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*We are pleased to announce the publication of our latest research book:*

***81 FAQs on weekly updates for Ayodhya Dan Chori investigations by CBI and or ED***

*This publication is part of our ongoing **Darshan Mala Series**, a special weekly research initiative dedicated to publishing books on various aspects of Indian laws, enforcement agencies, and regulatory authorities.*

## *Coverage Areas*

### *I. Indian Acts*

1. *Prevention of Corruption (PC) Act, 1988*
2. *Prevention of Money Laundering Act (PMLA), 2002*
3. *FEMA, COFEPOSA, and other important statutes*

### *II. Indian Enforcement Agencies*

1. *Enforcement Directorate (ED)*
2. *Directorate of Revenue Intelligence (DRI)*
3. *Central Bureau of Investigation (CBI)*
4. *National Investigation Agency (NIA)*
5. *Serious Fraud Investigation Office (SFIO)*
6. *Directorate General of GST Intelligence (DGGI)*
7. *Directorate General of Income Tax (Investigation) and other important enforcement agencies*

### *III. Indian Regulatory Authorities*

1. *International Financial Services Centres Authority (IFSCA)*
2. *Reserve Bank of India (RBI)*
3. *Securities and Exchange Board of India (SEBI)*
4. *Financial Intelligence Unit – India (FIU-IND)*

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5. *National Company Law Tribunal (NCLT)*
6. *Central Vigilance Commission (CVC)*
7. *Intelligence Bureau (IB)*
8. *Research and Analysis Wing (R&AW)*
9. *Economic Offences Wing (EOW), and other regulatory authorities*

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*With warm wishes*
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## About the Darshan Mala Series (DMS) Weekly FAQs

This series presents **81** Frequently Asked Questions (**FAQs**) **covering weekly updates on Ayodhya Temple Dan Chori investigations by CBI and / or ED**

The **FAQs discuss matters that** have been **reported in the public domain** concerning allegations, **investigations**, enforcement actions, **court proceedings**, and related developments **involving** various **individuals**, public officials, **political figures**, corporations, and **entities**, including those **engaged in** real **estate development** activities **in** the **Delhi-NCR** region and **other parts of India**.

The Darshan Mala Series (**DMS**) has been **initiated with inspiration from** the vision of the Hon'ble **Prime Minister of India to promote public awareness** and informed discussion **on issues of governance**, accountability, transparency, and **public administration**.

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# 81 FAQs on weekly updates for Ayodhya Dan Chori investigations by CBI and / or ED

## INDEX

# 81 FAQs on weekly updates for Ayodhya Dan Chori investigations by CBI and / or ED

*(Source of information's used in preparation of weekly updates are taken from public domain)*

## Chapter-I- Ayodhya Temple Dan Chori investigations by CBI and / or ED

### 1. What are investigations by CBI and / or ED?

(i) The Ayodhya Dan Chori scandal is the **allegations for misappropriation** or theft of donation funds **connected with Ayodhya temple**

(ii) There is currently **no publicly established basis** to conclude **that** the Central Bureau of Investigation (**CBI**) **or** the Enforcement Directorate (**ED**) **will** become **involved**.

(iii) The **prospects for investigations by CBI** and/or **ED depend on** the nature of the evidence and the **legal issues involved**

(iv) When the **SIT's** final **report** reveals systemic **diversion of donations**, involvement of officials, or **laundering of** large **sums through** bank accounts or **assets**, the **likelihood** of both **CBI** and **ED entering the case** would increase substantially.

(v) However, **CBI** or **ED** has **not** officially **announced that** it has **taken** over the **investigation**.

### 2. When investigations permitted by CBI?

(i) When the **case involves a** "significant" **criminal conspiracy**, corruption, or **fraud of national importance**.

(ii) When the **consent** given **by Central** or **state govt.** or **CBI** or the **directions** given **by Supreme Court** of India or **High Court to** the **CBI** for investigation.

(iii) When the **Central Govt.** validly **entrusts** the matter **to** the **CBI where** legally **permissible**.

