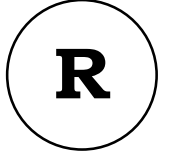


Reserved on : 17.06.2026
Pronounced on : 01.07.2026



IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 01ST DAY OF JULY, 2026

BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.8401 OF 2026

C/W

CRIMINAL PETITION No.8417 OF 2026

IN CRIMINAL PETITION No.8401 OF 2026

BETWEEN:

MICAH MARK
S/O LATE MR. MARK
AGED ABOUT 43 YEARS
NO.31, 2ND FLOOR, 11TH D CROSS,
YADAVA LAYOUT, ARVIND NAGAR,
BENGALURU – 560 084.

... PETITIONER

(BY SRI M.S.SHYAM SUNDAR, SR.ADVOCATE A/W
SRI TIMOTHY CHARLES, ADVOCATE)

AND:

1 . STATE OF KARNATAKA
BY KOTHANUR PS
REPRESENTED BY



STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

2 . DIRECTORATE OF ENFORCEMENT
MINISTRY OF FINANCE
REVENUE DEPARTMENT,
NEW DELHI – 110 011
REPRESENTED BY ITS
ASSISTANT DIRECTOR
SHRI. SUNIL KUMAR SINHMAR

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
SRI MADHU N.RAO, SPL.PP FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNSS, 2023, PRAYING TO QUASH THE FIR, IN CRIME NO. 202 OF 2026, DATED 11/06/2026, REGISTERED BY KOTHANUR P.S FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 318(4), 335(a)(ii), 336(3), 238, 61(2) AND 190 OF THE BHARATIYA NYAYA SANHITA, 2023 [BNS), AND FOR THE OFFENCES PUNISHABLE UNDER SECTIONS 13, 17 AND 18 OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT, 1967 [UAPA] PENDING BEFORE THE HON'BLE CITY CIVIL COURT, BENGALURU (CCH-50) (AT ANNEXURE-A).

IN CRIMINAL PETITION No.8417 OF 2026

BETWEEN:

1 . MR. R. JONATHAN SUSHIL

AGED ABOUT 50 YEARS
S/O LATE MR. ABRAHAM CHRISTOPHER RAJAN
RESIDING AT NO. 106 GLORIOUS A1,
ESSEL GARDEN, DODDAGUBBI ROAD,
KOTHANUR, BENGALURU,
KARNATAKA – 560 077.

- 2 . MR. AJIT MATHAI
AGED ABOUT 55 YEARS
S/O MR. VERGHESE MATHAI
RESIDING AT NO. 55, BYRATHI CROSS,
BYRATHI VILLAGE, BENGALURU NORTH,
BENGALURU, KARNATAKA – 560 077.
- 3 . MR. VARGHESE CHACKO
AGED ABOUT 58 YEARS
S/O MR. T.V.CHACKO.
RESIDING AT BLESSING HOME,
WARD NO. 20, BHARRI PARA
SORID NAGAR, DHAMTARI,
CHHATTISGARH – 493 773.
- 4 . MR. BABLU KURMI
AGED ABOUT 35 YEARS
S/O BISHNU KURMI
RESIDING AT PATPARA PT-II
GOALPARA, ASSAM – 783 130.
- 5 . MR. SUPREME JOY
AGED ABOUT 34 YEARS
S/O MR. G ARON
RESIDING AT HOUSE NO. 102,
C BLOCK, UDAYANAGARI,
SATHYA NAGAR, MYSURU CITY,
KARNATAKA – 570 019.

... PETITIONERS

(BY SRI S.BASAVARAJ, SR. ADVOCATE A/W

SRI MAHESH Y.L., ADVOCATE)

AND:

- 1 . STATE OF KARNATAKA
BY KOTHANUR PS
REPRESENTED BY
STATE PUBLIC PROSECUTOR,
HIGH COURT OF KARNATAKA
BENGALURU – 560 001.

- 2 . DIRECTORATE OF ENFORCEMENT
MINISTRY OF FINANCE
REVENUE DEPARTMENT,
NEW DELHI – 110 011
REPRESENTED BY ITS
ASSISTANT DIRECTOR
SHRI. SUNIL KUMAR SINHMAR

... RESPONDENTS

(BY SRI B.N.JAGADEESHA, SPP-I FOR R-1;
SRI MADHU N.RAO SPL.PP FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 528 OF BNS, 2023, PRAYING TO QUASH THE FIR IN CRIME NO.202/2026 DATED 11.06.2026 REGISTERED BY KOTHANUR POLICE STATION FOR THE OFFENCES P/U/S 318(4), 335(a)(ii), 336(3), 238, 61(2) AND 190 OF THE BNS 2023 AND FOR THE OFFENCES P/U/S 13, 17 AND 18 OF THE UNLAWFUL ACTIVITIES (PREVENTION) ACT 1967 (UAPA) PENDING BEFORE THE HON'BLE CITY CIVIL COURT, BENGALURU (CCH-50) AT ANNEXURE - A.

THESE CRIMINAL PETITIONS HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 17.06.2026, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

CORAM: **THE HON'BLE MR JUSTICE M.NAGAPRASANNA**

CAV ORDER

Both these petitions emanate from a singular criminal proceeding - Crime No.202 of 2026 -registered for offences punishable under Sections 318(4), 335(A)(ii), 336(3), 238, 61(2), 190 of the Bharatiya Nyaya Sanhita, 2023 and Sections 13, 17 and 18 of the Unlawful Activities (Prevention) Act, 1967 (hereinafter referred to as 'UAPA'). Criminal Petition No.8401 of 2026 is instituted by accused No.2, while Criminal Petition No.8417 of 2026 is preferred by accused Nos.1, 3, 4, 5 and 6. Both petitions, therefore, converge upon the legality and sustainability of proceedings initiated in Crime No.202 of 2026.

