
(2023) 09 ATPMLA CK 0003

Appellate Tribunal Under Prevention Of Money Laundering Act

Case No: MP-PMLA-9821, 9763/PTN/2022, FPA-PMLA-4812/PTN/2022

Dadan Singh @ Dadan
Yadav @Dadan
Pahalwan

APPELLANT

Vs

Deputy Director,
Directorate Of
Enforcement

RESPONDENT

Date of Decision: Sept. 21, 2023

Acts Referred:

- Prevention Of Money Laundering Act, 2002 - Section 2(1)(u), 3, 5(1), 26, 50, 50(3)

Hon'ble Judges: Munishwar Nath Bhandari, Chairman; Rajesh Malhotra, Member

Bench: Division Bench

Advocate: Dr. Shamsuddin, Anup Kumar Pandey, Shishir Pandey, Aditya Singla, Sahil Sharma

Final Decision: Dismissed

Judgement

S.No.,Account Number,"Account

Holder",BankName,"Balance(as on

06.07.2021",,,,,

1.,10839462844,Dadan Singh,"SBI,BiharVid

hanMandai,P atna",Rs.4629.00,,,,

2.,20040413444,Dadan Singh,"SBI,PBBBr

anch,Patna",Rs.947.50,,,,

3,"355152512

14 (Pension A/c)",Dadan Singh,"SBI,BiharVid

hanMandai,P atna",Rs.2821.00,,,,,

4.,"911010024626

099",Dadan Singh,"AxisBank,Dak Bunglo",Rs.696.00,,,,,

5.,3101292500,"DadanSin gh

&Usha Singh","Centralbankof

India,BoringR oad",Rs.9425.44,,,,,

Total,,,,,"18,518.94" ,,,,,

Name of Police

Station","FIR No. &

Date","Charge sheet No.

&

Date",Name of Suspect,"ACT &

Section","Scheduled

offence" ,,,,

Koransarai,

Buxar","43/06 dated

12.11.2006","62/07 dated

21.10.2007","In the FIR, name of

Dadan Singh & Smt

Usha Singh was not

mentioned whereas

in the Supplementary

Charge sheet, they

have been made

accused.", "IPC â€

188. 384,

420, 120B

Arms Act

â€" 25

(1b), 26,

35, 29, 30.", "IPC - 384, IPC

- 384, 420, 120B

Arms Act â€

25, 26, 30",,,,,

Name of Police

Station", FIR No. & Date, "Charge sheet No.

& Date", Name of Suspect, ACT & Section, Scheduled offence,,,,

Danapur, Patna", "55/14 dated

02/02/2014", "501/2018 dated

31.10.2018.", "Dadan Singh,

Kartar Singh, Usha

Singh & Other", "IPC â€" 147,

148, 149, 341,

342, 323, 307,

379, 504, 506", "IPC â€" 120B, 420,

467, 471",,,,,

Sl . No, Name of the Bank, Bank A/c No., Name of Account Holder,,,,,,

1., "SBI, Bihar Vidhan Mandal,

Patna", 10839462844, Dadan Singh,,,,,,

2, "SBI, PBB Branch Patna

(Loan A/c)", 31256316401, Dadan Singh,,,,,,

3, "SBI, PBB Branch Patna", 20040413444, Dadan Singh,,,,,,

4, "SBI, PBB Branch Patna (RA-

Auto Loan A/c)", 31544364527, Dadan Singh,,,,,,

5, "BOI, Frazer Road (Housing

Loan A/c)", 440075110000019, Dadan Singh,,,,,,

6,"BOI, Frazer Road (Cash
Credit A/C)",440030110000024,"M/s Satyaveer Agrotech
(Dadan Singh is Director)",,,,,,

7,"BOI, Frazer Road (Term
Loan A/C)",440070410000008,"M/s Satyaveer
Agrotech(Dadan Singh is
Director)",,,,,,

Details of Cash Deposits in Bank Accounts pertaining to Dadan Yadav,,,,,,,,,

,Axis,Axis,PNB Loan A/c,PNB,SBI,SBI,"SBI

(Loan

A/c)","SBI

(Loa n

A/c)",

Account

N.o

/F.Y",911010024626099,911020026186808,291300NG00202884,0152000101955221,1083946284

2008-

09",0,0,383482 *,0,0,0,0,0,383482

2009-

10",0,0,0,0,1309147,0,0,0,1309147

2010-

11",0,0,0,0,1925500,3601410,2350,0,5529260

2011-

12",959822,159100,0,0,3122500,250500,75000,125000,6124322

2012-

13",0,0,0,0,188000,0,0,0,188000

2013-

14",0,0,0,0,1664700,0,10000,10000,00

2014-

15",0,0,0,0,0,0,0,0,0

2015-16,0,0,0,1536000,0,0,0,0,1536000

,,,,,,0

Total,959822,1591500,383482,1536000,8209847,3851910,87350,135000,16756911

4.,"2999/200

8 dated

09.04.2008","3.125

Decimal","Land at Mauja -

Dumraon, Ward No.