(iv) *When the **SIT uncovers evidence of** a wider criminal **conspiracy***

(v) *When the influential **public officials** or multiple states become **involved***

## *3. When investigations permitted by ED?*

(i) *When there is **evidence that** the **alleged** Proceeds of Crime (**PoC**) arise **from** a **scheduled offence under** the Prevention of Money Laundering Act (**PMLA**) 2002.*

(ii) *When **a predicate** (scheduled) **offence** has been **registered by** the **police**, **CBI**, or another competent **investigating agency**.*

(iii) *When there is **material suggesting laundering**, concealment, transfer, or **use of illicit funds**.*

(iv) *When the **Police** have reportedly **recovered** substantial **cash**, gold, silver and **other assets**, and are **examining a** significant **money trail**.*

(v) *When **Police** have also **seized property** allegedly **purchased from** the suspected **proceeds of** the **theft**.*

(vi) *When **SIT establish that** the alleged **theft generated** Proceeds of Crime (**PoC**) from a scheduled offence **under** the Prevention of Money Laundering Act (**PMLA**) 2002, the Enforcement Directorate (**ED**) could independently **register** an Enforcement Case Information Report (**ECIR**) **and begin a** money-laundering **investigation**.*

## *4. What is current status for investigations by CBI and/or ED?*

(i) ***At present**, "without" **verified evidence of** a scheduled offence **or money laundering**, **it** would be **speculative** to predict **ED involvement**.*

(ii) *The **CBI involvement** would ordinarily **require** a legal basis such as **a court order**, state consent (where required), or a **valid decision by** the **Central Govt**.*

## *5. What is current status for investigations by SIT?*

*(i) The latest **publicly reported** developments **suggest that** the **investigation** is **expanding**, **but** there is **no** official announcement **yet** that either the **CBI** or the **ED** has **taken** over **the case**.*

*(ii) The matter is **presently** being **investigated by** a Special Investigation Team (**SIT**) **constituted by** the Uttar Pradesh **Police**, whose **tenure** has recently been **extended**.*

## *6. What is current status for investigations by CBI?*

*(i) A **PIL seeking a CBI investigation** has already **reached** the **Supreme Court** of India.*

*(ii) The **Supreme Court** declined to grant an urgent hearing, which means it has **not ordered a CBI probe** at this stage.*

## *7. What is current status?*

*(i) **8 accused** have been **arrested** and **remanded to** judicial **custody**.*

*(ii) The **investigation** has widened **to include scrutiny of bank deposits** and possible **discrepancies in** donation **accounting**.*

*(iii) The **Police** are **tracing** allegedly **disproportionate assets** and the flow of funds.*

## *Chapter-II- Ayodhya Temple Dan Chori FIRs registered under BNS 2023*

### *8. What are FIRs registered under BNS 2023?*

- *Based on media reports the **FIRs registered** against the alleged Ayodhya Ram Temple donation theft **under multiple provisions of** the Bharatiya Nyaya Sanhita (**BNS**) **2023**.*

### *9. What is theft of property by clerk / servant under Sec. 306 of BNS 2023?*

*(i) **FIR** is **registered under** section **306** of BNS 2013 **against theft of property** in possession of employer (master) **by clerk** or **servant**.*

*(ii) Whoever, being **a clerk** or servant, or being employed in the capacity of a clerk or servant, **commits theft** in respect **of any property in** the **possession of** his **employer** (master), shall **be punished with imprisonment***

### *10. What are essential ingredients under Sec. 306 of BNS 2023?*

- ***To establish an offence** under Section 306, the **prosecution must prove**:*

*(i) The **accused was a clerk**, servant, or employed in a similar capacity.*

*(ii) The **property was in** the **possession of** the **employer** (master).*

*(iii) The **accused committed theft** of that property.*

*(iv) The **theft** was **committed during** or by virtue of the **employment** relationship.*

### *11. What are punishments under Sec. 306 of BNS 2023?*

*(i) An **imprisonment** up to **7 years**.*

*(ii) The offender is also **liable to fine**.*

### *12. What are Equivalent Provisions under IPC 1860 and BNS 2023?*

*(i) Section **306** of BNS 2023 **corresponds to** Section **381** of IPC 1860.*

*(ii) The **substance of** the **offence** and the **punishment** remain substantially the **same**.*