2. *Shorn* of unnecessary details, facts in brief, germane, are as follows: -

2.1. Accused No.2 was intercepted at the Kempegowda International Airport while allegedly found in possession of 24 international debit cards. The accusation against him does not halt at mere possession. It is alleged that he had repeatedly traversed beyond the territorial shores of the nation and, upon each return, brought with him multiple ATM debit cards, whereafter, the Enforcement Directorate conducted search and seizure operations on 18-04-2026 and 19-04-2026 for suspected violations under the Foreign Exchange Management Act ('FEMA' for short).

2.2. During the course of search and investigation, the Enforcement Directorate claims to have unearthed a network of financial operations linked to an entity based in the United States of America, operating under the name *The Timothy Initiative*. Upon scrutiny of financial transactions, documentary material, and statements recorded during investigation/search, the Directorate formed a prima facie opinion that international debit cards issued

by Trust Bank, USA, were systematically utilized to withdraw funds through ATMs across India. The allegation is: between November 2025 and April 2026, funds approximating ₹92.55 crores (equivalent to USD 99,95,240) were allegedly utilized in contravention of statutory regulations; further, between January 2024 and March 2026, withdrawals nearing ₹40 crores were allegedly effected from states such as Chhattisgarh and Assam using the same mechanism.

2.3. The cards, it is alleged, were all issued under the deceptively generic name "Santosh Kumar" and were coded region-wise as "NE-1", "NE-2", "Southern Region-1" and the like - an arrangement allegedly devised to shroud the identities of actual users and circumvent Know Your Customer requirements. Such camouflage, according to the prosecution, was not incidental, but deliberate. Ajit Varghese Mathai, arrayed as accused No.3, is alleged to have overseen the financial operations of *The Timothy Initiative* in India, while Jonathan S. Rajan is said to have supervised its overall operations. The remaining accused are alleged to have functioned as facilitators in ATM withdrawals and

subsequent deployment of funds. On the foundation of these allegations, the Enforcement Directorate shares information to register a complaint before the 1st respondent, culminating in registration of the subject crime.

2.4. A brief alleged backdrop deserves notice. Upon interception at the airport, accused No.2 was directed to appear before the 2nd respondent in New Delhi on 18-04-2026 and was subsequently taken into custody. It is the contention of the petitioner that the governing statute confers no authority upon the 2nd respondent to take any individual into custody. The summons issued to him were challenged before this Court in Writ Petition No.13156 of 2026. In the said writ petition, accused No.2 specifically alleged custodial assault and coercion at the hands of the Enforcement Directorate and further apprehended that additional offences would be foisted upon him. Notices were issued by a coordinate Bench. It is in this backdrop that, on 11-06-2026, the impugned complaint came to be filed before another police station, now invoking not only the earlier offences, but also the draconian provisions of UAPA. It is this invocation of UAPA that has

propelled accused No.2 to institute Criminal Petition No.8401 of 2026.

3. The companion petition by accused Nos.1, 3, 4, 5 and 6 arises out of the same factual matrix and challenges the very same crime, particularly the invocation of offences under UAPA. Repetition of facts, therefore, would be an exercise in redundancy.

4. Heard Sri M.S.Shyam Sundar, learned senior counsel appearing for accused No.2/petitioner in W.P.No.8401 of 2026; Sri S. Basavaraj, learned senior counsel appearing for accused Nos.1, 3 to 6/petitioners in Writ Petition No.8417 of 2026; Sri B.N. Jagadeesha, learned Additional State Public Prosecutor-I appearing for 1st respondent/State and Sri Madhu N. Rao, learned Special Public Prosecutor appearing for the 2nd respondent/complainant in both the cases.

SUBMISSIONS:**PETITIONERS:****IN CRL.P.8401 OF 2026:**

5. The learned senior counsel Sri M.S. Shyam Sundar, appearing for accused No.2 would vehemently contend that proceedings initiated by the 2nd respondent are in violation of the provisions of the Act. The provisions of the Act do not empower the Enforcement Directorate to communicate to any of the jurisdictional Police or any authority for registration of a crime. The crime is not registered either *suo-motu* or on the basis of any complaint made against accused No.2 or the other accused. He would submit that the Enforcement Directorate is acting under the Prevention of Money Laundering Act, 2002 ('PMLA') and not under the Act. He would submit that there is no ECIR filed by the Enforcement Directorate for it to investigate and communicate using Section 66(2) of the PMLA. He would contend that drastic and stringent provisions of UAPA are deliberately added, as if accused No.2 is involved in terrorist activities. He would submit that not even the basic prima facie material is available to demonstrate that the

activities would attract Sections 13, 17 and 18 of the UAPA. If there is no proximity to the alleged offences attracting ingredients of the Act, further investigation must not be permitted to be continued, as the accused are persons of Christian machinery who help the poor. Therefore, this Court must lend its protective hand and obliterate the crime.

IN CRL.P.8417 of 2026:

6. The learned senior counsel Sri S. Basavaraj appearing for the accused in Criminal Petition No.8417 of 2026 would reiterate the legal contentions of the learned senior counsel Sri M.S. Shyam Sundar and would contend that for these accused to be drawn in respect of overt acts of crime, there is not even an iota of ingredient or there is any indication of link between accused No.2 and the other accused. It is only on the basis of suspicion that these accused may have helped unlawful activities against the nation, the provisions of UAPA are invoked against them.

