



May 21, 2024

To,
BSE Limited
Phiroze Jeejeebhoy Towers,
Dalal Street, Fort,
Mumbai- 400 001
Scrip Code: 531273

Dear Sir/Ma'am,

Subject: Announcement under Regulation 30 of Securities and Exchange Board of India (Listing Obligations and Disclosure Requirements) Regulations 2015 for Disclosure in outcome of litigation

With reference to our announcement made on 25th September, 2020 we would like to inform you that an Order has been passed on 20th May, 2024 by Honourable Principal District & Sessions Judge, Ahmedabad [Rural] at Navrangpura, Ahmedabad whereby Mr. Ashish Prafulbhai Patel, Managing Director of the Company, is discharged from the offences U/s. 3 and 4 of PMLA 2002 of PMLA Case No. 4/2022.

The Order is attached herewith.

The brief details of litigation as required under Regulation 30 of SEBI (Listing Obligations and Disclosures Requirements) Regulations 2015 read with Circular no SEBI/HO/CFD-PoD1/P/CIR2023/123 dated 13th July 2023 can be seen from the Order attached.

No penalty or fine or other adverse actions were taken against Mr. Ashish Patel.

Kindly take the note of the same and oblige us.

Thanking You

For, **RADHE DEVELOPERS (INDIA) LIMITED**

KHYATI K PATEL
Company Secretary & Compliance Officer
M.No: A53258

ENCL: AS ABOVE

RADHE DEVELOPERS (INDIA) LIMITED

Radhe Acres, B/h Apple Woods, Next to Sky City, Shela - 380058. Phone: (079) 2658 3381, 2658 3382. Email: info@radheinfra.com
CIN: L45201GJ1995PLC024491





**IN THE COURT OF HON'BLE PRINCIPAL DISTRICT &
SESSIONS JUDGE, AHMEDBAD [RURAL] AT
NAVRANGPURA
AHMEDBAD**

ORDER BELOW EXH. 31

**In
PMLA Case No. 4 of 2022**

1. The Ld. Advocate of the accused has filed this application under the Provisions of Sec. 227 of the Code of Criminal Procedure, 1973 seeking to discharge from the proceedings of PMLA Case No. 4 of 2022.
2. The present applicant-accused stated at length facts of the complaint and submitted that the Respondent filed complaint against the present applicants-accused and other accused persons under the provisions of Sec. 3 & 4 of the PMLA Act and further stated that present case came to be registered based on the FIR being I-CR No5/2018 dt. 20/3/2018 registered with CID Crime, Ahmedabad Zone, Gandhingar for the offences punishable u/s 406, 420, 465, 468, 471 and 120B of IPC. The applicants/accused have further stated at

length facts of the complaint. It is stated that if the entire complaint is perused, it is clear that no prima facie case is made out against the applicant. The allegation leveled against the applicant does not reveal any offence much less offences punishable u/s 3 & 4 of PMLA.

3. It is further stated that chargesheet filed in C.R. No.I 5/2018 culminated into Criminal Case No.44378/2020 before Ld. Chief Metropolitan Magistrate, Ahmedabad. However, settlement arrived between the complainant Dipan Patel and applicants/accused herein and so considering the settlement the Hon'ble High Court vide order dt. 29/10/2021 in Spl. Cri. Appl. No.2821/2018 was pleased to quash and set aside the FIR No. I-5/2018 and proceedings initiated in pursuance thereof before Ld. Chief Metropolitan Magistrate, Ahmedabad. It is stated that as the predicate offence/schedule offence which is considered the sine qua non for the offence of money laundering itself does not exist any more as well as quashed much prior to the filing of the present complaint before the Hon'ble High Court. Therefore, the scheduled offence is presently not exists against the applicants/accused as well as did not exists even at the time

of filing the alleged complaint before this Court. The applicants/accused relied upon the judgment of Hon'ble Supreme Court in the case of Vijay Madanlal Chaudhary and Ors vs Union of India and others (2022 SCC Online SC 929) and particularly para 253 and 467 of the judgment. It is further stated that the entire complaint papers woefully fail to bring out in what manner any pecuniary advantage has been gained by the applicants/accused herein. The applicant's action have neither caused loss nor any benefit or profit to anyone and not even laundered money therefore also, the offences under the PMLA Act cannot be said to be made out against the applicants/accused.

