REPORTABLE

IN THE SUPREME COURT OF INDIA

CRIMINAL APPELLATE JURISDICTION

V. SENTHIL BALAJI V. STATE REPRESENTED BY DEPUTY DIRECTOR (2023)

BENCH: Mr. Justice A.S. Bopanna & Mr. Justice M.M. Sundresh **DECIDED:** August 7, 2023

RATIO DECIDENDI & PRECEDENTIAL CRUX:
Enforcement Directorate officials are not police officers, but ED is entitled to seek custody of arrested accused under Section 167 CrPC for investigation.

1. Factual Matrix & Background:

The appellant was arrested by the Enforcement Directorate under Section 19 PMLA and immediately hospitalized. The ED sought custody for interrogation under Section 167 CrPC. The appellant claimed ED officers are not police officers and cannot seek custodial remand under Section 167.

2. Substantive Legal Questions Framed:

Whether the Enforcement Directorate has the power to seek custody of an accused for interrogation under Section 167 of the CrPC following arrest under Section 19 PMLA.

3. Analysis & Ratio Decidendi:

The Supreme Court held that while ED officials are not police officers, an arrest made under Section 19 PMLA obligates production before a magistrate within 24 hours. Consequently, Section 167 CrPC applies in its entirety, and the magistrate has full authority to authorize custody of the accused to the investigating agency, including the ED, for completing investigation.

4. Principles Enunciated:

- 1. Section 167 CrPC applies to arrests effected by the ED under Section 19 PMLA.
- 2. Investigating agency is entitled to physical custody during the initial 15-day period.
- 3. Periods of hospitalization spent avoiding interrogation can be excluded in computation.

5. Practical Litigation Implications:

- Challenging ED remands must focus on procedural compliance with Section 19 written grounds of arrest rather than challenging the jurisdictional power of Section 167.

.....J.
[SUPREME COURT BENCH]

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