STATE IN COMMON:

7. Per contra, the learned State Public Prosecutor-I Sri B.N. Jagadeesha appearing for the State would vehemently refute the submission in contending that the investigation has just begun. The investigation must be permitted in the teeth of serious offences that are alleged. It is not that the petitioners are running a missionary. It appears that in the garb of missionary they are indulging in unlawful activities.

ENFORCEMENT DIRECTORATE IN COMMON:

8. The learned counsel Sri Madhu N. Rao, representing the Enforcement Directorate would vehemently refute the submissions of both the learned senior counsel in submitting with regard to the modus operandi of these persons. The learned counsel would submit that a Bank in USA by name Trust Bank is where the accounts are opened. From the accounts it is not 24, but there are 900 debit cards issued. 24 debit cards were found in possession of

accused No.2 alone and from those debit cards close to ₹100 crores are withdrawn and those funds are used to fund left wing extremists in Karnataka, Chhattisgarh and Jharkhand. Left wing extremists is not only a banned organization, but a banned terrorist outfit. If accused are the ones who are funding the said organization, the crime must not be interdicted at this stage. He would submit that it is only a tip of ice berg and the entire investigation must be permitted to be continued. The submissions of accused No.2 with regard to filing a writ petition and contending that he was assaulted and tortured in the custody would not mean that the present crime is being registered as a counterblast, while it is not. It is for the activities against the nation.

9. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

CONSIDERATION:**THE CORE:**

The central issue that falls for consideration is narrow, though its implications are profound: whether the investigation deserves to be interdicted at this incipient stage on the premise that the Enforcement Directorate lacked authority to communicate information leading to registration of the crime.

THE BACKDROP:

10. The afore-narrated facts and link in the chain of events lie in a narrow compass at this juncture, as what led the Enforcement Directorate at the outset to initiate interception and search against accused No.2 is that he was possessing 24 international debit cards. After search and seizure, proceedings were initiated against accused No.2 and a communication is made by the Enforcement Directorate to the Director General of Police of the State of Karnataka on 06-05-2026. The communication reads as follows:

"F. No.: T-2/HIU-I/09/2026

Dated: 06.05.2026

To,

The Director General of Police
No.2, Nrupatunga Road,
Opposite Martha's Hospital,
Bangalore, Karnataka-560001

Sir/Madam,

Subject: - Sharing of information u/s 66(2) of PMLA, 2002 for registration of FIR against (1) Jonathan S Rajan, (2) Micah Mark, (3) Ajit Verghese Mathai, (4) Varghese Chacko, (5) Bablu Kurmi, (6) Supreme Joy, (7) The Timothy initiative, USA and others, for offences under the Bharatiya Nyaya Sanhita, 2023 and the Unlawful Activities (Prevention) Act (UAPA), 1967- reg.

Investigations were initiated by the Directorate of Enforcement against 1) Jonathan S Rajan (Flat No 106, 2nd Floor, A-1 Building, Lewis Glorious Apartments, Essel Garden, Doddagubbi Road, Kothanur, Bengaluru-560077 2) Micah Mark (No.31, 2nd Floor, 11th D Cross, Yadava Layout, Arvind Nagar, Bengaluru-560084), 3) Ajit Verghese Mathai (Site No. 55, Byrathi Lane, Behind MLA Byrathi, Suresh's Residence, Kothnur, Bengaluru-560077), 4) Varghese Chacko (Blessing Home, Ward 20 Bharri Para Sorid Nagar, Dhamtari, Chattisgarh-493773), 5) Bablu Kurmi (Village: Suruadol, Dhonubhanga, Police Station: Dhupdhara, Dist. Goalpara, Assam-783123), 6) Supreme Joy (House No. 102, C Block, Udayanagari, Sathya Nagar, Mysore Karnataka-570019), 7) The Timothy Initiative, USA (PO Box 98177, Raleigh NC-27624-8177, USA and Others under FEMA, 1999. A search and seizure operation was carried out u/s 37 of FEMA 1999 r.w.s. 132 of the Income Tax Act by this Directorate on 18.04.2026 and 19.04.2026 at various premises of the above persons and entities.

2. On the basis of analysis of financial transactions, records, documents, statements recorded at the search premises of

Jonathan S Rajan, Micah Mark, Ajit Verghese Mathai Varghese Chacko, Bablu Kurmi and Supreme Joy, it has been revealed that the said individuals and others in criminal conspiracy with The Timothy Initiative (TTI), a USA based organization, have coordinated and withdrawn foreign funds through various ATMs across India using foreign debit cards, issued by Truist Bank of USA. The said funds were withdrawn and utilised in contravention of the provisions of FEMA, 1999 and FCRA, 2010. Funds amounting to Rs 92.55 crore approx. (USD 99,95,240) has been utilized in contravention of legal provisions in the last 6 months i.e from November 2025 to April 2026. On preliminary analysis of seized records it was observed that funds of Rs.44 crores approx. have been withdrawn using foreign debit cards across multiple states i.e, Karnataka, Chhattisgarh, Assam etc during the period from January 2024 to March 2026.