4. It is further stated that the present case pertains to largely a civil dispute which has been given the colour of a criminal offence and does not involve any public funds. The alleged commission of offences do not have any impact on the general public or the economy. It is further stated that there is not even an iota of evidence against the applicants/accused. No case is made out against the applicants/accused much less a case under offence

punishable u/s 3 and 4 of PMLA Act and prayed to allow the application.

5. As against the present discharge application, the Assistant Director, Directorate of Enforcement, Government of India filed his reply vide Exh. 35, wherein, he has para-wise denied the facts of the present discharge application. It is further stated that review petition has been filed being Review Petition (CrI) No.219/2022 against the judgment in Vijay Madanlal Chaudhary and Others Vs UOI and others (2022 SCC Online SC 929). It is submitted that in view of pending of Review Petition before the Hon'ble Supreme Court, the discharge application may be kept in abeyance till the review petition decided by the Hon'ble Supreme Court.
6. The Assistant Director further stated that Adjudicating authority has confirmed the provisional attachment order No.2/2022 dt. 7/2/2022 vide order dt. 22/8/2022 holding that the amount involved in POA is proceeds of crime. It is stated that FIR and chargesheet was quashed by Hon'ble High Court vide order dt. 29/10/2021 in CRMA No.6619/2018 and SCRA No.2821/2018 on the basis of the

compromise between the parties which was not decided on merits of the case. The Opponent relied para 52 of judgment in the case of Vijay Madanlal Chaudhary Vs UOI, and stated that there are two ingredients to be satisfied i.e. the person is acquitted or absolved from the allegations of criminal activities relating to scheduled offence and if it is established in the Court of law that the crime property in concern case has been rightfully owned and possessed by him. But till date it has not been established in the Court of law that the attached properties have been rightfully owned and possessed by accused Ashish Prafulbhai Patel.

7. It is further stated that investigation is going on to unearth further POC and discharge of the applicants would prejudice the complainant at this juncture and decision would be premature.
8. It is further stated that prosecution complaint was filed against the accused for offence of money laundering u/s 3 of PMLA r/w explanation (i) to Sub-Sec (d) of Sec.44 of PMLA which stipulates that the jurisdiction of this Court, while dealing with the offence under this Act, during investigation,

enquiry or trial under this Act, shall not be dependent upon orders passed in respect of the scheduled offence.

9. It is further stated that there complainant has provided money trail of proceeds of crime generated by the accused through commission of offence of money laundering in Prosecution Complaint. It is stated that in the Prosecution complaint, the complainant has explained in detail the diversion of funds by the accused through complex transaction through bank Accounts of him and his companies.
10. The Opponent /Complainant referred to para 42 of the judgment of Hon'ble Supreme Court in the case of Vijay Madanlal Chaudhary and others Vs Union of India and others and submitted that in the absence of predicate offence the offence of money laundering does not exist any more is not tenable. It is further stated that offence of money laundering stands alone on its own and is a separate and distinct offence and lastly prayed to reject the discharge application.

11. Heard the Ld. Advocate for the applicant-accused and Ld. Spl. P. P. for the ED on the facts and provisions of law.
12. The Ld. Advocate for the applicant-accused submitted at length facts of the application and documentary evidences produced by the prosecution.
13. The Ld. Advocate for the applicants-accused has submitted at length facts of the complaint and submitted that the Respondent filed complaint against the present applicants/accused persons under the provisions of Sec. 3 & 4 of the PMLA Act based on the FIR being I-CR No5/2018 dt. 20/3/2018 registered with CID Crime, Ahmedabad Zone, Gandhingar for the offences punishable u/s 406, 420, 465, 468, 471 and 120B of IPC. It is submitted that on perusal of the papers, there is no evidence even prima facie to frame a charge under sections alleged in the complaint against the present applicants/accused.
14. It is further submitted that chargesheet filed in C.R. No.I 5/2018 culminated into Criminal Case No.44378/2020 before Ld. Chief Metropolitan Magistrate, Ahmedabad and settlement has been arrived between the complainant Dipan

Patel and applicants/accused herein and so considering the settlement the Hon'ble High Court vide order dt. 29/10/2021 in Spl. Cri. Appl. No.2821/2018 was pleased to quash and set aside the FIR No. I-5/2018 and proceedings initiated in pursuance thereof before Ld. Chief Metropolitan Magistrate, Ahmedabad.