## 13. What is Aggravated criminal breach of trust under Sec. 316(5) of BNS 2023?

*(i)* ***FIR** is **registered under** section **316(5)** of BNS 2013 against Aggravated criminal breach of trust **where** the **accused** was **entrusted** with **property in** a **fiduciary** or employment-related **capacity***

*(ii)* *The commonly referred to as "aggravated criminal breach of trust" **is** a **more serious form of criminal breach of trust** because it is committed **by persons who occupy** positions of special trust or **fiduciary responsibility**.*

## 14. What are essential ingredients under Sec. 316(5) of BNS 2023?

- ***To establish** an **offence** under Section 316(5), the **prosecution** generally has **to prove**:*

*(i)* *The **accused** was **entrusted with property** or had dominion over it.*

*(ii)* *The **entrustment** arose because of one of the **specified capacities** i.e.*

*(a)* *A public servant*

*(b)* *A banker*

*(c)* *An agent.*

*(iii)* *The accused **dishonestly**:*

*(a)* ***Misappropriated** the property,*

*(b)* ***Converted it** for personal use,*

*(c)* ***Used** or **disposed** of **it** contrary to law or contract, or*

*(d)* ***Allowed another** person to do so.*

*(iv)* *The dishonest **intention existed at** the **time of** misappropriation or **misuse**.*

## 15. What are punishments under Sec. 316(5) of BNS 2023?

*(i)* ***Imprisonment for life**, or*

*(ii)* ***Imprisonment** up to **10 years**, and*

*(iii)* ***Fine***

## *16. What are Equivalent Provisions under IPC 1860 and BNS 2023?*

- *Section **316(5)** of BNS 2023 **corresponds to** Section **409** of IPC 1860.*

## *17. What is application of provisions under Sec. 316(5) of BNS 2023?*

- *It applies **when** a **person entrusted** with **property** or having dominion over property and **commits** criminal **breach of trust** in respect of that property, **in the capacity of**:*

*(i) A public servant*

*(ii) A banker*

*(iii) A merchant*

*(iv) A factor*

*(v) A broker*

*(vi) A attorney*

*(vii) A agent*

## *18. What is aggravated under Sec. 316(5) of BNS 2023?*

*(i) The **law treats** these offenders **more severely because** they hold positions **involving** a **high degree of** public or **commercial trust**.*

*(ii) **Misuse of property** by such persons is **considered more serious than** ordinary criminal **breach of trust** under Section **316(2)**, which carries a lower maximum punishment.*

## *19. What is receiving/retaining stolen property under Sec. 317(4) of BNS 2023?*

*(i) **FIR** is **registered under** section **317(4)** of BNS 2013 **for dishonestly receiving** or retaining **stolen property** in aggravated circumstances*

*(ii) **Habitually receiving** or dealing **in stolen property**.*

*(iii) A person **commits** this **offence when** they **habitually receive** or deal in property **that** they know or **have reason to believe is stolen**.*

## *20. What are essential ingredients under Sec. 317(4) of BNS 2023?*

*(i) The property is **stolen property**.*

*(ii) The **accused knows** or has reason to believe **it is stolen**.*

*(iii) The **accused habitually receives** or deals in such property i.e., it is a **repeated** course of **conduct**, not a one-time act.*

## *21. What are punishments under Sec. 317(4) of BNS 2023?*

*(i) **Imprisonment for life**, or*

*(ii) **Imprisonment** up to **10 years**, and*

*(iii) **Fine**.*

## *22. What is Assisting in concealment or disposal under Sec. 317(5) of BNS 2023?*

*(i) **FIR** is **registered under** section **317(5)** of BNS 2013 **for** Assisting in concealment or disposal of stolen property*

*(ii) A person **commits** this **offence when** he **voluntarily assists in**:*

*(a) Concealing,*

*(b) Disposing of, or*

*(c) Making away with*

*(iii) The property that **he** knew or **has reason to believe is stolen**.*

*(iv) The **provision of** section **317(5)** of BNS 2013, **targets those** who **help hide** or dispose of **stolen property even when** they did **not steal** or receive it **himself**.*