3. Micah Mark was intercepted by this Directorate at Kempegowda International Airport, Bengaluru on 18.04.2026, wherein subsequently he was found to be in possession of 24 foreign debit cards of Truist Bank. Search operations were also conducted at his residential premises. Investigation revealed that Micah Mark has made multiple such foreign trips and has returned with foreign debit cards. He is a key person in the financial operations of TTI in India. It was further revealed that the said cards (24 Nos.) were printed only in the name of Santosh Kumar, being a very generic name in India, (earlier cards were being issued in the name of regions i.e. NE-1, NE-2, Southern Region-1 etc) on the instructions of Ajit Verghese Mathai so as to avoid suspicion and LEAs and in violations of the KYC norms to conceal the real user, thereby forging the real identity and using fraudulent means to evade the law. Details of such cards, prepared after analysis of the seized material, is enclosed as **Annex-1**. It is pertinent to mention that over 1000 such debit cards have been distributed in India over the past few years. It is noteworthy that post the search action by this Directorate, TTI Global portal (www.ttiglobal.org) also became inaccessible for Indian users. Further, the data, which is maintained on cloud, has been deleted from the back end through remote access, of the servers which are maintained by TTI, USA. This amounts to the destruction of evidences during ongoing search proceedings. Copy of the incident report and video recording of the incident wherein Micah Mark has accepted

the deletion of his account from backend is attached herewith as **Annx-2.**

4. Investigation further revealed that there has been unusual and suspicious cash withdrawals using these foreign debit cards in LWE affected regions, including Dhamtari and the Bastar region of Chhattisgarh, wherein Rs. 6.34 crores (approx.) has been withdrawn in the past few years. Details of the same are enclosed as Annex-3. It has been observed that these foreign debit cards are being used to withdraw large amounts of cash in a planned manner which indicates possible involvement of organized networks. Such emergence of a parallel cash-based economy in Naxalite-affected areas poses a serious threat to the security and financial integrity of India and can facilitate the movement of illicit funds for unlawful activities. It is pertinent to note that cash withdrawal to the tune of approx. Rs.3.2 crores (3200 transactions of 10,000 each) has been done from a single AU Small Finance Bank ATM located at Vijay Plaza, Bastar Road, Dhamtari (Chhattisgarh) by using two such debit cards which raises concerns regarding the end use of the withdrawn funds. These fund withdrawals have happened under the monitoring of Varghese Chacko, a field level functionary, who resides at # Blessing Home, Ward 20 Bharri Para Sorid Nagar, Dhamtari, Chattisgarh-493773. The aforesaid pattern of systematic cash withdrawals, conducted through a network of entities and field functionaries, in LWE/Naxalite-affected districts of Chhattisgarh, using foreign funds sourced from and directed by The Timothy Initiative, USA, prima facie constitutes "unlawful activity" within the meaning of Section 2(0) of the Unlawful Activities (Prevention) Act (UAPA), 1967, being an activity which is intended to, and does, facilitate the movement of foreign funds into regions under active Naxal influence, thereby causing disaffection against India and threatening its sovereignty, territorial integrity and internal security. The Timothy Initiative, USA, and its Indian network of individuals/entities, prima facie constitutes an "unlawful association" as the said organisation has undertaken activities which are prejudicial to the sovereignty and

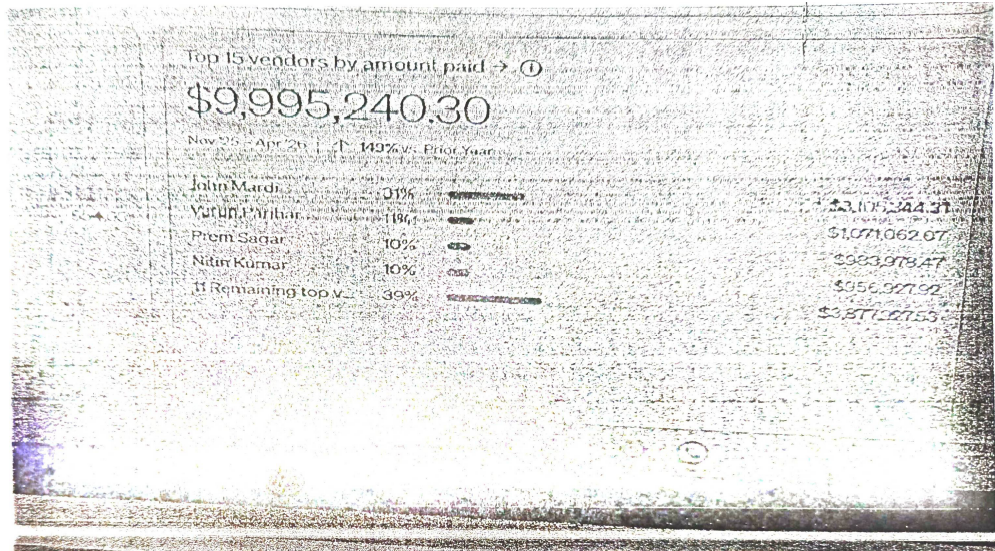
territorial integrity of India. The accused persons are accordingly prima facie liable for prosecution under the provisions of UAPA, 1967 for committing and abetting unlawful activities, for raising funds intended for the commission of a terrorist act in LWE-affected areas and for conspiracy to commit a terrorist act or any act preparatory.

5. Search conducted at the premises of Ajit Verghese Mathai revealed that he is overall Finance Head of the India operations of TTI, USA, through various front/shell entities like Lead LLP and Crosswise LLP, having registered office in Bangalore. Investigation revealed that foreign debit cards, were utilised for withdrawing funds, were distributed under his direct supervision. Cash amounting to Rs 37 lakhs, which was withdrawn using the foreign debit cards, was also seized from the premises of Ajit Verghese Mathai. The seizure memo is enclosed as Annex-4.

