

ED vs. P. Chidambaram & Anr.

11.10.2019

Present:

Sh. Tushar Mehta, Learned Solicitor General alongwith Ms. Sonia Mathur, learned Sr. Advocate, Sh. Amit Mahajan, Learned CGSC, Sh. N. K. Matta, learned SPP, Sh. Rajat Nair, Sh. Kanu Aggarwal, learned counsels, Sh. Mahesh Gupta, DD (ED) and Sh. Sandeep Thapliyal, AD (ED).

This application has been moved for production warrant of Sh. P. Chidambaram who is presently in JC in RC No. 2202017 E 0011.

I have heard the submissions to the learned Solicitor General and perused the contents and gone through the averments made in the application and the annexures attached therewith.

The accused Sh. P. Chidambaram was arrested by CBI in a case RC No. 2202017 E 0011 dated 15.5.2017. On the basis of this RC registered by the CBI, Directorate of Enforcement has registered ECIR No. 07/HIU/2017 dated 18.5.2017.

It is submitted that the investigation in the case is going on.

It is submitted that the accused Sh. P. Chidambaram had moved an application to surrender in this case before the court which application was disposed off on 13.9.2019 by observing that since the IO is not willing to arrest the applicant/accused Sh. P. Chidambaram, his application for surrender cannot be entertained.

The learned Solicitor General has submitted that since the investigation was at a crucial stage when the accused had moved the application for surrender and DoE wanted to bring substantial material and examine some crucial witnesses in the case before taking custody of Sh. P.



Chidambaram. Therefore, it had not shown willingness to arrest the accused Sh. P. Chidambaram at that time.

It is submitted that since 06.9.2019 till date, the DoE has recorded the statement of twelve persons and now it considers it appropriate to seek the custody of accused Sh. P. Chidambaram in the present case bearing ECIR/07/HIU/2017 for investigation under the PML Act, 2002.

The learned Solicitor General has also submitted that the custodial interrogation was considered necessary by the Hon'ble Delhi High Court as well as the Hon'ble Supreme Court and therefore, an application for anticipatory bail of the accused/applicant Sh. P. Chidambaram was rejected by the Hon'ble Delhi High Court and the SLP filed before the Hon'ble Supreme Court challenging the order of the Hon'ble Delhi High Court was also dismissed by the Hon'ble Supreme Court.

It is submitted by the learned Solicitor General that the custodial interrogation would help the Investigating Agency to unravel the laundering of proceed of the crime which have crossed the border of the country and have been parked in foreign countries.

In the abovesaid background and the facts and circumstances of the case mentioned in the application, this court is considering the issuance of production warrants against Sh. P. Chidambaram.

The predicate offence in RC No.2202017 E 0011 is also pending in this court and consequently the complaint by the Directorate of Enforcement would also be filed in this court in terms of the Provisions of PML Act,2002. Thus, this court has the jurisdiction for the trial of both the

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● offences i.e. the predicate offence and offences under PML Act, 2002.

Having considered all the facts and circumstances of the case, I allow the application.

Let production warrants be issued against accused Sh. P. Chidambaram for 14.10.2019 at 03.00 pm.

A copy of the order be given dast to the DoE and a copy of this order be sent to the Jail Supdt. alongwith production warrants.

— SA / —

(AJAY KUMAR KUHAR)
ASJ/Special Judge (PC Act), CBI-09
RACC, New Delhi : 11.10.2019 (SM)

AJAY KUMAR KUHAR
Special Judge (PC Act) CBI-09
Rouse Avenue Court Complex,
New Delhi