## *23. What are punishments under Sec. 317(5) of BNS 2023?*

*(i) **Imprisonment** up to **3 years**, or*

*(ii) **Fine**, or*

*(iii) **Both**.*

## 24. What is difference between Sections 317(4) and 317(5) of BNS 2023?

| S.No | Section | Conduct | Key element | Maximum punishment |
|---|---|---|---|---|
| (i) | **317(4)** | **Habitually receiving** or dealing in **stolen property** | Repeated/**habitual** dealing with knowledge or **reason to believe** the **property is stolen** | **Life imprisonment** or up to **10 years** + **fine** |
| (ii) | **317(5)** | **Assisting** in concealing or **disposing** of **stolen property** | **Voluntary assistance in** hiding or **disposing** of **stolen property** | Up to **3 years**, or **fine** or **both** |

## 25. What are Equivalent Provisions under IPC 1860 and BNS 2023?

- Section **317 (4) & 317 (5)** of BNS 2023 **corresponds to** Section **413 and 414** of IPC 1860.

## 26. What is Criminal conspiracy under Sec. 61 of BNS 2023?

(i) **Section 61** of BNS 2023, defines and prescribes punishment for criminal conspiracy.

(ii) **Definition**

- A **criminal conspiracy** exists when **2 or more than 2 persons agree** with the common object to:

    (a) **Do an illegal act**, or

    (b) **Do a legal act by illegal means.**

(iii) **When** the agreement is **to commit** an **offence**, **the agreement** itself is sufficient to **constitute criminal conspiracy**.

(iv) When the **agreement** is **not to commit an offence** i.e. to achieve a lawful objective **through unlawful means** then at least one overt act **in** furtherance of the **agreement** and also must **be done by 1** or **more than 1 conspirator before** it amounts to **criminal conspiracy**.

## *27. What is explanation under Sec. 61 of BNS 2023?*

- *It is **irrelevant whether** the **illegal act** is the **main objective** of the agreement **or** merely **incidental to** achieving **another objective**.*

## *28. What are essential ingredients under Sec. 61 of BNS 2023?*

- ***To establish** criminal conspiracy under Section 61, the **prosecution** generally has **to prove**:*

*(i) An **agreement** between **2 or more than 2 persons***

*(ii) The **agreement** was **to commit** an illegal act or a **legal act by illegal means**;*

*(iii) Where required by the proviso, an **overt act** was **done in furtherance** of the **agreement**.*

## *29. What are punishments under Sec. 61 of BNS 2023?*

*(i) **Imprisonment** of either description for up to **6 months**, or*

*(ii) **Fine**, or*

*(iii) **Both**.*

## *30. What are Equivalent Provisions under IPC 1860 and BNS 2023?*

- *Section **61** of BNS 2023 **corresponds to** Section **120A/120B** of IPC 1860.*

## *31. What is Joint liability where several persons act under Sec. 3(5) of BNS 2023?*

*(i) **FIR** is **registered under** section **3(5)** of BNS 2013 for Joint criminal liability **where several persons act in** furtherance of a **common intention** of all, **each** of such **persons** is **liable for** that act **in** the **same manner** as **when** it was **done** by him **alone**.*

*(ii) **Definition***

*(a) Section 3(5) of BNS, 2023 **embodies** the **principle of** joint criminal liability also called **constructive liability**.*

(b) *It means that **when** 2 **or more than 2 persons commit** a criminal act **with** a **common intention**, every participant is equally **responsible for** the **entire offence**, **even when** only **1 person** actually **performs** the **final** criminal **act**.*

## *32. What are essential ingredients under Sec. 3(5) of BNS 2023?*

- *To apply Section 3(5), the **prosecution** must **to establish** that:*

(i) ***Several persons participated** in the criminal act i.e. at least 2 persons.*

(ii) *There was a **common intention** shared by all participants.*

(iii) *The criminal **act** was **committed in** furtherance of that **common intention**.*

(iv) ***Participation** by each accused **in carrying** out the **common plan**, though the **degree of participation may differ**.*

## *33. What is effect of the provisions under Sec. 3(5) of BNS 2023?*

(i) ***Every participant** is **treated** as **when** he **alone committed** the offence.*

(ii) ***Liability** does **not depend on who inflicted** the actual injury or **carried** out the **final act**.*

(iii) *The **common intention may** be **formed before offence** or during its commission, provided **all participants act** together **in** furtherance of **that intention**.*

