

..1..

**IN THE COURT OF SPECIAL JUDGE FOR PMLA
FOR GREATER BOMBAY AT BOMBAY**

ORDER BELOW EXHIBIT-01

IN

PMLA SPECIAL CASE NO.460 OF 2022

The Directorate of Enforcement]
(Through: Assistant Director,]
Zonal Office-I, Kaiser-I-Hind Building,]
Ballard Estate, Fort, Mumbai – 400 001.)] Complainant.

Versus

1. Mohammed Nawab Mohammed Islam]
Malik @ Nawab Malik]
Aged: 62 years, S/o. Mohd. Islam]
Amjad Ali Malik, R/o.: Plot No.218/C2,]
Noor Manzil, L.B.S. Marg, Kurla (West),]]
Mumbai.]
2. M/s. Solidus Investments Pvt. Ltd.]
Through its beneficiary owner]
Mr. Nawab Malik, Unit No.F 54,]
1st Floor, Kohinoor City Mall,]
Kurla (West), Mumbai.]
3. M/s. Malik Infrastructure]
Through its Partner Mr. Nawab Malik,]
Plot No.218/C2, Noor Manzil,]
L.B.S. Marg, Kurla (West),]
Mumbai – 400 070.]
4. Sardar Shahvali Khan @ Sardar Khan]
Presently lodged in Aurangabad Central]
Prison, Aurangabad, Maharashtra.] Accused Nos.1 to 4.

Appearance:

Ld. SPP Mr. Gonsalves a/w ld. SPP Mr. Shirsat for the
Complainant/ED.

Ld. Adv. Mr. Taraq Sayed for the Accused No.1.

..2..

**CORAM: H.H. THE SPECIAL JUDGE (PMLA)
SHRI R.N. ROKADE
(CR NO.54)**

DATE : 20th May, 2022.

ORAL ORDER
(Dictated and pronounced in open Court)

Heard ld. SPP Mr. Gonsalves a/w Mr. Niraj Kumar, Assistant Director, at length. Perused the complaint and material placed alongwith it.

2. A FIR bearing no.RC-01/2022/NIA/MUM, dt. 03.02.2022 has been registered by NIA under section 120B of IPC and sections 17, 18, 20, 21, 38 and 40 of Unlawful Activities (Prevention) Act, 1967 against Dawood Ibrahim Kaskar @ Dawood Ibrahim and others. It is alleged that Dawood Ibrahim Kaskar @ Dawood Ibrahim @ Dawood Bhai, who has been designated as a “Global Terrorist” by the United Nation, runs an international terrorist network namely D- Company, which is involved in various terrorist/criminal activities such as arms smuggling, Narco-terrorist, underworld criminal syndicate, money-laundering, circulation of FICN, unauthorized possession/acquisition of key assets for raising terror funds and is working in active collaboration with international terrorist organization including Lashkar-e-Taiba (LeT), Jaish-e-Mohammad (JeM) and Al Qaeda (AQ). In the said FIR, Anees Ibrahim Shaikh, Shakeel Shaikh @ Chhota Shakeel, Javed Patel @ Javed Chikna and Ibrahim Mushtaq Abdul Razzaq Memon @ Tiger Memon are also arraigned as accused. On the basis of the aforesaid scheduled offence, Enforcement Directorate registered an ECIR bearing no.ECIR/MBZO-I/10/2022 for investigation under PMLA, 2002 against

..3..

Dawood Ibrahim Kaskar @ Dawood Bhai, Haji Anees @ Anees Ibrahim Shaikh, Shakeel Shaikh @ Chhota Shakeel, Javed Patel @ Javed Chikna, Ibrahim Mushtaq Abdul Razak Memon @ Tiger Memon and others.

3. A FIR bearing no.190/2017 dated 18.09.2017 is registered at Kasarvadavli Police Station, Thane against Iqbal Kaskar, Mumtaz Shaikh and Israr Ali Jamil Sayyed for the offence of extortion under sections 384, 386 and 387 of IPC. Subsequently, Iqbal Kaskar, an associate of D- Company and brother of Dawood Ibrahim and his associates were also arrested under MCOCA, invoking the provisions of sections 3(1)(ii), 3(2), 3(4) and 3(5) of MCOCA. On the basis of the aforesaid scheduled offences, an ECIR bearing no.ECIR/MBZO-1/04/2017 is registered at Mumbai Zonal Office-I, Mumbai.

4. On the basis of various FIRs by Mumbai Police, an ECIR was registered by Enforcement Directorate bearing no.08/2019 against Iqbal Mirchi and others.

5. In order to conduct an effective investigation against the said crime syndicate and their associates as a whole, PMLA cases vide ECIR/MBZO-I/10/2022 against Dawood Ibrahim and others, ECIR No.4/2017 against Iqbal Kaskar and others and ECIR No.08/2019 against Iqbal Mirchi and others have been merged and combined investigation is undertaken by Enforcement Directorate. During the investigation, it is revealed that Hasina Parkar (deceased) was one of the prominent member of D- Company and sister and close associate of Dawood Ibrahim. It is further revealed that D- Company is involved in

..4..

unauthorized possession/acquisition of key assets for raising terror funds. One of such key assets is Goawala Compound, having CTS no.336, 336/1 to 5 and 7 to 24 and CTS no.338 and CTS no.336/25 situated at Kurla (West), Mumbai. The said property was owned by Mrs. Munira Plumber and Marium Goawala.

