N.S.Kamble

IN THE JUDICATURE OF HIGH COURT AT BOMBAY
CRIMINAL APPELLATE JURISDICTION

CRIMINAL REVISION APPLICATION (ST) NO.24142 OF 2026

Directorate of Enforcement
Through Shri,Dibyendu Man, Assistant Director,
Raipur Zonal Office, Chhattisgarh ...Applicant
VERSUS
Himanshu Shekhar Alias Mohit
Son of Shri.Ramanuj Pathak & Anr. ...Respondents

NILAM SANTOSH KAMBLE Digitally signed by NILAM SANTOSH KAMBLE Date: 2026.11.23 18:25:34 +0530

Mr.Tushar Mehta, Solicitor General a/w Mr.Anil Singh, ASG, Mr.Chaitanya Pendse, SPP, Mr.Sunil Gonsalves, SPP, Mr.Abhijeet Sarnobat, Mr.Krishnakant Deshmukh, Ms.Anusha Amin, for the Applicant-ED.
None present for Respondent No.1.
Ms.Prajakta P. Shinde, APP, for Respondent No.2-State.

CORAM : SHIVKUMAR DIGE, J.

DATE : 23rd NOVEMBER 2026
(Holiday Court)

P.C. :

. Heard learned Solicitor General for the Applicant-ED and learned APP for the Respondent No.2-State. None present for Respondent No.1/Accused though served through E-mail by Applicant.

2. The Applicant Directorate of Enforcement ('ED' for short) has challenged the impugned order passed by the learned Special Court under the Prevention of Money Laundering Act, 2002 ("PML Act" for short), Mumbai dated 21st November 2026 whereby the learned Judge has rejected the transit remand Application of Respondent No.1.

3. It is contention of the learned SG that Respondent No.1 is one

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of the accused in Mahadev Betting App alongwith other accused, a Look Out Circular ("LOC" for short) was issued against him. The offence was registered at ED, Raipur. On LOC Respondent No.1 was detained at Mumbai International Airport at about 3.03 p.m. on 20th November 2026 by the immigration, after receiving information officers of the ED, Raipur arrived at Mumbai and Respondent No.1 was detained at about 1.10 a.m. by ED. Thereafter, he was inquired and shown arrested at 12.51 p.m. on 21st November 2026 after due compliance of Section 19(2)(3) and (4) of PML Act. Thereafter, he was produced before learned Special Court at 2.45 p.m. along with Application of transit remand as the Applicant wants to take him at ED Office, Raipur for production before the Special Judge.

4. The learned SG further submitted that as per the provisions of law, the Respondent No.1 was produced before the learned Special Court within 24 hours of his arrest but the learned Judge has rejected the transit remand Application on the flimsy ground and without Application of mind. The learned SG further submitted that the learned Judge has observed that the Respondent No.1 should have been produced in First Sessions instead of Second Session, and at nick of end of 24 hours which is erroneous.

5. Considering the serious allegations against Respondent No.1 as well as while in custody his statement is recorded by the ED Officer. But these facts are not considered by the learned Special Court. The learned SG further submitted that the learned Special Court had directed

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Respondent No.1 to appear before ED, Raipur on 23rd November 2026, but he failed to appear and requested to allow the Application.

6. I have heard learned SG. Perused impugned order and documents produced on record.

7. Admittedly, Respondent No.1 was produced before the Special Court within 24 hours of his apprehension/detention/arrest. While passing the order the learned Judge has observed that "when Respondent No.1 was detained at 1.10 a.m. on 21st November 2026 as the officers of the ED, Raipur had already arrived at Mumbai they could have produced the Respondent No.1 before the Court during first Session of the working hours, as Respondent No.1 detained on LOC which is issued by the ED, Raipur. The time of arrest is counted from his detention on LOC i.e. 3.03 p.m. and not on the formal arrest by officers of ED, Raipur. They should not have waited to produce him during Second Session of the day. It is not necessary that remand of the Respondent No.1 is to be done only at the second session of the working day."

8. The learned Special Judge has further observed that "when there is time constraint, it was incumbent upon the ED Officers to produce the Respondent No.1 before 2.00 p.m. Mere excuse and exclusion of travel time in the city itself cannot be criteria for the ED Officer to produce the Respondent No.1 at the nick of end of 24 hours. When the Respondent No.1 was in their custody for the entire night. It is incumbent upon

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officers to adhere the time limit. It is not the case that ED Officer have traveled with the Respondent No.1 for the entire intervening night hours is not adverted and Respondent No.1 is liable to be released. However, the Respondent No.1 shall undertaking about his presence before ED Raipur on 23rd November 2026. In result the learned Judge has passed the impugned order."

9. When the Respondent No.1 was produced before the learned Special Judge within 24 hours after his detention as per mandate of Article 22(2) of the Constition. The learned Judge should not have set her own notions stating that the ED Officer should have produced Respondent No.1 in first session and before 2.00 p.m. The learned Judge must have considered the point of transit remand. It is settled principle of law that when there are no other grounds to refuse the transit remand, the Court shall grant the transit remand to the Accused to be produced before the concerned Magistrate/Court. The impugned order is apparently perverse. Moreover, though Respondent No.1 is served, he is absent. He was directed to appear before the ED Office at Raipur today but he failed to appear.

10. Considering these facts, I pass following order.

ORDER

(i) The Application is allowed.

(ii) The impugned order dated 21st November 2026

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passed by Additional Sessions Judge designated Special Court under the PML Act, 2002 in Transit Remand Application No.1839 of 2026 is hereby quashed and set aside.

(iii) The ED is at liberty to arrest Respondent No.1 and produce him before the appropriate Court.

(iv) All pending Applications are disposed of.

(SHIVKUMAR DIGE, J.)

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