6. The search at the premises of Jonathan Rajan has revealed that he is the overall Operations in-charge of TTI in India. In conspiracy with Shri Ajit Verghese Mathai and others, he has ensured that the funds withdrawn from ATMs are used for the activities of TTI across India which includes training, preaching, brainwashing of poor people leading to left-wing extremism, among others. He oversees the training organised by TTI, the selection of persons who conduct such trainings, and the identification of venues. As Operations Head, he sends fund requirements to the Finance team, which in turn arranges funding from TTI, USA through the foreign debit cards in question.

7. Varghese Chacko, Supreme Joy and Bablu Kurmi are field level functionaries who in conspiracy with others have withdrawn funds in cash using the foreign debit cards a multiple ATMs and used the same for advancing the purposes of TTI. Evidence revealed that expenses in excess of Rs. 95 crores have been incurred by TTI in India. On being asked about the screen shot, as under, which is taken from quickbook.com (Accounting

software used by TTI) during the search proceeding, Micah Mark informed that the same pertains to expense bills raised by various field coordinators during the last 06 months, which TTI has paid during Nov 2025 to Apr 2026.



8. The above facts indicate that Jonathan Rajan, Micah Mark, Ajit Verghese Mathai, Varghese Chacko, Bablu Kurmi, Supreme Joy, The Timothy, Initiative, USA and others - in criminal conspiracy with TTI, USA - have, through an elaborate scheme: (i) used foreign debit cards issued by a USA-based bank to withdraw foreign-source funds in cash through Indian ATMs; (ii) caused the said cards to be printed in a single false name ("Santosh Kumar") in breach of KYC norms; (iii) circulated more than a thousand such cards amongst persons who are not the account-holder; (iv) thereby caused foreign funding of approx. Rs. 92.55 crore to be received and utilised in India without FCRA registration / prior permission and without being routed through the designated FCRA Account; and (v) on interception of Shri Micah Mark, remotely destroyed the digital back-end record of the scheme.

9. The acts of the accused persons constitute commission of the cognizable offences under the a) Bharatiya Nyaya Sanhita,

2023 relating to criminal conspiracy; cheating and dishonestly inducing delivery of property; forgery for purpose of cheating; forgery of valuable security or document of title; using as genuine a forged document or electronic record; making a false document/false electronic record and causing disappearance of evidence of an offence, b) Under the Unlawful Activities (Prevention) Act, 1967 for committing and abetting unlawful activities, conspiracy to commit a terrorist act or any act preparatory thereto, and other applicable laws.

10. In view of the above, it is requested that an FIR may kindly be registered against Jonathan Rajan, Micah Mark, Ajit Verghese Mathai, Varghese Chacko, Bablu Kurmi, Supreme Joy, The Timothy Initiative, USA and others involved in the said fraudulent activities. It is further requested that a thorough investigation may be conducted to identify the entire network of shell entities, trace the flow of funds, ascertain the role of each accused person, and take appropriate legal action in accordance with law.

11. This issues with the approval of Competent Authority.

Encl: As above"

(Emphasis added)

The communication dated 06-05-2026 issued under Section 66(2) of the PMLA is neither cryptic nor perfunctory. It is a detailed dossier narrating the alleged modus operandi of the accused, the flow of foreign funds, the manner of ATM withdrawals, and the suspected channelization of such funds into regions afflicted by Left Wing Extremism (LWE). The communication records, in unmistakable terms, a prima facie

opinion that the activities complained of may attract offences not merely under economic statutes, but also under UAPA, **as they allegedly facilitate movement of foreign funds into Naxal-affected regions, thereby posing a threat to the sovereignty, territorial integrity, and internal security of the nation.** This communication is taken forward by two other communications dated 06-06-2026 and 10-06-2026. They read as follows:

“ಗೆ,
ವೋಲೀಸ್ ಆಯುಕ್ತರು,
ಬೆಂಗಳೂರು ನಗರ.

ಮಾನ್ಯರೇ,

ವಿಷಯ: "ದಿ ತಿಮೋತಿ ಇನಿಶಿಯೇಟಿವ್" (The Timothy Initiative) ಸಂಸ್ಥೆ ಹಾಗೂ ಜೊನಾಥನ್ ಎಸ್. ರಾಜನ್ ಮತ್ತು ಸಂಬಂಧಿತ ವ್ಯಕ್ತಿಗಳ ವಿರುದ್ಧದ ಕಾನೂನುಬಾಹಿರ ಚಟುವಟಿಕೆಗಳ ಕುರಿತು ದೂರು.

ಉಲ್ಲೇಖ: ಜಾರಿ ನಿರ್ದೇಶನಾಲಯ, ನವದೆಹಲಿ, ಭಾರತ ಸರ್ಕಾರ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ:
T-2/HIU-I/09/2026, ದಿನಾಂಕ: 06.05.2026.

ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಿಸಿದಂತೆ, ಉಲ್ಲೇಖಿತ ಜಾರಿ ನಿರ್ದೇಶನಾಲಯ ರವರು ಈ ಕಛೇರಿಗೆ ಕಳುಹಿಸಿರುವ ಪತ್ರದಲ್ಲಿ "ದಿ ತಿಮೋತಿ ಇನಿಶಿಯೇಟಿವ್" ಸಂಸ್ಥೆ ಮತ್ತು ಅದರೊಂದಿಗೆ ಸಂಬಂಧ ಹೊಂದಿರುವ ಜೊನಾಥನ್ ಎಸ್. ರಾಜನ್, ಮಿಕಾ ಮಾರ್ಕ್, ಅಜಿತ್ ವರ್ಗೀಸ್ ಮಥಾಯಿ, ವರ್ಗೀ ಚಾಕೋ, ಬಲ್ಲು ಕುರ್ಮಿ ಮತ್ತು ಸುಪ್ರೀಂ ಜಾಯ್ ರವರುಗಳು ವಿದೇಶಿ ಡೆಬಿಟ್ ಕಾರ್ಡ್‌ಗಳನ್ನು ಬಳಸಿ ಕೋಟ್ಯಂತರ ರೂಪಾಯಿಗಳ ಅಕ್ರಮ ಹಣ ವರ್ಗಾವಣೆ ನಡೆಸಿರುವುದು ಹಾಗೂ ನಕ್ಸಲ್ ಪೀಡಿತ ಪ್ರದೇಶಗಳಲ್ಲಿ ಅನುಮಾನಾಸ್ಪದ ನಗದು ವಹಿವಾಟುಗಳಲ್ಲಿ ತೊಡಗಿರುವ ಬಗ್ಗೆ ಜಾರಿ ನಿರ್ದೇಶನಾಲಯ (ED) ತನಿಖೆ ನಡೆಸುತ್ತಿರುವುದಾಗಿ ತಿಳಿಸಿರುತ್ತಾರೆ.

ಸದರಿ ಚಟುವಟಿಕೆಗಳು ವಿದೇಶಿ ವಿನಿಮಯ ನಿರ್ವಹಣಾ ಕಾಯ್ದೆ (FEMA) ಹಾಗೂ ಅಕ್ರಮ ವರ್ಗಾವಣೆ ತಡೆ ಕಾಯ್ದೆ (PMLA)ಗಳ ಉಲ್ಲಂಘನೆಯಾಗಿದ್ದು, ರಾಷ್ಟ್ರೀಯ ಭದ್ರತೆಗೆ ಗಂಭೀರ ಬೆದರಿಕೆಯನ್ನು ಉಂಟುಮಾಡುವ ಸಾಧ್ಯತೆಯಿದೆ ಎಂದು ವರದಿಯಾಗಿದೆ. ಈ ವಿಷಯದ ಗಂಭೀರತೆಯನ್ನು ಪರಿಗಣಿಸಿ, ಜಾರಿ ನಿರ್ದೇಶನಾಲಯವು ಈಗಾಗಲೇ ಎಫ್‌ಐಆರ್ ದಾಖಲಿಸಲು ಶಿಫಾರಸು ಮಾಡಿರುವ ಹಿನ್ನೆಲೆ, ಪ್ರಕರಣದ ಕುರಿತು ಸಮಗ್ರ ತನಿಖೆ ನಡೆಸಿ, ತಪ್ಪಿತಸ್ಥರ ವಿರುದ್ಧ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಕೋರಿರುತ್ತಾರೆ.

ಆದುದರಿಂದ ಕೇಂದ್ರ ಸರ್ಕಾರದ ಪತ್ರದಲ್ಲಿ ಪ್ರಸ್ತಾಪಿಸಿರುವ ಎಲ್ಲಾ ಅಂಶಗಳನ್ನು ನಿಯಮಾನುಸಾರ ಪರಿಶೀಲಿಸಿ, ಅಗತ್ಯ ಕಾನೂನು ಕ್ರಮ ಕೈಗೊಳ್ಳುವಂತೆ ಕೋರಲಾಗಿದೆ.
ತಮ್ಮ ನಂಬುಗೆಯ,

ಸಹಿ/-

(ಡಾ. ಎಂ.ಎ.ಸಲೀಂ, ಐಪಿಎಸ್)

ಮಹಾ ನಿರ್ದೇಶಕರು ಮತ್ತು

ಮಹಾ ನಿರೀಕ್ಷಕರವರ ಕರ್ನಾಟಕ

....

“ಕರ್ನಾಟಕ ಸರ್ಕಾರ

(ಪೊಲೀಸ್ ಇಲಾಖೆ)

ಸಂ.ಅಪರಾಧ/(4)/ಮಿಶ್ರ/141/2026

ಪೊಲೀಸ್ ಆಯುಕ್ತರವರ ಕಛೇರಿ,

ಬೆಂಗಳೂರು ನಗರ

ದಿನಾಂಕ::10.06.2026.

: ಜ್ಞಾಪನ :

ವಿಷಯ: ದಿ.ತಿಮೋತಿ ಇನಿಶಿಯೇಟಿವ್ (The Timothy Initiative) ಎಂಬ ಸಂಸ್ಥೆ ಹಾಗೂ ಜೊನಾಥನ್ ಎಸ್ ರಾಜನ್ ಮತ್ತು ಸಂಬಂಧಿತ ವ್ಯಕ್ತಿಗಳ ವಿರುದ್ಧ ಕಾನೂನು ಬಾಹಿರ ಚಟುವಟಿಕೆಗಳ ಕುರಿತು ಸೂಕ್ತ ಕಾನೂನು ಕ್ರಮ ಜರುಗಿಸುವ ಬಗ್ಗೆ.

ಉಲ್ಲೇಖ: 1. ಜಾರಿ ನಿರ್ದೇಶನಾಲಯ, ನವದೆಹಲಿ, ಭಾರತ ಸರ್ಕಾರ ರವರ ಪತ್ರ ಸಂಖ್ಯೆ::

T-2/HUI-1/09/2026, ದಿನಾಂಕ: 06.05.2026.

