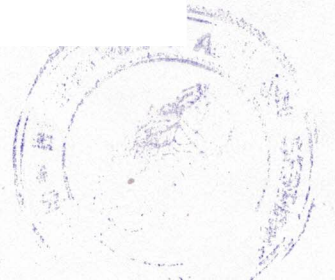
Accused No.47: Smt. Anitha Vidhyasagar, 48 years,

Accused No.48: Smt. Chandrika Gopalakrishnan,
aged 65 years,

Accused No.49. Smt. Shalini. aged 50 years.

Accused No.50 Shri. Sugathan K.V, aged 54 years,

Accused No.51: Shri. Narayanan N,



Accused No.52: Shri. Aslam A.M., aged 61 years,

Accused No.53: Shri. Jijoraj M.A., aged 48 years,

Accused No.54: M/s Catrics Luminous & Solar Systems,
Firm of Shri Kiran P.P., (Accused No.9),

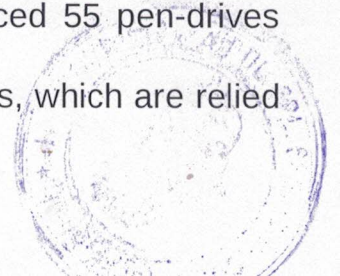
Accused No.55: M/s Flyon Cables, Firm of
Shri Kiran P.P., (Accused No.9),

A1 Represented By : Adv. Isac Sanjay
A14 Represented By : Adv. Sujesh Menon, T. Anil Kumar,
Ressil Lonan
A15 Represented By : Adv. K. Viswan
A16 Represented By : Adv. R. Sudhish & M. Manju

This petition coming on for hearing on 20th day of November, 2023 in the presence of Counsels on both side having stood over for consideration till day the Court passed the following:-

ORDER

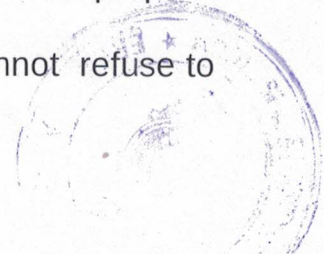
The petition is filed by the Assistant Director of Enforcement Directorate. The present case is based on a complaint filed by the Assistant Director of Enforcement Directorate against 55 accused persons for various offences under the Prevention of Money Laundering Act, 2002 and the Indian Penal Code, 1860. Along with the complaint, the complainant has produced 55 pen-drives containing scanned copies of documents having 26,000 pages, which are relied



upon by the prosecution as evidence against the accused persons.

2. The complainant in the pre-cognizance stage, has moved an application under section 207 of the Code of Criminal Procedure, 1973 (Cr.P.C) praying that the Court may accept the copy of documents to be supplied to the accused in electronic format, i.e, pen-drives, instead of furnishing the copy of documents as hard copy. The complainant has submitted that it is practically impossible to furnish 55 hard copies of documents (RUD) having 26,000 pages. The complainant has also submitted that the second proviso of section 207 of Cr.P. C is an exception and it says that if the Magistrate is satisfied that the documents are voluminous, the Court can direct that the accused will only be allowed to inspect it, either personally or through the Pleader, instead of furnishing copy of document to the accused. It is further submitted by the learned Special Prosecutor that the documents produced along with complaint are not equally relevant for every accused. For instance, the bank account statement of other accused are not necessary for the members of the governing body to defend their case. If the Court orders to provide hard copy of each document to each accused, it would require more than thirteen lakh sheets of paper, this would result in the felling of hundred of trees. A better alternative would be to let the accused to take copies of the documents that are essential for their case. This would help in saving the environment and prayed to allow the petition.

