

Thursday, Nov 30, 2023

EPAPER TODAY'S PAPER



The Indian EXPRESS

JOURNALISM OF COURAGE

[Home](#) [Cities](#) [India](#) [Explained](#) [Opinion](#) [Business](#) [Entertainment](#) [Sports](#) [Politics](#) [Lifestyle](#) [Tech](#) [Education](#)**TRENDING**[Elections
2023](#)[Madhya
Pradesh](#)[Rajasthan](#)[Chhattisgarh](#)[Telangana](#)[Mizoram](#)

ADVERTISEMENT

[News](#) / [India](#) / Supreme Court: Conspiracy an offence under PMLA only if it is to commit a crime scheduled under Act

Supreme Court: Conspiracy an offence under PMLA only if it is to commit a crime scheduled under Act

According to the ED, the woman, a former Vice Chancellor of the Alliance University, entered into a conspiracy with accused no. 1 by getting executed nominal sale deeds in respect of the certain properties in her name for the benefit of accused no. 1.

By: **Express News Service**

New Delhi | Updated: November 30, 2023 07:25 IST

 **NewsGuard**

Before the SC, the ED contended that as Section 120B of IPC is included in Part A to the Schedule to PMLA, even if the allegation is of making a criminal conspiracy to commit an offence which is not a part of the Schedule, the offence would become a scheduled offence.

Listen to this article

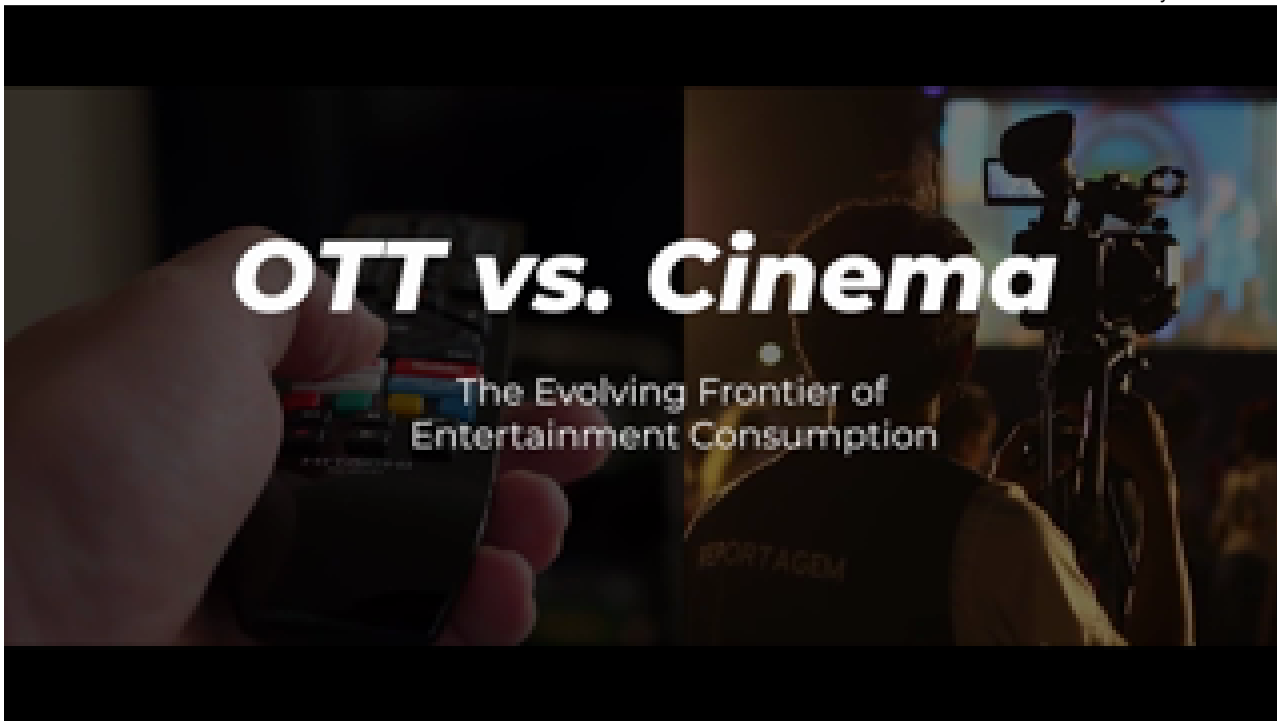
00:00 1x 1.5x 1.8x

The Supreme Court on Wednesday held that criminal conspiracy will be treated as a scheduled offence under the Prevention of Money Laundering Act, 2002, only if the same is to commit an offence included in the Schedule to the Act and not otherwise.

“...in our view, the offence under Section 120B of IPC included in Part A of the Schedule will become a scheduled offence only if the criminal conspiracy is to commit any offence already included in Parts A, B or C of the Schedule. In other words, an offence punishable under Section 120B of IPC will become a scheduled offence only if the conspiracy alleged is of committing an offence which is otherwise a scheduled offence,” a bench of Justices A S Oka and Pankaj Mithal ruled, quashing the PMLA complaint against a woman by the Enforcement Directorate in Bengaluru.

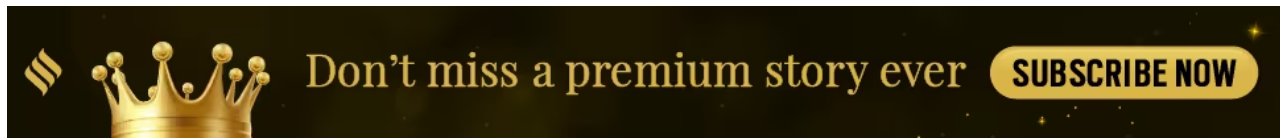
According to the ED, the woman, a former Vice Chancellor of the Alliance University, entered into a conspiracy with accused no. 1 by getting executed nominal sale deeds in respect of the certain properties in her name for the benefit of accused no. 1. The ED alleged that she facilitated the accused no. 1 to use her bank accounts to siphon off the university funds, thereby, assisting in the activity connected with the proceeds of crime.

ADVERTISEMENT

Powered By **VDO.AI**

She challenged this before the Karnataka High Court which dismissed her plea, following which she approached the SC.

Before the SC, the ED contended that as Section 120B of IPC is included in Part A to the Schedule to PMLA, even if the allegation is of making a criminal conspiracy to commit an offence which is not a part of the Schedule, the offence would become a scheduled offence.



The court, however, noted that many offences, which may generate proceeds of crime, have not been included in the Schedule to PMLA and that if the ED's argument is accepted, all these will become scheduled offences merely by adding the charge of conspiracy to commit them.

ALSO READ



'NDRF jawans were big, pipes were small, I decided to go in': Meet a resc...



Rescued worker speaks: 'Played ludo on phone, bathed in natural water'



Uttarakhand Tunnel Rescue Operation Live Updates: Day after rescue, worke...



Manipur valley's UNLF insurgent faction bids farewell to arms, Amit Shah ...

This, the SC said, "will defeat the legislative object of making only a few selected offences as scheduled offences. If we accept such an interpretation, the statute may attract the vice of unconstitutionality for being manifestly arbitrary. It cannot be the legislature's intention to make every offence not included in the Schedule a scheduled offence by applying Section 120B".

© The Indian Express Pvt Ltd

First published on: 30-11-2023 at 01:10 IST

TAGS: PMLA Prevention Of Money Laundering Act (PMLA) Supreme Court