



MAJESTY LEGAL
Advocates & Solicitors

ED LACKS AUTHORITY TO ARREST AFTER SPECIAL COURT TAKES COGNIZANCE

"BIJAY KETAN SAHOO V. ENFORCEMENT DIRECTORATE"

Hon'ble Apex Court, in a recent ruling in case of *Bijay Ketan Sahoo v. Enforcement Directorate*¹, reiterated that Enforcement Directorate (ED) cannot arrest an accused under Section 19 of the Prevention of Money Laundering Act, 2002, once the Special Court has taken cognizance of the complaint. This decision aligns with the precedent set in the case of *Tarsem Lal v. Directorate of Enforcement*². Prior to this, Hon'ble Orissa High Court, in its order dated May 10, denied anticipatory bail to petitioner involved, citing a prima facie case against him due to his involvement in the acquisition of properties connected to the "proceeds of crime."

Petitioner argued that assets he acquired during the period of the alleged offense were not disproportionate to his known sources of income, thus negating the applicability of the Prevention of Money Laundering Act (PMLA), 2002. Hon'ble Apex Court granted interim protection after Ld. Counsel for petitioner explained that petitioner had been cooperating with the investigation for three years without arrest and that the anticipatory bail petition was filed only after the PMLA Court issued a summons notice.

TEAM MAJESTY LEGAL³

OFFICE : B-87, Alaknanda Apartment, G-1, Ganesh Marg/Moti Marg, Bapu Nagar, Jaipur, Rajasthan-302015.

https://maps.app.goo.gl/BsUvY9RWyvUt6JcB9?g_st=iw

CHAMBER : 204, E-Block, Rajasthan High Court, Jaipur.

MOBILE No. : 9785461395

E-MAIL : mahi@majestylegal.in

WEBSITE : www.majestylegal.in

¹ SLP (Crl.) No. 8325/2024

² CRIMINAL APPEAL NO.2608 OF 2024

³ Majesty legal is a LAW FIRM established in 2013 by Ms. Mahi Yadav. Objective of this legal update is to provide insights on law, statutes and is personal in nature, not to be deemed as legal advice.

S U P R E M E C O U R T O F I N D I A
R E C O R D O F P R O C E E D I N G S

SPECIAL LEAVE PETITION (CRIMINAL) Diary No(s). 23039/2024

(Arising out of impugned judgment and order dated 10-05-2023 in ABLAPL No. 3541/2023 passed by the High Court of Orissa at Cuttack)

BIJAY KETAN SAHOO

Petitioner(s)

VERSUS

ENFORCEMENT DIRECTORATE

Respondent(s)

(IA No. 126387/2024 - CONDONATION OF DELAY IN FILING)

Date : 24-06-2024 This matter was called on for hearing today.

CORAM :

HON'BLE MR. JUSTICE ABHAY S. OKA
HON'BLE MR. JUSTICE RAJESH BINDAL
(VACATION BENCH)

For Petitioner(s)

Mr. S S Ray, Adv.
Ms. Praveena Gautam, AOR
Mr. S K Mund, Adv.
Mr. Pawan Shukla, Adv.
Ms. Kanika Kalyan, Adv.
Ms. Akanksha Tyagi, Adv.
Ms. Pusshp Gupta, Adv.

For Respondent(s)

UPON hearing the counsel the Court made the following
O R D E R

Delay condoned.

Issue notice returnable on 29th July, 2024.

In the meanwhile, the petitioner shall not be arrested in connection with Complaint Case (PMLA) No.11

of 2022 arising out of ECIR No.ECIR/BBZO/01/2019 dated

22nd January, 2019 at Bhubaneswar Sub-Zonal Office of

Enforcement Directorate pending before the District and

Sessions Judge-cum-Special Judge(PMLA), Khurda at Bhubaneswar subject to condition that within two weeks from today, the petitioner shall appear before the Special Court and furnish bonds for appearance in accordance with Section 88 of the Code of Criminal Procedure, 1973.

(ANITA MALHOTRA)
AR-CUM-PS

(AVGV RAMU)
COURT MASTER