## *34. What are key points for exams under Sec. 3(5) of BNS 2023?*

(i) *It **creates joint** (constructive) criminal **liability** based **on common intention**.*

(ii) *A **prior meeting of minds** may **be proved** from the conduct and **surrounding circumstances**.*

(iii) ***Mere presence** at the scene is **not enough***

(iv) *The **prosecution** must **to prove** participation with a **common intention***

## *35. What are Equivalent Provisions under IPC 1860 and BNS 2023?*

- *Section **3(5)** of BNS 2023 **corresponds to** Section **34** of IPC 1860.*

### *36. What is Dishonest misappropriation of property under Sec. 314 of BNS 2023?*

*(i) Section **314** of BNS, 2023 **makes** it an **offence for** a person to **dishonestly misappropriate** or convert to their own use any **movable property**.*

*(ii) **Whoever** dishonestly misappropriates or converts to his own use any movable property shall **be punished with imprisonment**.*

### *37. What are essential ingredients under Sec. 314 of BNS 2023?*

- ***To establish** an **offence** under Section 314, the **prosecution** must **to prove**:*

*(i) The **property** is **movable** property.*

*(ii) The accused **misappropriated** or converted the **property for** their **own use**.*

*(iii) The act was done **dishonestly**, i.e., **with** the **intention of** causing **wrongful gain** to oneself or wrongful loss **to another**.*

### *38. What is dishonest misappropriation under Sec. 314 of BNS 2023?*

*(i) It occurs **when a person** who **has possession** of another's movable property **later decides to keep**, use, sell, or otherwise deal with it as their own, **with dishonest intent**.*

*(ii) Unlike theft, the **property** may have **come into** the person's **possession** lawfully or **innocently**.*

*(iii) The **offence** arises **when** they later **dishonestly appropriate** it.*

### *39. What are clarifications under Sec. 314 of BNS 2023?*

*(i) **Temporary** dishonest **use** is **also misappropriation***

*(ii) A person who **finds lost property** is **not guilty when** he keeps it only to protect it or **return** it **to** the **owner**.*

*(iii) However, he **commits** the **offence when** he **appropriates** it **after** knowing, or having reasonable **means to discover**, the owner **without** making reasonable **efforts to return** it.*

## 40. What are punishments under Sec. 314 of BNS 2023?

*(i)* ***Imprisonment****:*

- *Minimum **6 months**, maximum **2 years** i.e. simple or rigorous.*

*(ii)* ***Fine****:*

- ***Imposable***

## 41. What are Equivalent Provisions under IPC 1860 and BNS 2023?

- *Section **314** of BNS 2023 **corresponds to** Section **403** of IPC 1860 **with** the notable addition of a **minimum punishment** under the BNS.*

## 42. What is Difference between theft and dishonest misappropriation?

| S.No | Theft | Dishonest Misappropriation |
|---|---|---|
| *(i)* | ***Property** is **taken** out of another's possession **without consent**.* | ***Property** may initially **come into possession** lawfully, accidentally, or **innocently**.* |
| *(ii)* | ***Dishonest intention** exists at the **time of taking**.* | ***Dishonest intention** develops **when** the property is later **appropriated** or converted **to personal use**.* |
| *(iii)* | ***Governed by** theft **provisions** under the BNS.* | ***Governed by** dishonest misappropriation **provisions** under Section **314** BNS.* |

## 43. What is Organised crime, when ingredients satisfied under Sec. 111 of BNS 2023?

*(i)* ***When** the statutory **ingredients of** Section **111** of the BNS, 2023 are **satisfied***

*(ii)* *The **conduct** is legally **treated** as **organised crime**.*

*(iii)* *It is **not necessary** that every **offence listed** in the section **be present***

*(iv)* *The **prosecution** must **to establish** the certain **ingredients***

## 44. What is Continuing unlawful activity under Sec. 111 of BNS 2023?

*(i)* *The **activity** must **be prohibited** by law.*

*(ii)* *It must **be** a **cognizable offence** punishable **with imprisonment** of 3 years or **more than 3 years**.*

*(iii)* *More than one **chargesheet** must have been **filed before** a competent **court** with**in** preceding **10 years**, **and** the **court** must have **taken cognizance** of those offences.*