1, Thana No. 168,

Khata No. Nil

Plot No. 3253",375000/-,"Payment made in cash.

Declared herself

Housewife.",,,,

5.,"2938/200

8 dated

08.04.2008","17.18

Decimal","Land at Mauja -

Dumraon, Ward No. 1,

Thana No. 168, Khata

No. Nil Plot No. 3253",150000/-,"Payment made in

cash.

Declared herself

Housewife.",,,,

6.,"722/2008

dated

30.01.2008","59

Decimal","Land at Mauja -

Dumraon, Thana No.

168 Khata No. 84

Plot No. 1972, 1989",180000/-,"Payment made in cash.

Declared herself

Housewife." ,,,,

7.,"670/2008 dated

29.01.2008","45

Decimal","Land at Najirganj,

Dumraon, Buxar Khata

No. 335 Plot No. 1985",135000/-,"Payment made in cash.

Declared herself

Housewife." ,,,,

Total,,,,,"Rs. 14,11,000/-" ,,,,,

2.,"9619/2007

Dated

22.10.2007","57

Decimal","Mauza â€" Dumraon,

Thana No. 168, Najirganj,

Dumraon, Buxar, Khata

No. 426 Plot No.

1969/1999" ,171000/-,Cash payment.,,,

3.,"10873/200 8

dated 22.12.2008","16

Decimal","Mauza â€" Dumraon, Thana

No. 168, Najirganj,

Dumraon, Buxar, Khata No.

471 Plot No. 1968 & 1990

etc",,"Sale value 60000/-

Market Value -

96000/-", "Cash

Payment",,,

4., "103/2015

dated

05.01.2015", 8 dhoor, "Mauza â€" Dumraon,

Thana No. 168, ,

Dumraon, Buxar, New

Ward No. 11, Khata No.

46, Plot No. 337", "Sale

consideration Rs.

500000/-", "Cash Payment",,,

, "This land was sold vide sale deed No. 01 dated 20.11.2018 for a sale consideration of Rs. 12 lacs. Sale

consideration of Rs. 12 lacs has been received in cash. As this property was purchased out of proceeds

of crime, therefore the sale consideration received Rs. 12 lacs is also the fruits of proceeds of crime and

is liable for attachment." ,,,,,,,

5., "5764/2016

Dated

15.09.2016", "0.004

Hectare", "Arazi No. 157/3, Mauza

â€" Firozpur, Pargana

â€" Kopachitsharki,

Tehsil & District â€"

Baliya", "Sale value 50000/-

Market Value â€"

2,21,000/-",,,Cash payment,,,

Total,,,,,"Rs.16,79,000/-" ,,,,,

28. It is in the light of the fact that learned counsel for the appellant could not clarify as to how the properties, whether movable and immovable properties were purchased or generated." ,,,,,,,

Though, the appellant has claimed agricultural income but was not shown in the Income Tax Return of the last three years. It is however true that the proceedings in reference to certain" ,,,,,,,

offences were quashed by the High Court but others are still pending. In few cases closure report has been given.,,,,,,,

29. During the course of arguments also, the learned counsel for the appellant failed to show the source of income to prove that all the properties were acquired by appellantâ€™s wife or his" ,,,,,,,

son by rightful means. The properties in the name of wife and son were taken into account in reference to their own statement under section 50 of the PMLA Act, 2002. The serious allegation" ,,,,,,,

exist against the appellant for mortgage of tainted properties to obtain the loan which remain nothing but the proceeds of crime.,,,,,,,

30. It may be that the vehicles so attached were purchased by taking loan from the bank but payments were made even in cash. However, discussion on the aforesaid is not required because" ,,,,,,,

movable properties attached by the respondent are not the proceeds of crime but is for the value thereof and thus we are unable to accept the argument of the counsel for the appellant that the.,,,,,,,

movable property attached by the respondent does not fall under the definition of â€œproceeds of crimeâ€. The proper interpretation of the definition of proceeds of crime has been given by.,,,,,,,

the Apex Court in the case of Vijay Madanlal Choudhary and Ors. Vs. Union of India reported in 2022 SC Online 929. It is held that the property of equivalent value to the proceeds of crime.,,,,,,,

would fall under the definition of â€œproceeds of crimeâ€.,,,,,,,

31. In the light of the aforesaid, the attachment of movable property is for the equivalent value to the proceeds of crime and it makes no difference that it was purchased prior to alleged" ,,,,,,,

predicate offence.,,,,,,,

32. Thus, the impugned orders cannot be set aside on the strength of the arguments of the counsel for the appellant." ,,,,,,,,,

33. The allegation of the malafide have been made but there is no material to support it. It cannot be accepted only for the reason that the appellant belongs to a political party and thereby any ,,,,,,,,,

action against him should be treated out of malafide. ,,,,,,,,,

34. In the light of the discussion made above, we are unable to accept any of the argument raised by the learned counsel for the appellant and accordingly the appeal fails and is dismissed." ,,,,,,,,,