15. It is submitted that as the predicate offence/ schedule offence which is considered the sine qua non for the offence of money laundering itself does not exist any more as well as quashed much prior to the filing of the present complaint before the Hon'ble High Court. Therefore, the scheduled offence is presently not exists against the applicants/accused as well as did not exists even at the time of filing the alleged complaint before this Court.
16. The Ld. advocate of the applicants/accused relied upon the judgment of Hon'ble Supreme Court in the case of **Vijay Madanlal Chaudhary and Ors vs Union of India and others (2022 SCC Online SC 929)** and particularly page 253 and 467 of the judgment. It is further submitted that the entire complaint papers woefully failed to bring out in what

manner any pecuniary advantage has been gained by the applicants/accused herein and lastly, prayed to allow the application.

17. *Per-contra*, the Ld. Spl. Public Prosecutor submitted at length facts of the application, complaint / Charge Sheet Papers and submitted at length facts of the serious economic offence and also submitted at length facts of the role played by the present applicant-accused in the alleged offence.
18. The Ld. Spl. Public Prosecutor submitted at length facts of the complaint and referred the case papers.
19. The Ld. Spl. Public Prosecutor further submitted that admittedly, settlement arrived between the complainant Dipan Patel and considering the settlement the Hon'ble High Court vide order dt.29/10/2021 in Spl. Cri. Appl. No.2821/2018 was pleased to quash and set aside the FIR No. I-5/2018 and proceedings initiated in pursuance thereof before Ld. Chief Metropolitan Magistrate, Ahmedabad. It is further submitted that relying upon the judgment in **Vijay Madanlal Chaudhary and Others Vs UOI and others (2022 SCC Online SC 929)** the applicants/accused have

submitted that owing to the order of discharge, acquittal or because of quashing of criminal case (Scheduled offence), there can be no action for money laundering against such person. However, review petition has been filed being Review Petition (Crl) No.219/2022 against the judgment in Vijay Madanlal Chaudhary and Others Vs UOI and others (2022 SCC Online SC 929). It is further submitted that in view of pending of Review Petition before the Hon'ble Supreme Court, the discharge application may be kept in abeyance till the review petition decided by the Hon'ble Supreme Court.

20. It is further submitted that the Adjudicating authority has confirmed the provisional attachment order No.2/2022 dt. 7/2/2022 vide order dt. 22/8/2022 holding that the amount involved in POA is proceeds of crime. It is submitted that FIR and chargesheet was quashed by Hon'ble High Court vide order dt. 29/10/2021 in CRMA No.6619/2018 and SCRA No.2821/2018 on the basis of the compromise between the parties which was not decided on merits of the case. The Ld. Advocate of the Opponent ED relied para 52 of judgment in the case of Vijay Madanlal Chaudhary Vs UOI, and stated

that there are two ingredients to be satisfied i.e. the person is acquitted or absolved from the allegations of criminal activities relating to scheduled offence and if it is established in the Court of law that the crime property in concern case has been rightfully owned and possessed by him. But till date it has not been established in the Court of law that the attached properties have been rightfully owned and possessed by Ashish Prafulbhai Patel. It is further submitted that prosecution complaint was filed against the accused for offence of money laundering u/s 3 of PMLA r/w explanation (i) to Sub-Sec (d) of Sec.44 of PMLA which stipulates that the jurisdiction of this Court, while dealing with the offence under this Act, during investigation, enquiry or trial under this Act, shall not be dependent upon orders passed in respect of the scheduled offence.

21. The Ld. Spl. Public Prosecutor further submitted that the complainant has provided money trail of proceeds of crime generated by the accused through commission of offence of money laundering in Prosecution Complaint. It is stated that in the Prosecution complaint, the complainant has explained in detail the diversion of funds by the accused through

complex transaction through bank Accounts of him and his companies.