6. It is alleged that accused Mohammed Nawab Mohammed Islam Malik @ Nawab Malik and members of D- Company criminally conspired and had taken unauthorized possession/acquisition of the above property. It appears from the statements that Sardar Khan -convict in Bombay Bomb Blast Case, was also part of the said conspiracy. In lieu of his assistance in usurping the property of Mrs. Munira Plumber, he got covered area of around 368 sq. mtr. in Goawala Compound and the same was given to him by M/s. Solidus Investments Pvt. Ltd. For usurping the above property, members of D- Company and accused Nawab Malik, connived together and executed several legal documents to put a facade of genuinity over the criminal act. To this end, Nawab Malik and Hasina Parkar entered into criminal conspiracy and Nawab Malik agreed to pay Rs.55 lakhs to Hasina Parkar, Rs.15 lakhs to Salim Patel and Rs.5 lakhs to Sardar Khan.

7. It is revealed from the statements of witnesses that accused Nawab Malik was enjoying property bearing CTS no.336, 336/1 to 5, 336/7 to 336/24, CTS no.336/25 and CTS no.338 known as Goawala Compound situated at Kurla (West), Mumbai, since long time. Initially, he occupied Kurla General Store illegally using his clout and muscle power. He misguided K.G. Patel and took over the shed in Goawala Compound for acquiring M/s. Solidus Investments Pvt. Ltd.

..5..

He connived with Hasina Parkar and Sardar Khan and had meeting for hatching conspiracy. As a part of the conspiracy, Salim Patel -an associate of Hasina Parkar, by misguiding Mrs. Munira Plumber executed power of attorney in his favour. Subsequently, forged supplementary power of attorney was executed in his favour. On the basis of forged power of attorney, several legal documents were executed for usurping the above property. Later on, accused Nawab Malik acquired the portion controlled by Hasina Parkar and Sardar Khan by paying them Rs.55 lakhs and Rs.5 lakhs respectively. He introduced fake tenants in the said property to lower the registry value of the said property. In the above illegal dealings, Mrs. Munira Plumber and her mother did not receive a single penny. Thus, accused Nawab Malik in connivance with D- Company members i.e. Hasina Parkar, Salim Patel and Sardar Khan, hatched a criminal conspiracy for usurping the prime property belonging to Mrs. Munira Plumber. Therefore, the above property usurped by accused Nawab Malik in connivance with Hasina Parkar and others, is proceeds of crime under section 2(1)(u) of the PMLA, 2002. The said acquisition of the proceeds of crime is generated from the illegal activities. There is prima facie evidence to indicate that the accused is directly and knowingly involved in money laundering offence, therefore, he is responsible for committing the offence of money laundering as defined under section 3 of the PMLA, 2002 and is liable for punishment under section 4 of the PMLA, 2002.

8. On going through the allegations levelled in the complaint against the accused and on perusal of various documents placed on

..6..

record, it appears that there are sufficient grounds for proceeding further with this case and hence, I am of the opinion that process is required to be issued in this case against the accused arrayed in this complaint. Hence, I proceed to pass the following order:

ORDER

- (1) Issue process against the accused named in the complaint for the offence as defined under section 3 and punishable under section 4 of the Prevention of Money Laundering Act, 2002.
- (2) Accused Mohammed Nawab Mohammed Islam Malik @ Nawab Malik is in judicial custody and therefore, he be served through the Superintendent of Jail, Arthur Road, Mumbai.
- (3) Accused no.4 Sardar Shahvali Khan @ Sardar Khan is presently lodged in Aurangabad Central Prison, Aurangabad and therefore, he be served through Superintendent of Jail, Aurangabad Central Prison, Aurangabad.
- (4) Summons be served on the rest of the accused by the complainant i.e. Directorate of Enforcement, Mumbai Zonal Office-I, Mumbai.
- (5) Summons is returnable on 08.07.2022.



**Rahul
Nagnath
Rokade**

Digitally signed
by Rahul
Nagnath
Rokade
Date:
2022.05.20
15:53:11 +0530

Date: 20.05.2022.

**(R.N. ROKADE)
Special Judge (PMLA)
Court Room No.54, Gr. Bombay.**

Dictated on : 20.05.2022
Transcribed on : 20.05.2022
Signed by HHJ on : 20.05.2022

“CERTIFIED TO BE TRUE AND CORRECT COPY OF THE ORIGINAL SIGNED JUDGMENT/ORDER”

UPLOAD DATE	TIME	NAME OF STENOGRAPHER
20.05.2022	3.53 p.m.	Bharat Kashinath Gaikwad
Name of the Hon'ble Judge		SHRI R.N. ROKADE Special Judge (PMLA) Court Room No.54, Gr. Bombay.
Date of Pronouncement of Judgment/ Order		20.05.2022
Judgment/order signed by P.O. on		20.05.2022
Judgment/order uploaded on		20.05.2022