### 45. What is organised crime syndicate under Sec. 111 of BNS 2023?

- *The accused **must act as a member of**, or on behalf of, an **organised** crime **syndicate**, which means a **group of 2** or more than 2 persons **engaged in** continuing **unlawful activity**.*

### 46. What is specified unlawful conduct under Sec. 111 of BNS 2023?

(i) *The activity may **include offences** i.e. kidnapping, robbery, vehicle theft, **extortion**, land grabbing, **contract killing**, economic offences, cyber-crimes, **trafficking of persons**, drugs, weapons, illicit goods or services, or **human trafficking for** prostitution or **ransom**.*

(ii) *The **list** is **illustrative rather** than **exhaustive** because the **section uses** the word **including**.*

### 47. What is use of unlawful means under Sec. 111 of BNS 2023?

- *The **offence** must **be committed by** the **use of** violence, threat of violence, **intimidation**, coercion, or any other **unlawful means**.*

### 48. What is object of material gain under Sec. 111 of BNS 2023?

- *The **activity** must **be undertaken to obtain** direct or indirect material benefit, including **financial benefit**.*

### 49. What is legal consequence under Sec. 111 of BNS 2023?

- ***Once** these statutory **ingredients** are **proved**, the activity **constitutes** organised **crime** under Section **111(1)** BNS. The **punishment depends on** the consequences of the **offence**:*

(i) ***When** the organised crime **results in** the **death** of any person, the punishment is death or **imprisonment for life**, along with a **fine** of not less than INR **10 lakh**.*

(ii) *In other cases, the punishment is **imprisonment for** not less than **5 years**, which may extend to life imprisonment, along **with** a **fine** of not less than INR **5 lakh**.*

(iii) *The section also **separately criminalises abetment**, conspiracy, facilitation, **membership of** an organised crime **syndicate**, and harbouring its members.*

## 50. What is theft involving a place of worship under Sec. 305 of BNS 2023?

- *The **theft involving** a **place of worship** may be examined **when** the **factual ingredients** are **attracted**, though it has **not** been **reported in** present **FIR**.*

(i) *The **theft in** a **dwelling house**, or means of transportation or place of worship, etc.*

(ii) *It specifically **covers** certain **aggravated forms of theft**, including theft of an **idol** or icon **from** a **place of worship**.*

(iii) *A person **commits** this **offence when** he commits **theft of** an **idol** or icon **in** any **place of worship** i.e. stealing a temple idol, a **religious icon**, or a similar sacred object **from** a **place of worship** would fall under this clause.*

(iv) ***The full section also covers theft**:*

(a) ***In a building**, tent, or vessel **used** as a human dwelling or **for custody of property***

(b) ***Theft from** a means of **transport used for** goods or **passengers***

(c) ***Theft of articles**/goods **from** the **transport***

(d) ***Theft of** an **idol** or icon **in** a **place of worship***

(e) ***Theft of property belonging to** the Government or a local **authority**.*

## 51. What are punishments under Sec. 305 of BNS 2023?

- *A **person convicted** under Section 305 BNS **may** face **imprisonment** up to **7 years and** also a **fine**.*

## 52. What is conclusion under Sec. 305 of BNS 2023?

- ***When someone steals** a **religious idol** or icon **from** a **place of worship**, it is **treated** as a **more serious** form of theft under Section 305 BNS **because** of the nature and **location of** the **property** stolen.*

## *Chapter-III- Ayodhya Temple Dan Chori basis for investigations by CBI and / or ED*

### *53. What is basis for investigations by CBI?*

- *When the **matter relating to** wider conspiracy involving **diversion of donations**, concealment of proceeds of BNS, 2023 as **referred** under section **314**, **311**, **305** **consent** given **by Central** govt., **State govt**., **direction** issued, **Supreme Court** of India or **High Court** of UP for investigation **against criminal conspiracy** like:*

*(i) The **criminal breach of trust by persons** entrusted with counting and **safeguarding donations**.*

*(ii) The **theft** and **misappropriation**.*

*(iii) The **recovery of stolen cash**, gold, silver and other offerings.*

*(iv) The **identification of** all **beneficiaries**, including any higher-level **conspirators**.*

*(v) The **digital evidence**, CCTV footage, banking transactions, forensic accounting and **audit trails**.*