2. ಪೊಲೀಸ್ ಪ್ರಧಾನ ಕಛೇರಿ ಪತ್ರ ಸಂಖ್ಯೆ: ಅಪರಾಧ-2/19/2026

ದಿನಾಂಕ: 06.06.2026.

ಈ ಮೇಲ್ಕಂಡ ವಿಷಯಕ್ಕೆ ಸಂಬಂಧಪಟ್ಟಂತೆ ಉಲ್ಲೇಖ (2) ರ ರೀತ್ಯಾ ಪೊಲೀಸ್ ಪ್ರಧಾನ ಕಛೇರಿಯಿಂದ ಸ್ವೀಕರಿಸುವ ಪತ್ರ ಮತ್ತು ಅದರೊಂದಿಗಿನ ಅಡಕಗಳು ಸ್ವಯಂ ವೇದ್ಯವಾಗಿದ್ದು, ಸದರಿ ಪತ್ರ ಮತ್ತು ಅದರೊಂದಿಗಿನ ಅಡಕಗಳನ್ನು ಪರಿಶೀಲಿಸಿ ಸೂಕ್ತ ಕಾನೂನು ರೀತ್ಯಾ ಕ್ರಮ ಕೈಗೊಂಡು, ಕೈಗೊಂಡ ಕ್ರಮದ ಬಗ್ಗೆ ವರದಿಯನ್ನು ಮರು ಟಪಾಲಿನಲ್ಲಿ ಸಲ್ಲಿಸಲು ಸೂಚಿಸಲಾಗಿದೆ.

ಸಹಿ/-

(ನೀಮಾಂತ್ ಕುಮಾರ್ ಸಿಂಗ್ ಐಪಿಎಸ್)

ಪೊಲೀಸ್ ಆಯುಕ್ತರು,

ಬೆಂಗಳೂರು ನಗರ."

It is then on 11-06-2026 the crime comes to be registered. The issue now would be, whether investigation should be interdicted at this juncture on the score that the Enforcement Directorate did not have power to communicate the information to register a crime.

11. It is an admitted fact that the communication comes about under Section 66(2) of PMLA. Section 66 reads as follows:

"66. Disclosure of information.—(1) The Director or any other authority specified by him by a general or special order in this behalf may furnish or cause to be furnished to—

- (i) any officer, authority or body performing any functions under any law relating to imposition of any tax, duty or cess or to dealings in foreign exchange, or prevention of illicit traffic in the narcotic drugs and psychotropic substances under the Narcotic Drugs and Psychotropic Substances Act, 1985 (61 of 1985); or**
- (ii) such other officer, authority or body performing functions under any other law as the Central Government may, if in**

its opinion it is necessary so to do in the public interest, specify, by notification in the Official Gazette, in this behalf, any information received or obtained by such Director or any other authority, specified by him in the performance of their functions under this Act, as may, in the opinion of the Director or the other authority, so specified by him, be necessary for the purpose of the officer, authority or body specified in clause (i) or clause (ii) to perform his or its functions under that law.

(2) If the Director or other authority specified under sub-section (1) is of the opinion, on the basis of information or material in his possession, that the provisions of any other law for the time being in force are contravened, then the Director or such other authority shall share the information with the concerned agency for necessary action."

Section 66 of the PMLA deals with disclosure of information. Sub-section (2) expressly empowers the Director or authorised authority, upon forming an opinion that provisions of any other law stand contravened, to share such information with the concerned agency for necessary action. The statutory architecture is clear: the provision is intended to ensure that information uncovered in the course of investigation under one enactment does not remain siloed where it reveals infractions under another. To accept the contention that such communication is permissible only in relation to offences strictly under PMLA would amount to reading clause (i) of sub-section (1) into irrelevance and rendering the legislative intent

nugatory. **Statutory interpretation cannot be so myopic as to defeat the plain purpose of the enactment.**

12. The genesis of the entire matter lies in the possession of 24 debit cards by accused No.2—all bearing the same name. What initially appeared as a financial irregularity, upon search and seizure, allegedly revealed a far wider network. **The Directorate, therefore, cannot be faulted for communicating such information to the jurisdictional police. The submission that proceedings under the FEMA empower search and seizure, but not disclosure of information to other agencies cannot be accepted. Statutes operating in cognate fields must be construed harmoniously, not in watertight compartments.**

13. **The submission of the respective learned senior counsel that only those offences that are being investigated into under the PMLA empowers communication to the respective agencies to register a crime for violation of any provision of law cannot be accepted, as clause (i) clearly empowers the Enforcement**

Directorate to communicate all of those that are found in the clause, which includes violation of Foreign Exchange.

14. The connected submission is the other side of the same coin, that proceedings initiated under Section 37 of the FEMA which deals with power of search and seizure, only empowers the Enforcement Directorate or officers of Enforcement Directorate to conduct search and seizure and not communicate or share information with other agency, this also cannot be accepted, as the two – PMLA and FEMA – will have to be read in tandem, and if read in tandem, the submission of the learned senior counsel Sri M.S. Shyam Sundar would tumble down. This relates to offences under the IPC as alleged by the Enforcement Directorate.

THE UAPA:

15. The other offences alleged are the ones punishable under the UAPA. Therefore, the said provisions are required to be noticed. Section 2 deals with definitions. Section 2(o) deals with 'unlawful activity'. It reads as follows:

"2. Definitions.—(1) In this Act, unless the context otherwise requires,—

....

