

PMLA Cognizance After the BNSS Began: Supreme Court Requires a Hearing for the Accused

In *Parvinder Singh v Directorate of Enforcement* (2026 INSC 519), India's Supreme Court set aside cognizance taken after 1 July 2024 without hearing the accused, although the PMLA complaint had been filed earlier.

Parvinder Singh v Directorate of Enforcement | 2026 INSC 519 | Supreme Court of India

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The date of cognizance made the difference

The Enforcement Directorate filed its money-laundering complaint on 24 June 2024. India's new criminal procedure code, the Bharatiya Nagarik Suraksha Sanhita, 2023 (BNSS), came into force on 1 July. The Special Court took cognizance on 2 July without first hearing the accused. Did the filing date keep the case under the old Code of Criminal Procedure, 1973 (CrPC), or did the new requirement of a hearing apply?

The Supreme Court of India answered that question in *Parvinder Singh v Directorate of Enforcement*, 2026 INSC 519, decided on 19 May 2026. It held that the earlier steps were administrative. No judicial inquiry had begun before 1 July. Section 223(1) BNSS therefore required an opportunity of hearing before cognizance was taken. The Court set aside the cognizance order and sent the matter back to the Special Court for that hearing. It did not decide whether the money-laundering charge was made out.

Justice M. M. Sundresh wrote the judgment for a bench with Justice Nongmeikapam Kotiswar Singh. The appeal arose from SLP (Criminal) No. 12055 of 2025. The full 25-page judgment is available to download below.

What happened in the Special Court

An Enforcement Case Information Report had been registered in July 2023. Parvinder Singh was arrested on 27 April 2024. The Directorate filed its prosecution complaint under the Prevention of Money Laundering Act, 2002 (PMLA), on 24 June 2024. On that date the Special Court ordered the complaint to be registered as a miscellaneous case and fixed a later date to consider cognizance.

The hearing was moved from 28 June to 2 July because the presiding officer was on recess. When the matter returned on 2 July, the Special Court took cognizance of the alleged offence under Sections 3 and 4 PMLA. Singh was produced from custody by video link, but he had not been given the opportunity to address the court on cognizance required by the new provision. His later application to recall that order was rejected. The Uttarakhand High Court held that the BNSS did not apply because the PMLA proceeding had begun before 1 July.

That reasoning treated the complaint's filing as the decisive event. The Supreme Court instead examined what the Special Court had actually done before the new law commenced.

A registered complaint was not a pending inquiry

Section 531(2)(a) BNSS saves a pending appeal, application, trial, inquiry or investigation begun under the CrPC. Such a proceeding continues under the old Code. The Directorate argued that the Special Court's order of 24 June had already started an inquiry, so the CrPC procedure remained applicable.

The Supreme Court rejected that argument. An inquiry by a court requires a conscious judicial act and application of mind to the material. Directing the registry to number a complaint and listing it for a future cognizance hearing did not do that. The Special Court first applied its mind to the alleged offence when it took cognizance on 2 July, after the BNSS had come into force. Sections 2(1)(k) and 531(2)(a) did not turn the June listing order into a saved inquiry.

This is the narrow but useful timing rule. The filing date alone does not answer which procedure governs a later cognizance order. The court's actual pre-commencement order and whether it began one of the proceedings specified in Section 531 must be examined.

Why Section 223 applied to a PMLA complaint

The Directorate advanced a separate argument: the PMLA is a special law, and its Special Court is not obliged to follow the ordinary complaint procedure of the BNSS. The Court declined to reopen its earlier approach in *Tarsem Lal v Enforcement Directorate*, (2024) 7 SCC 61, *Yash Tuteja v Union of India*, (2024) 8 SCC 465, and *Kaushal Kumar Agarwal v Directorate of Enforcement*, 2025 SCC OnLine SC 1221.

PMLA Sections 46 and 65 make the general criminal procedure applicable to Special Court proceedings unless it is inconsistent with the PMLA. The Supreme Court held that the complaint-stage provisions formerly found in CrPC Sections 200 to 205, and now in BNSS Sections 223 to 228, apply to a PMLA prosecution complaint. The PMLA's ability to let its Special Court take cognizance directly, without committal by a Magistrate, does not remove every procedural safeguard in a complaint case.

The first proviso to Section 223(1) BNSS says the accused must be given an opportunity of hearing before cognizance is taken on a complaint. The Court treated this as a mandatory, substantive protection connected to fair trial under Article 21 of India's Constitution, rather than a dispensable filing formality. On the facts of this case, failure to give that hearing made the cognizance order void from the beginning. The Directorate's argument that Singh had to prove particular prejudice did not succeed.

The order and its limits

The Supreme Court set aside the Uttarakhand High Court judgment dated 19 May 2025 and the Special Court's cognizance order dated 2 July 2024. It directed the Special Court to hear Singh and reconsider cognizance from that stage within eight weeks of receiving the Supreme Court judgment.

The result was a fresh decision at the proper stage, not an acquittal. The Court expressly noted the seriousness of the allegations, but said that seriousness could not cure the missing statutory hearing. It did not dismiss the Directorate's complaint or determine the evidence of money laundering.

The judgment also should not be read as reopening every pre-BNSS prosecution. Section 531 continues to save proceedings that actually fall within its listed categories and were pending on 1 July 2024. Here the decisive finding was that the pre-July court action was merely ministerial and that cognizance was taken afterward.

What counsel should check

- Put the complaint filing date, each court order before 1 July 2024 and the cognizance date in one chronology.

- Read the pre-July orders themselves. A direction to number the complaint and list a hearing is different from a judicial inquiry involving application of mind.
- If cognizance was taken after the BNSS began, check whether the accused received a real opportunity to be heard before that decision.
- In a PMLA case, address Sections 44, 46 and 65 PMLA alongside BNSS Sections 223 and 531; a bare assertion that the PMLA is a special law does not resolve the question.
- Ask for the remedy this judgment actually grants: setting aside an invalid cognizance order and reconsideration after hearing, subject to the precise procedural history.

The ruling concerns Indian criminal procedure. Its statutory holding does not directly govern courts applying Pakistan's CrPC or anti-money-laundering legislation.

Independent legal analysis for research and general information. Check the full judgment and the governing procedural record before relying on it in litigation.

Read and download the judgment

[Supreme Court of India: Parvinder Singh v Directorate of Enforcement \(site download\)](#)

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