22. The Ld. Spl. Public Prosecutor further submitted that referred to para 42 of the judgment of Hon'ble Supreme Court in the case of Vijay Madanlal Chaudhary and others Vs Union of India and others and submitted that in the absence of predicate offence the offence of money laundering does not exist any more is not tenable. It is further stated that offence of money laundering stands alone on its own and is a separate and distinct offence and lastly prayed to reject the discharge application.
23. I have gone through the application, FIR and charge sheet paper, documentary evidences produced by the prosecution and considered arguments advanced by the Ld. Advocates appearing on behalf of the concerned parties.
24. The present applicants/accused have filed this application under the provisions of Sec. 227 of the Code of Criminal Procedure and hence, it is required to reproduce the Sec. 227 of the Criminal Procedure Code as under;

"Sec. 227 - Discharge - If, upon consideration of the record of the case and the documents submitted therewith, and after hearing the submissions of the accused and the prosecution in this behalf, the Judge considers that there is not sufficient ground for proceeding against the accused, he shall discharge the accused and record his reasons for so doing."

25. Considering the facts and circumstances of the subject matter, the present applicant-accused in the complaint / charge sheet as accused no.1, 2 and 3 respectively in the proceedings under the provisions of PMLA Act, 2002.
26. Considering the facts and circumstances of the subject matter, prima-facie it appears that the present complaint against the present applicants-accused under the provisions of Sec. 3 & 4 of the PMLA Act came to be registered based on the FIR being I-CR No5/2018 dt. 20/3/2018 registered with CID Crime, Ahmedabad Zone, Gandhingar for the offences punishable u/s 406, 420, 465, 468, 471 and 120B of IPC.
27. Admittedly, chargesheet filed in C.R. No.I 5/2018 culminated into Criminal Case No.44378/2020 before Ld. Chief Metropolitan Magistrate, Ahmedabad. It further appears that settlement arrived between the original

complainant Dipan Patel and applicants/accused herein and so considering the settlement the Hon'ble High Court vide order dt. 29/10/2021 in Spl. Cri. Appl. No.2821/2018 was pleased to quash and set aside the FIR No. I-5/2018 and proceedings initiated in pursuance thereof before Ld. Chief Metropolitan Magistrate, Ahmedabad. Thus, the accused persons related to the scheduled offence are finally absolved by a Court of competent jurisdiction owing to an order of quashing of the FIR / Criminal Case(Scheduled offence).

28. Thus, at his stage the observation made by Hon'ble Supreme Court in the judgment in the case of Vijay Madanlal Chaudhary and Ors vs Union of India and others (2022 SCC Online SC 929) is required to be reproduced.

Para 33 : Tersely put, it is only such property which is derived or obtained, directly or indirectly, as a result of criminal activity relating to a scheduled offence can be regarded as proceeds of crime. The authorities under the 2002 Act cannot resort to action against any person for money-laundering on an assumption that the property recovered by them must be proceeds of crime and that a scheduled offence has been committed, unless the same is registered with the jurisdictional police or pending inquiry by way of complaint before the competent forum. For, the expression "derived or obtained" is indicative of criminal activity relating to a scheduled offence already accomplished. Similarly, in the event the person named in the criminal activity relating to a scheduled offence is finally absolved by a Court of competent jurisdiction owing to an order of discharge, acquittal or because of quashing of the criminal case (scheduled offence) against him/her, there can be no action for money-laundering against such a person or person claiming through him in relation to the property linked to the stated scheduled offence. This interpretation

alone can be countenanced on the basis of the provisions of the 2002 Act, in particular Section 2(1)(u) read with Section 3. Taking any other view would be rewriting of these provisions and disregarding the express language of definition clause "proceeds of crime", as it obtains as of now.

Para 187(d)

The offence under Section 3 of the 2002 Act is dependent on illegal gain of property as a result of criminal activity relating to a scheduled offence. It is concerning the process or activity connected with such property, which constitutes the offence of money- laundering. The Authorities under the 2002 Act cannot prosecute any person on notional basis or on the assumption that a scheduled offence has been committed, unless it is so registered with the jurisdictional police and/or pending enquiry/trial including by way of criminal complaint before the competent forum. If the person is finally discharged/acquitted of the scheduled offence or the criminal case against him is quashed by the Court of competent jurisdiction, there can be no offence of money-laundering against him or any one claiming such property being the property linked to stated scheduled offence through him.