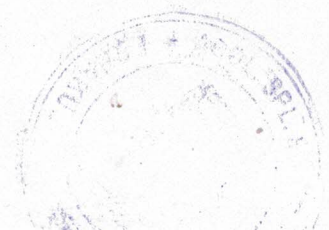
3. I have heard the arguments of the complainant and perused the application and the documents. Since it is a complaint case provision applicable is Sec. 208 Cr.P.C. The purpose of sec. 208 is to enable the accused to prepare his defence and to ensure a fair trial. It is settled that the Court cannot refuse to



supply the copies of documents to the accused on the ground that it is not feasible or practical, and the only exemption is when the document is voluminous in nature, in which case the Court can permit the accused to inspect the document either personally or through the Pleader in Court. I have also considered the relevant provisions of law and the judgments of the Hon'ble Supreme Court in Gopalakrishnan P @ Dileep v. State of Kerala and Another and Central Bureau of Investigation, Bhopal v. Abhishek Sachin @ Abhishek Singh relied by the complainant.

4. In Gopalakrishnan P @ Dileep v. State of Kerala and Another, the Hon'ble Supreme Court held that the contents of a memory card/pen-drive containing video footage/clipping of an alleged rape incident are a "document" within the meaning of the Indian Evidence Act, 1872 and the Indian Penal Code, 1860, and not a "material object". Therefore, the accused is entitled to get a cloned copy of the contents of the memory card/pen-drive under section 207 of Cr.PC, subject to certain conditions and safeguards to protect the privacy, dignity and identity of the victim.

5. In Central Bureau of Investigation, Bhopal v. Abhishek Sachin @ Abhishek Singh, the Hon'ble Supreme Court reiterated the principle laid down in Gopalakrishnan P @ Dileep v. State of Kerala and Another and observed that the right of the accused to receive copies of the documents under section 207 of Cr.P.C is a valuable right to ensure fair trial. The Court also observed that the electronic records are admissible as evidence under the Information Technology Act, 2000 and the Indian Evidence Act, 1872, and hence, the accused cannot be denied the copies of the same.



6. Therefore, the accused are entitled to get copies of the documents under section 208 of Cr.P.C, as the complainant proposes to rely upon them as evidence against the accused.

7. However, I am also mindful of the fact that the documents are voluminous and it is practically difficult to furnish 55 hard copies of documents having 26,000 pages. But in this case, the prosecution has furnished 55 soft copies of documents including statement of accused and witnesses in pen drive along with 55 hard copies of complaint. The pen drive is more efficient and economical when compared to paper copies of these documents. The paper copies would consume large amount of paper, ink and other resources and they would also pose a challenge for storage and examination. The pen drive, on the other hand would be easy to store and examine. The pen drive would also be more clear and accurate than the paper copies of documents as it would retain the original quality and resolution. The pen drive is also more eco-friendly than the hard copies of the documents. The hard copies would entitle cutting down hundreds of trees, which would harm the environment and the ecology. The pen drive would not prejudice the rights and interest of accused as the prosecution would take all necessary steps to ensure the authenticity and integrity of the pen drive. Furthermore, it is important to note that we are transitioning to paperless Court.

8. Accordingly, at these pre-cognizance stage, the application of the complainant is allowed and pendrives are accepted for the time being, with the following conditions:-





1. The pen drive should be of good quality and capacity and should not have any defects, damages or virus that could affect the documents.
2. The pen drive should be sealed in a tamper proof envelope, and would affix a unique identification number or code.
3. The pen drive should be accompanied by a digital signature or a certificate of authenticity, to verify the source and integrity of the documents.
4. The pen drive should not be deleted or modified without permission.
5. The prosecution should also provide to the accused with necessary devices and software to access the pen drive, if required.


Dictated to the Confidential Assistant, transcribed and typed by her, corrected by me and pronounced in open Court on this the 21st day of November, 2023.

Sd/-
Shibu Thomas
Special Judge (SPE/CBI) – III
Ernakulam

Appendix: Nil

Id/-
Special Judge, (SPE/CBI) – III

Typed by:- 
Com by:- 

True Copy
(By Order)

Sherisadar

