

Special Judge (PC Act) CBI-10
Room No. 503, Rouse Avenue Court Complex,
Deen Deyal Upadhyay Marg, New Delhi

CC No. : 01/2015
ECR No. : DLZO/15/2014/AD(VM)
U/S : 3 & 4 of PMLA Act
Directorate of Enforcement Vs. Gautam Khaitan & Ors.

29.07.2020 at 2.00 pm

Matter is taken up today and the proceedings are conducted through Video Conferencing (CISCO WEBEX) as per directions of Hon'ble High Court issued vide Circular No.24/DHC/2020 dated 13.07.2020 in view of the pandemic Covid-19.

Present: Sh. N.K.Matta, Ld. SPP for ED.
None for Income Tax Department.

Vide separate order, the application filed by Income Tax Department for supply of statement of Paireen Hamirani Khan recorded U/S 164 CrPC, is dismissed.

Copy of this order be sent to Ld. Counsel for ED as well as to Ld. Counsel for Income Tax Department through whatsapp and email. .



Signed copy of this order is being sent through whatsapp to Ahmad of this Court with direction to send the same to concerned official of District Court, RADC for uploading on official website of Delhi District Court.

The signed hard copy of the order shall be placed on record as and when the regular functioning of the Courts at Rouse Avenue Complex, New

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Delhi is resumed.



(Arvind Kumar)
Special Judge, CBI-10
Rouse Avenue Courts
New Delhi/29.07.2020

Sh. ARVIND KUMAR
Special Judge (PC Act), CBI-10
Room No. 503, Rouse Avenue Court Complex,
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New Delhi - 110001

IN THE COURT OF SH. ARVIND KUMAR; SPECIAL JUDGE
CBI-10: ROUSE AVENUE COURTS: NEW DELHI

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U/S : 3 & 4 of PMLA Act

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ORDER

1 Vide this order I will dispose of an application filed by Income Tax Department for supply of statement of Preen Hamirani Khan recorded U/S 164 CrPC.

2 Reply is filed by ED and rejoinder is filed by Income Tax Department.

3 I have heard Ld. Counsels for the parties.

Ld. Counsel for the Income Tax Department submits that Income Tax Department has filed complaints against accused Gautam Khaitan for the commission of offences under Income Tax Act and various other provisions of



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Darya Ghat, New Delhi-110001

IPC for five assessment years and same are pending before the Court of Sh. Viprav Dabas, Ld. ACMM, Tis Hazari, Delhi. It is submitted that Income Tax Department has filed complaint pertaining to one of the accounts no. 143134 in UBS AG Singapore in the name of Windsor Group Holdings Ltd. and the beneficial owner of this account is accused Gautam Khaitan. It is submitted that this account revealed receiving of multiple credit entries from another foreign company namely M/s. Carisma Investment Ltd. which is incorporated in Mauritius and Preen Hamirani Khan was shareholder as well as beneficial owner of this Company. It is submitted that Income Tax Department has seized number of incriminating evidence and documents relating to M/s Carisma Investment Ltd in the search conducted at the office of Gautam Khaitan on 19.01.2019. The company M/s Carisma Investment Ltd. has been managed by Gautam Khaitan and he used this Company for receipt of undisclosed funds from several entities and he has also prepared bogus invoices for facilitating transfer of funds.

5. It is submitted that statement of Preen Hamirani Khan was recorded by ED U/S 50 PMLA and U/S 164 CrPC by this Court. It is submitted that further investigation is pending in the case of accused to unearth the larger conspiracy entered into by accused to evade the tax in India. It is further submitted that Ministry of Finance has put up a white paper on black money before Parliament wherein it is mentioned that in such matters inter agencies sharing of information play vital role. It is further submitted that sharing of information with the Income Tax Department would not hamper the investigation of ED. It is also submitted that earlier also ED has shared information with Income Tax Department. It is submitted that Income Tax Department may be provided copy of statement recorded U/S 164 CrPC. It is also submitted that ED may be directed to provide copy of statement recorded U/S 50 PMLA and the statement recorded U/S 164 CrPC.



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6. On the other hand Ld. Counsel for ED contended that investigation in Agusta Westland case is still going on and is at crucial stage. It is submitted that Ms. Preen Hamirani Khan is 70 years of age and is suffering from cancer. It is submitted that said witness has stated in her statement that she was threatened and harassed by accused Gautam Khaitan and if, at this stage, statement of Preen Hamirani Khan is supplied to Income Tax Department, it would hamper their investigation and would be detrimental to their investigation. It is submitted that if ED shares the statement of Preen Hamirani Khan with the Income Tax Department, same may be filed by Income Tax Department alongwith their complaint against Gautam Khaitan who would consequently receive the same and it would derail the investigation conducted by ED. The aforesaid statement has not been provided to Gautam Khaitan till date as the investigation is at the crucial stage. It is submitted that Preen Hamirani Khan has been in India from 06.12.2019 to 08.01.2020 and the Income Tax Department could have examined her or recorded her statement.

7. Ld. Counsel for the ED also submitted that earlier they had provided information to the Income Tax Department, however, providing aforesaid statement, at this crucial stage of investigation would prejudice their case. Ld. Counsel for the ED also submitted that white paper as referred by Income Tax Department, speaks about sharing of information and does not say that one department should share the evidence with other Department. It is submitted that the application filed by Income Tax Department may be dismissed.



I have gone through the material on record.

Arvind Kumar

9. Ms. Preen Hamirani Khan is 70 years of age and is stated to have been threatened and harassed by accused Gautam Khaitan. She has stated these facts in her statement recorded U/S 50 PMLA as well as statement recorded U/S 164 CrPC. As per ED, their investigation is at crucial stage and sharing this information will prejudice and hamper their investigation.

10. Investigation is still going on in the present matter and the statement of M/s Preen Hamirani Khan recorded U/S 50 PMLA is yet to be filed before the Court. The statement of Preen Hamirani Khan recorded U/S 164 CrPC is lying in a sealed cover in this Court although a copy of it has been supplied to ED, which is a part of the ongoing investigation. Thus, in view of the aforesaid facts and circumstances and stage of investigation I do not consider it fit to direct the ED to supply the statement of Preen Hamirani Khan to Income Tax Department.

11. **The application filed by Income Tax Department is thus dismissed.**

Copy of this order be sent to Ld. Counsel for ED as well as to Ld. Counsel for Income Tax Department through whatsapp and email. .

Signed copy of this order is being sent through whatsapp to Ahlmad of this Court with direction to send the same to concerned official of District Court, RADC for uploading on official website of Delhi District Court.



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Present: Sh. N.K.Matta, Ld. SPP for ED.
Applicant Rajiv Saxena in person.
Sh. Rajat Manchanda. Ld. Counsel for applicant
Rajiv Saxena.

Part arguments heard.

Ld. Counsel for the ED submits that he needs some time for addressing arguments.

Ld. Counsel for applicant vehemently objected to the submissions made by Ld. Counsel for ED for adjournment.

Keeping in view the facts and circumstances matter is adjourned to 20.08.2020 for arguments on the point whether the name of applicant Rajiv Saxena, as accused, is liable to be deleted from the complaint.



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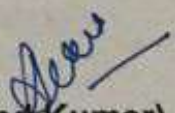
Ld. Counsel for the ED submits that he has filed an application for issuing Second Supplementary LR to Great Britain and Northern Ireland.

Put up on 30.07.2020 for consideration on the application filed by ED.

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