29. The Ld. Advocate of the complainant /ED has submitted that review petition has been filed being Review Petition (Crl) No.219/2022 against the judgment in Vijay Madanlal Chaudhary and Others Vs UOI and others (2022 SCC Online SC 929) in view of pending of Review Petition before the Hon'ble Supreme Court, the discharge application may be kept in abeyance till the review petition decided by the Hon'ble Supreme Court. **But, the opponent /ED has failed to produce any interim order staying the implementation of the said judgment.**

30. Further, the Ld. Advocate of the accused has produced copy of order of Hon'ble High Court vide order dt. 29/10/2021 in Spl. Cri. Appl. No.2821/2018 and copy of order of Ld. Chief Metropolitan Magistrate, Ahmedabad in Criminal Case No. 44378/2020 dated 30/11/2021 arising out of C.R. No. I-5/2018 registered with CID Crime, Ahmedabad Zone Police Station vide list Exh.100. Considering the same it appears that the FIR No. I-5/2018 and proceedings initiated in pursuance thereof before Ld. Chief Metropolitan Magistrate, Ahmedabad has been quashed by Hon'ble High Court vide its order dt. 29/10/2021 in Spl. Cri. Appl. No.2821/2018 as under:

"In the result, the petitions are allowed. The impugned first information report bearing C.R. No. I-5/2018 registered with CID Crime, Ahmedabad Zone and the proceedings initiated in pursuance thereof, (including Criminal Case No.44378/2020 before the learned Additional Chief Metropolitan Magistrate) are quashed and set aside. Rule is made absolute."

Further, in view of the order of the Hon'ble High Court, the Ld. Chief Metropolitan Magistrate has passed order dated 30/11/2021 in Criminal Case No. 44378/2020 as under:

" The offence shown in the chargesheet has been quashed and set aside by Hon'ble High Court, hence it is set aside and the accused are acquitted accordingly"

31. Thus, considering the aforesaid judgment of the Hon'ble supreme Court , the said judgment is squarely applicable in the present case and the applicants/accused are entitled to be discharge from the charges leveled against them in view of the fact that FIR No. I-5/2018 and proceedings initiated in pursuance thereof before Ld. Chief Metropolitan Magistrate, Ahmedabad has been quashed by Hon'ble High Court vide its order dt. 29/10/2021 in Spl. Cri. Appl. No.2821/2018. Hence, in the interest of justice, pass the following order:

ORDER

***. The present application Exh.31 preferred by the applicant - accused No. 1 Ashish Prafulbhai Patel and applicant/accused No.2, Nilesh Vasantbhai Trivedi, Accused No.3, M/s Shantinagar (Shela) Co.Op. Ho. Society Ltd. under the provisions of Sec. 227 is hereby allowed.**

The Applicants/accused No. 1 Ashish Prafulbhai Patel

and applicant/accused No.2, Nilesh Vasantbhai Trivedi, Accused No.3, M/s Shantinagar (Shela) Co.Op. Ho. Society Ltd. **are** hereby discharged from the offences punishable U/s.3 and 4 of PMLA 2002 of PMLA Case No.4/2022.

- *. Pending any other interim application stands disposed of accordingly.

Pronounced in the open Court today on this 20th day of May, 2024.

Date: 20/5/2024.

(D.M. Vyas)
Principal District & Sessions Judge
and Designated Special Judge [PMLA]
Ahmedabad (Rural) at Mirzapur.
(Code : GJ00326)



**IN THE COURT OF HON'BLE PRINCIPAL DISTRICT &
SESSIONS JUDGE, AHMEDBAD [RURAL] AT
NAVRANGPURA
AHMEDBAD**

ORDER BELOW EXH. 1

**In
PMLA Case No. 4 of 2022**

1. In the present matter, the accused persons have been discharge from the proceedings of PMLA Case No. 4 of 2022 for the offence u/s 3 and 4 of PMLA Act vide order below Exh.31 dt. 20/5/2024. Hence, the present PMLA Case No.4/2022 stands disposed of accordingly.

Pronounced in the open Court today on this 20th day of May, 2024.

Date: 20/5/2024.

**(D.M. Vyas)
Principal District & Sessions Judge
and Designated Special Judge [PMLA]
Ahmedabad (Rural) at Mirzapur.
(Code : GJ00326)**