

(2023) 10 ATPMLA CK 0002

Appellate Tribunal Under Prevention Of Money Laundering Act

Case No: FPA-PMLA-1248, 1249/JL/2016

Raj Rani

APPELLANT

Vs

Deputy Director, Directorate Of
Enforcement

RESPONDENT

Date of Decision: Oct. 31, 2023

Acts Referred:

- Prevention of Corruption Act, 1988 - Section 13(1)(d), 13(2)
- Indian Penal Code, 1860 - Section 120B, 409, 420, 467, 468, 471

Hon'ble Judges: G.C. Mishra, Member; Rajesh Malhotra, Member

Bench: Division Bench

Advocate: Ramesh Ajmani, N. K. Matta, Mehul Prasad

Final Decision: Dismissed

Judgement

Sr.

No.,"Description of Property,Amount (Rs.),"Date of

Acquisition

1.,"Fixed Deposit Account No. 3477000PU00001746 with

PNB

Sangrur, in the name of Satpal Bansal.,"5,00,000/-",26.12.2014

2.,"Fixed Deposit Account No. 248813000139 with Canara

Bank, Patiala Gate, Sangrur, in the name of Smt. Raj

Rani.,"10,39,387/-",19.08.2011

renewed on

15.09.2014

3., "Plot situated at Village Kammo Majra, in the name of

Smt.

Raj Rani.", "5,15,000/-", 20.12.2011

Sl.

No.", Date, "Amount

(Rs.)", "Source of Cash in Account No. 0262000093559 HDFC

Sangrur

1, 28.12.2009, "40,000", "w.r.t. to these two entries- On 26.12.2009 Rs. 60,000/- withdrawn

from PNB account of Satpal Bansal. On 02.12.2009 &

04.12.2009 Rs. 15,000/- & 16,000/- respectively were withdrawn

from salary

account of his son in SBP.

2, 02.01.2010, "40,000",

3, 06.01.2010, "40,000", "w.r.t. to these two entries- the amount of Rs. 92,000/- was given

in

January, 2010 by his father.

4, 15.01.2010, "45,000",

5, 24.04.2010, "40,000", "He gave loan of Rs. 1,00,000/- to his sister Bimla Rani after

withdrawing from his SBP account on 23.12.2008 and his sister

return Rs. 50,000/- on 05.04.2010.

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Sl.

No.", Date, "Amount

(Rs.)", "Source of Cash in Account No. 3477000100000743, PNB

Sangrur

1, 17.02.2007, "28,000", Past savings

2, 10.11.2009, "30,000", "On 03.06.2009 withdrawn Rs. 50,000/- from salary account in

SBP

Mansa, out of which he saved and deposited this amount.

3,05.12.2009,"25,000","On 01.12.2009 withdrawn Rs. 25,000/- from salary account in

SBP

Mansa, and deposited this amount.

4,26.12.2009,"40,000","Sold his old Zen Car for Rs. 1,50,000/- and Rs.14,500/- was past

savings

5,28.12.2009,"40,000",

6,06.01.2010,"39,500",

7,15.01.2010,"45,000",

8,24.04.2010,"30,000","On 16.04.2010 his son has withdrawn Rs. 20,000/- from his account and Rs. 10,000/- was previous savings.

9,03.11.2010,"45,000","Withdrawn Rs. 1,50,000/- from his HDFC account on 28.10.2010,

out of which this amount was deposited

10,30.04.2011,"35,000","On 04.04.2011 withdrawn Rs. 20,000/- from salary account in

SBP Mansa, and Rs. 15,000/- from the account of his son and

April 2011, and deposited this amount.

letter of credits. He further contended that the attached properties cannot be released at this stage, as the outcome of said criminal trials in police case",,,

and compliant case are yet to be concluded. Prayer is accordingly made to dismiss the present appeals being devoid of any merits.,,,

5. After hearing rival contentions and after going through the records we have given our thoughtful consideration to the same. Admittedly, appellant",,,

facing criminal trials in two charge sheets pertaining to two FIRs Nos. 4/2012 & 5/2012 PS Vigilance Bureau Bhatinda, at District SAS Nagar",,,

(Mohali). As per the charge sheets the appellant Sh. Satpal Bansal in connivance with other co-accused persons by misusing his official position as,,,

public servant being working as Superintendent, PWD (B&R) prepared forged Letter of Credits for sum of Rs.941 Lacs and thereby caused loss to",,,

the Punjab State Exchequer. Thus, even if it is presumed that appellant is able to prove the frequent cash deposits in his account and in the account of",,,

his family members by stretch of any imagination, even then there is justification to attach the properties of the appellants in lieu of proceeds of crime",,,

and these properties are quite nominal to the quantum of fraud. The Bank transactions with M/s A.K. Builders and M/s Sharma Construction Co.,,,

points towards the direction that he was well connected with the number of contractors and was regularly receiving the cash amounts from them, as",,,

share of proceeds of crime. Hence, we are of considered view, that at this stage, there is no ground to release the attached properties.",,,

6. In sequel to above discussion, the present appeals are hereby dismissed being devoid of any merits. However, it is made clear that nothing expressed",,,

herein will affect the criminal trials in any manner. Copies of this Final Order be sent to both the parties by post.,,,

File be consigned to record room.,,,

Appeals are dismissed.,,,

Pronounced in Open Court.,,,