"(o) "unlawful activity", in relation to an individual or association, means any action taken by such individual or association (whether by committing an act or by words, either spoken or written, or by signs or by visible representation or otherwise),—

- (i) which is intended, or supports any claim, to bring about, on any ground whatsoever, the cession of a part of the territory of India or the secession of a part of the territory of India from the Union, or which incites any individual or group of individuals to bring about such cession or secession; or
- (ii) which disclaims, questions, disrupts or is intended to disrupt the sovereignty and territorial integrity of India; or
- (iii) which causes or is intended to cause disaffection against India;"

Sections 13, 17 and 18 of the UAPA read as follows:

"13. Punishment for unlawful activities.—(1) Whoever—

- (a) takes part in or commits, or
- (b) advocates, abets, advises or incites the commission of,

any unlawful activity, shall be punishable with imprisonment for a term which may extend to seven years, and shall also be liable to fine.

(2) Whoever, in any way, assists any unlawful activity of any association, declared unlawful under Section 3, after the notification by which it has been so declared has become effective under sub-section (3) of that section, shall be punishable with imprisonment for a term which may extend to five years, or with fine, or with both.

(3) Nothing in this section shall apply to any treaty, agreement or convention entered into between the Government of India and the Government of any other country or to any negotiations therefor carried on by any person authorised in this behalf by the Government of India.

... ..

17. Punishment for raising funds for terrorist act.—

Whoever, in India or in a foreign country, directly or indirectly, raises or provides funds or collects funds, whether from a legitimate or illegitimate source, from any person or persons or attempts to provide to, or raises or collects funds for any person or persons, knowing that such funds are likely to be used, in full or in part by such person or persons or by a terrorist organisation or by a terrorist gang or by an individual terrorist to commit a terrorist act, notwithstanding whether such funds were actually used or not for commission of such act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.

Explanation.—For the purpose of this section,—

- (a) participating, organising or directing in any of the acts stated therein shall constitute an offence;
- (b) raising funds shall include raising or collecting or providing funds through production or smuggling or circulation of high-quality counterfeit Indian currency; and
- (c) raising or collecting or providing funds, in any manner for the benefit of, or, to an individual terrorist, terrorist gang or terrorist organisation for the purpose not specifically covered under Section 15 shall also be construed as an offence.

18. Punishment for conspiracy, etc.—Whoever conspires or attempts to commit, or advocates, abets, advises or incites, directs or knowingly facilitates the commission of, a terrorist act or any act preparatory to the commission of a terrorist act, shall be punishable with imprisonment for a term which shall not be less than five years but which may extend to imprisonment for life, and shall also be liable to fine.”

Sections 13, 17 and 18 of the UAPA deal respectively with unlawful activities, raising funds for terrorist acts, and conspiracy. **At this stage, the Court is not called upon to return findings of guilt; it is required only to examine whether prima facie material exists to justify investigation. The material presently available, particularly the communication under Section 66(2), cannot be said to be so barren as to warrant judicial interdiction. Any deeper scrutiny at this stage would risk trenching upon the domain of investigation and potentially prejudicing either side.**

16. Insofar as the companion petition filed by accused Nos. 1,3, 4, 5 and 6 is concerned, the contention of the learned senior counsel Sri S. Basavaraj is that they have no role to play and they have not even met accused No.2, is again contrary to the record.

Accused No.2 himself in his petition avers that it is the case of the 2nd respondent that one Ajit Varghese Mathai, accused No.3 was in-charge of financial operations of "The Timothy Initiative" and Jonathan S. Rajan was the person who oversaw overall operations of the Initiative in India and while other accused persons allegedly facilitated ATM withdrawals.

17. This may be the narration of allegation, but the link in the chain of events is established in the communication made under Section 66(2) of PMLA. **Therefore, this is not a case warranting exercise of inherent jurisdiction to nip the crime in the bud. The case concerns National security. National security is the invisible architecture upon which the sovereignty, stability and constitutional order of a nation rest. One of the gravest threats to National security in the present times is, the clandestine funding of extremism. Funding, therefore, becomes the oxygen that enables extremist movements to survive and proliferate. The danger of extremist financing lies not merely in the money transferred, but in the consequences it unleashes.** Left unchecked, such funding

can transform ideological extremism into organized violence, threatening National unity and public safety. The preservation of National security, therefore, demands robust vigilance against financial channels that sustain extremism. Effective intelligence gathering, strict regulatory oversight, inter-agency coordination, and rigorous enforcement of anti-money laundering. Institutions tasked with financial monitoring and security enforcement must act with both precision and urgency to dismantle these covert networks. Protecting National security is thus a collective constitutional obligation, and preventing the funding of extremism forms an indispensable part of that solemn duty.

18. The Courts must therefore be circumspect in stifling investigation, particularly where allegations touch upon issues of economic subversion intertwined with National security. In the teeth of such accusations as observed hereinabove, investigation is not merely permissible - it becomes imperative.

19. For the aforesaid reasons, the petitions merit dismissal. Accordingly, stand **dismissed**. It is, however, made clear that the petitioners remain at liberty to avail themselves of all remedies available in law, should the final report eventually be laid against them.

It is made clear that the observations made during the course of this order are only for the purpose of consideration of the case of the petitioners under Section 528 of the BNSS and the same would not bind or influence the ongoing investigation.

Consequently, pending applications if any, also stand disposed.

**Sd/-
(M.NAGAPRASANNA)
JUDGE**

Bkp
CT:MJ