- *A **PIL seeking** a **CBI probe** is presently **before** the Lucknow Bench of the Allahabad **High Court**.*

### *54. What is basis for investigations by ED?*

- *The **ED** does **not investigate** the **theft** itself.*
- *Its **jurisdiction** arises **under** the Prevention of Money Laundering Act (**PMLA**), 2002 **when** there is evidence that the **stolen donations constitute** Proceeds of Crime (**PoC**) and have been:*

*(i) **Layered** through bank accounts.*

*(ii) **Converted** into movable or immovable assets.*

*(iii) **Invested** in businesses.*

*(iv) **Routed** through shell entities or benami holdings.*

*(v) **Transferred** to relatives or associates to disguise their origin.*

## 55. What is procedure for investigations by ED?

*(i)* *The **ED to register** an Enforcement Case Information Report (**ECIR**).*

*(ii)* *To provisionally **attach properties acquired from** the alleged **PoC**.*

*(iii)* *To **trace domestic** and **overseas** financial **transactions**.*

*(iv)* *To **arrest persons** involved in laundering the proceeds, **when legally justified**.*

## 56. What is criteria for investigations by CBI and / or ED?

| S.No | CBI | ED |
|---|---|---|
| (i) | To **determines who committed** the theft and **conspiracy** | To **determines where** the stolen **money** ultimately **went** |
| (ii) | To **collects** criminal **evidence** | To **traces** financial flows and **assets** |
| (iii) | To **files** a **chargesheet under** the Bharatiya Nyaya Sanhita (**BNS**)2023 | To **files** a **complaint under** the **PMLA** 2002 |
| (iv) | To **focuses on** criminal **liability** | To **focuses on** money laundering and **confiscation of** Proceeds of Crime (**PoC**) |

## 57. What is Role of BNS, 2023 for investigations by CBI and / or ED?

*(i)* ***When** the **allegations** are **substantiated**, the BNS **offences** would **form** the **foundation for** the criminal **prosecution**, **while evidence showing** that the stolen donations were **concealed**, invested, or otherwise **laundered** could **provide** the **basis for** a **parallel investigation by ED** under the PMLA, 2002.*

*(ii)* *The **precise scope of investigations** by CBI and / or ED will **depend on** the **evidence** ultimately **collected by SIT** / police under BNS, 2023 **and** the **direction** issued **by** the **Supreme Court** of India, **High Court** of UP at Allahabad, **consent** given by **Central** or **State govt**. **to** the **CBI** for investigations*

## 58. What are the 3 stages for investigations by CBI and / or ED?

*(i)* *The **predicate** / scheduled **offences** are to be **established under** the **BNS**, 2023.*

*(ii)* *The **criminal investigations** into the theft and conspiracy are to **be carried by CBI when consent** given **by Central** or **state govt., direction** issued **by Supreme Court** of India or **High Court** of UP at Allahabad*

*(iii) The **money-laundering investigations in**to the Proceeds of Crime (**PoC**) are to **be carried by** the **ED under** the Prevention of Money Laundering Act (**PMLA**) 2002.*

## *59. What is nature of alleged offence for investigations by CBI and / or ED?*

- ***When employees**, contractors, trustees, or outsiders **dishonestly removed** or diverted cash, **gold**, silver, jewellery, or **other offerings** made **by devotees to** the Ayodhya Ram **Temple**, the **offence** goes **beyond** an **ordinary theft** because:*

*(i) The **property belongs to** a religious **trust**.*

*(ii) The **accused** may have been **entrusted with** handling the **donations**.*

*(iii) The **offence** may involve **breach of fiduciary duty**.*

*(iv) There may be a **conspiracy** involving **multiple persons**.*

*(v) The **stolen property** may subsequently be **laundered through** financial **transactions**.*

- *Therefore, **CBI** and / or **ED** would **examine not only** the physical **removal** of the property **but also** the **entire** chain from collection to concealment and **eventual use**.*

## *60. What is theft by servant or employee for investigations by CBI and / or ED?*

- ***When** the **accused** was **employed for counting**, handling, transporting, or **safeguarding donations**.*

## *61. What are essential ingredients in theft by servant or employee for investigations?*

*(i) Entrustment of **custody**.*

*(ii) Dishonest **intention**.*

*(iii) Removal or **appropriation of** temple **property**.*

## *62. What are evidences in theft by servant or employee for investigations?*

*(i) **Duty rosters**.*

*(ii) **CCTV**.*

*(iii) **Counting** registers.*

*(iv) **Attendance** records.*

(v) **Access** control logs.

