

M.A. NO..... OF 2020

IN
ECIR/BGZO/32/2020

Directorate of Enforcement
Represented by its Deputy Director
Govt. of India, Ministry of Finance,
Department of Revenue,
Bengaluru

...Applicant/Investigating Officer

Vs.

Shri Bineesh Kodiveri.

... Accused person

**HUMBLY FILING APPLICATION UNDER SECTION 19 R/W SECTION 65 OF
THE PREVENTION OF MONEY LAUNDERING ACT, 2002.**

MOST RESPECTFULLY SHOEWTH:

1. I Rahul Sinha, working as Deputy Director in the Directorate of Enforcement, Bengaluru, filing this application in the capacity of the Investigating Officer. I am authorized to investigate cases under Section 48 & 49 of the Prevention of Money Laundering Act 2002 (herein after referred to as PMLA or the Act for the sake of brevity) r/w Government of India Notification vide No. 441(E) dated 01.07.2005. It is humbly submitted that the Applicant is authorized to carry out the investigation by virtue of Section 2(1)(na) of the Act.
2. It is respectfully submitted that the applicant Department is the sole investigation agency under the Act and the main objects of the Act are to

of the Act and also to punish the offenders of money laundering under Chapter II of the PMLA.

3. It is humbly submitted that The Directorate of Enforcement was established in the year 1956 with its Headquarters at New Delhi. The Applicant Department is authorized for enforcement of the PMLA and the Foreign Exchange Management Act, 1999 (FEMA). The Directorate is under the administrative control of the Department of Revenue for operational purposes of PMLA and FEMA.
4. It is humbly submitted that the Narcotics Control Bureau, Bengaluru registered a case vide F.No. 48/1/14/2020/BZU dated 22.08.2020 u/s 22, 27A, 28 and 29 of NDPS Act, 1985 against Mr. Mohammed Anoop and others.
5. It is humbly submitted that the offence under Section 22 & 27A of NDPS Act, 1985 are the scheduled offences under Section 2(1)(x) & (y) of the PMLA. The said offences were examined by the Applicant Department and came into conclusion that there appears to be a prima facie case for offence of money laundering under Section 3 of the PMLA punishable under Section 4 of the Act. Hence, the Directorate of Enforcement has recorded Enforcement Case Information Report in ECIR No. BGZO/32/2020 on 09.09.2020 and initiated investigation under the PMLA to achieve the above objects of the Act.
6. It is humbly submitted that during the course of investigation of the above case, Mr. Mohammed Anoop has been arrested by ED on 17.10.2020 and remain in custody till 21.10.2020. During the course of investigation, it was revealed that Mr. Mohammed Anoop was made a Benamidar of a restaurant of Mr. Bineesh Kodiyeri. Mr. Mohammed Anoop, who is a drug peddler, accepted that Mr. Bineesh Kodiyeri is his boss and he did whatever Mr. Bineesh told him to do, for which Mr. Bineesh used to pay him. It is humbly submitted that the Directorate is pursuing investigation to know all aspects connected with the offence of money laundering being committed by the accused herein. The accused herein deposited huge amount of funds through bank transfers and huge cash deposits into the accounts of Mr. Mohammed Anoop, who is a drug peddler, was arrested by the NCB, Bengaluru for having found in the possession of 60 gms of MDMA tablets (Psychotropic substance) which is beyond the permissible limits at his residence and is in the

Court. Summons dated 30.09.2020 and 16.10.2020 were issued to the accused herein u/s 50(2) of the PMLA and written statements of the Accused u/s 50(3) of the Act were recorded on 06.10.2020 and 29.10.2020 respectively. The statement recorded u/s 50(3) of the Act are deemed to be the judicial proceedings u/s 50(4) of the Act and such statement is an admissible evidence before the court of law as it will not hit Article 20(3) of the Constitution of India.

7. It is humbly submitted that the accused herein has admitted in his statement dated 06.10.2020 that he has paid huge amount of money to Mr. Mohammed Anoop. However, he has not disclosed the complete information w.r.t the financial transactions and the proceeds of crime involved in money laundering. During the investigation it is revealed that he holds/possesses many bank accounts and has committed the offence of money laundering by transferring/layering of huge proceeds of crime into various accounts which needs to be unearthed. Investigation under PMLA further revealed that the applicant department is having sufficient materials with reasons to believe that the said accused is a guilty of the offence of money laundering u/s 3 of the Act and punishable u/s 4 of the Act.
8. It is also submitted that the Accused is not co-operative during the PMLA investigation and not divulging the details of the entire laundered money while deposing the statement U/s 50 (3) in response to summons issue U/s 50(2) of PMLA. The applicant has sufficient records with the reasons to believe that the accused herein has been guilty of offence of money laundering u/s 3 and punishable u/s 4 of the PMLA.
9. It is humbly submitted that to safeguard the entire proceeds of crime involved in money laundering which is in his possession and his associates, the applicant department invoked Section 19(1) of the PMLA and arrested Mr. Bineesh Kodyeri on 29.10.2020 at 1415 hrs. While arresting him, the applicant department complied all legal formalities as laid down by the Hon'ble Supreme Court in the case of DK Basu. Arrest memo has been served along with the Grounds of Arrest (copy furnished) and the medical examination has also been done, the copy of the same is also furnished.
10. It is humbly submitted that to unearth/trace the entire proceeds of crime in the form of properties, which are generated by the accused

custody of the accused to know about the details of the properties acquired etc and investments made out of the proceeds of crime and also the details of persons assisted him in placement/layering and integration of money laundering.

PRAYER

It is therefore humbly prayed that this Hon'ble Court may graciously be pleased to remand the accused Shri Bineesh Kodiyeri S/o Shri Kodiyeri Balakrishnan and permit to take him to the enforcement custody for 15 days for interrogation and pass such orders in the interest of justice, for the following reasons and submissions:

- There are strong reasons to believe that Accused wields considerable power and influence on the perpetrators of the money laundering offence and if not remanded to Enforcement Directorate custody will continue to indulge in the said offence and this would severely scuttle the investigation and destroy the evidences.
- The custody would enable the Department to pursue the ongoing investigations unhampered, under the PMLA, in the interest of justice.
- The custody would enable to unearth the diversion and the end use of the Proceeds of Crime acquired by the Accused herein and also in detection of placement and layering of the Proceeds of Crime.
- On these above grounds the accused is required for Departmental custody for a period of 15 days otherwise the department will be unable to investigate the matter and unearth the proceeds of crime.