

Assistant Director, Direct Of Enforcement

v.

Hassan Ali Khan

(Supreme Court Of India)

HON'BLE MR. JUSTICE B. SUDERSHAN REDDY HON'BLE MR. JUSTICE
SURINDER SINGH NIJJAR

Special Leave to Appeal (Criminal) No. 2455 Of 2011 | 17-03-2011

1. List on the notified date.

2. There shall be stay of the operation of the impugned order dated 11.3.2011 passed by the Principal Judge, City Civil and Sessions Court and Special Court under the Prevention of Money Laundering Act, 2002, Mumbai in R.A. No.1 of 2011 in ECIR/02/MZO/2007.

3. We are satisfied that the material made available on record prima facie discloses the commission of offence by the respondent herein punishable under the provisions of Prevention of Money Laundering Act, 2002.

4. The order passed by the learned Principal Judge creates an extra ordinary situation if allowed to stand even for a moment may ultimately result in frustration of the very investigation. An extra ordinary situation requires an equally effective and extra ordinary solution. It is for that reason we propose to interfere with the order even at this stage.

5. Having regard to the extra ordinary circumstances and complexity of the issues involved and the magnitude of the case, we consider it appropriate to authorise the detention of the respondent/accused herein for his custodial interrogation. We, accordingly, authorise the detention of the respondent/accused in the custody of the authorities of Enforcement Directorate. He shall, accordingly, remain in the custody of the authorities of the Enforcement Directorate for a period of four days.

6. There shall be an order accordingly.