IN THE COURT OF SPECIAL JUDGE ANTI CORRUPTION (CBI CASES) KASHMIR SRINAGAR.

Present: Y P.Kotwal.

Assistant Director,
Director of Enforcement,
Government of India,
Durrani House, Raj Bagh,
Near Police Station, Srinagar.

Vs.

01. P.Z. Irshad Ahmad Qureshi S/O Habibullah Qureshi R/O Delına , Baramulla
02. Irshad Ahmad Hajjam S/o Mohammad Sultan R/o Haigam, Sopore.
03. Firdous Iqbal Wani S/O Ghuylam Hassan Wani R/o Hamza Colony Illahibagh, Buchpora, Soura Srinagar.

ORDER

01. This complaint has been filed by Assistant Director Enforcement Directorate in presence of SPP Mumtaz Ahmad Kapra today. Perused the office. Register it in the register concerned.

02 Perusal of complaint reveals that on 10/3/2009 upon an information, that some terrorists/ militants of Hizbul Mujahideen a militant outfit group were gathering near

Jational high School Karannagar Srinagar, for delivering some cash to other terrorists of Hizbul Mujahideen outfit, an FIR No. 14 of 2009 dated 10/3/2009 was registered against the accused for offences punishable u/s 121, 121-A of RPC and sections 11, 17 and 20 of ULA (Unlawful Activities (Prevention Act), and a search operation was launched. During search operation, two persons namely P.Z. Irshad Ahmad Qureshi S/O Habibullah Qureshi R/O Delina , Baramulla (A1), Irshad Ahmad Hajjam (A2) were apprehended by police personnel of P/S Karannagar, an amount of Rs. 40,000/- was recovered from P.Z Irshad Ahmad Qureshi and Rs. 85,000/- from Irshad Ahmad Hajam. It is also alleged that upon the disclosure of of accused Irshad ahmad Qureshi, cash amounting to Rs. 7.00 lacs along with pass book and two cheque books (used) and a passport favouring Irshad Ahmad Qureshi were seized from the residential house of Irshad Ahmad Qureshi, whereas upon disclosure of the other accused namely Irshad Ahmad Hajam cash amounting to Rs. 2.15 lac along with 3 letter pads of Hizbul Mujahideen militant outfit were recovered and seized from the house of the said accused. It is further alleged that upon further disclosure of P.Z Irshad Ahmad Qureshi cash amounting to Rs. 3.00 lac was recovered from the resident of Firdous Iqbal Wani S/O Gh. Hassan Wani resident of Hamza Colony Elahibagh, Bachpora Soura Srinagar (A3), likewise amount of Rs. 434414/- which was lying in account no. SB-183332 of P.Z Irshad Ahmad Qureshi in J&K Bank branch Qamarwari Srinagar was also got frozen by the local police. It is further alleged that the entire amount of Rs. 17,74,414/- which has been seized and frozen by the police is having link with the crime and is case property in the court.

03. It is further alleged that after investigation of the case charge sheet for the commission of offences punishable u/s 121, 121-A of RPC and sections 11, 17 and 20 of ULA (Unlawful Activities (Prevention Act), which are covered as Scheduled Offences under paragraph 1 and 4 of part-A of Schedule 2 to the Prevention of Money Laundering Act 2002 was presented before the court of

th Additional District and Sessions Judge Srinagar and is pending disposal in the said court.

04.It is further alleged that the accused persons have acquired the seized proceeds of crime and facilitated the militant cadres by providing the illegally acquired money for distribution among the militant sympathizers and strengthening the militant cadre of Hizbul Mujahideen.

05.It is further alleged that both the accused have admitted their statements that they used to distribute money among the families identified by Bashir Ahmad Aijaz, who used to deposit money in the account of P.ZIrashad Ahmad Qureshi before conveying name of the beneficiaries. P.Z Irshad Ahmad Qureshi has allegedly admitted the amount seized from him, his residence, Irshad Ahmad Hajam and residence of Irshad Ahmad Hajam to have been provided to them by Firdous Ahmad Wani (A3) from whose residence an amount of Rs. 3.00 lacs has also seized.

06.It is further alleged that on the basis of investigation conducted by the local police coupled with the investigation carried by the Enforcement Directorate , it s clear that accused No. 1 and 2 were channelizing the ill gotten money involved/ acquired out of criminal activities and delivering it to various persons against personal gains and to hide the nature of seized crime money, they had taken the shelter of story of Firdous Ahmad Wani (A3) that he had got the said amount by sale of his land, however, Firdous Ahmad Wani could not submit the documentary evidence regarding the same, as such Firdous Ahmad Wani was also equally involved in the offences Scheduled to the PML Act 2002 and the amount seized from all the three accused persons as detailed in the complaint is the proceeds of crime as defined under the PML Act 2002. It is further alleged that the accused have acquired the proceeds of crime and facilitated the militant cadre by providing illegally acquired money for distribution among militant sympathizers .

07. Perusal of the complaint and the documents placed on record including letter pad, copy of FIR no. 14 of 2009 dated 10/3/2009 of P/S Karnanagar Srinagar, copy of challan / charge sheet, statements of accused P.Z Irhad

hmad, Irshad Ahmad and Firdous Iqbal Wani, prima facie disclose the commission of offence under section 3 of Prevention of Money Laundering Act 2002 against the accused which is punishable u/s 4 of the said act.

08. This court in view of notification of Ministry of Finance (Department of Revenue) SO 372, (E) New Delhi dated 5th February 2016 has jurisdiction to try and hear this complaint. This complaint has been filed in absence of the accused, however, this court in view of the provisions contained under section 44(1) (b) of Prevention of Money Laundering Act 2002, can take cognizance of the offence under 3 of the PML Act without the accused being committed to it for trial. Hence summons be issued to the accused for causing their appearance in this court to face the trial. Put up on 05/03/2018.

24/1/18.

Spl. Judge
Anti- Corruption (CBI Cases)
Kashmir, Srinagar.

Announced
24/01/2018