(vi) **Fingerprints**.

(vii) **Mobile** location records.

## 63. What is Criminal Breach of Trust for investigations by CBI and / or ED?

(i) This is likely to be the **central offence when** the **accused** had lawful possession but **dishonestly converted** the property **for personal use**.

(ii) **Prosecution** must **to establish**:

(a) Entrustment.

(b) Dominion over property.

(c) Dishonest conversion.

(d) Misappropriation.

(e) Personal gain.

## 64. What are important documentary evidences for investigations by CBI and / or ED?

(i) **Donation** registers.

(ii) **Cash tally** sheets.

(iii) **Treasury** receipts.

(iv) **Audit** reports.

(v) **Internal** verification **reports**.

## 65. What is Criminal Conspiracy for investigations by CBI and / or ED?

(i) Who **planned** the **theft**?

(ii) Who **facilitated access**?

(iii) Who **manipulated records**?

(iv) Who **received** the **money**?

(v) Who **destroyed evidence**?

## *66. What are evidences in criminal Conspiracy for investigations by CBI and / or ED?*

*(i)* ***WhatsApp** chats.*

*(ii)* ***Call Detail** Records.*

*(iii)* ***Emails**.*

*(iv)* ***CCTV** coordination.*

*(v)* ***Statements** of co-accused.*

*(vi)* *Financial **transactions**.*

## *67. What is common intention for investigations by CBI and / or ED?*

- ***Where several persons participate** together, **each** participant may become **liable for** the **acts** of the others **when done in** furtherance of a **common intention**.*

## *68. What is receiving stolen property for investigations by CBI and / or ED?*

- *Any person **knowingly accepting stolen donations** may be prosecuted even **when** he did **not participate in** the **original theft** like:*

*(i)* *Relative.*

*(ii)* *Business partner.*

*(iii)* *Accountant.*

*(iv)* *Jeweller.*

*(v)* *Money changer.*

## *69. What is dishonest misappropriation for investigations by CBI and / or ED?*

- *When **property** already **in possession** is later **converted for** personal **benefit**. These are **depending on** the **evidence**, the investigation **could** also **explore**:*

*(i)* ***Forgery** of accounting **records**.*

*(ii)* ***Destruction** of evidence.*

*(iii)* ***Fabrication** of electronic **records**.*

*(iv)* ***False** audit **certificates**.*

*(v)* ***Use** of **forged** vouchers.*

*(vi)* ***Creation of fictitious** donation entries.*

*(vii)* ***Tampering** with CCTV systems.*

*(viii)* ***Organised crime** provisions **when** the statutory **threshold** is **met**.*

## *70. When CBI is become appropriate for investigations?*

*(i)* *When the **theft involves** exceptionally **high-value** public **donations**.*

*(ii)* *When there are **allegations of interstate** financial **transactions**.*

*(iii)* *When **public** confidence **requires** an **independent probe**.*

*(iv)* *When state **agencies face** allegations of bias or **conflict of interest**.*

*(v)* *When the **conspiracy** extends **beyond 1 State**.*

*(vi)* *When **multiple agencies need** coordinated **investigation**.*

## *71. What are areas for investigations by CBI?*

*(i)* *The **offences** under **BNS**, 2023.*

*(ii)* ***Digital** evidence.*

*(iii)* ***Financial** evidence.*

*(iv)* ***Forensic** evidence.*

*(v)* ***Custodial** interrogation.*

*(vi)* ***Recovery of stolen** property.*

*(vii)* ***Wider conspiracy**.*

## *72. What are parallel investigations by ED?*

*(i)* *The ED does **not investigate** the **theft** itself **but** it **investigates** money **laundering** under the PMLA, 2002.*

*(ii)* ***The process involves**:*

***Temple** donation **theft***

↓

***Offence** under the **BNS**, 2023*

↓

***Scheduled offence** under PMLA, 2002 when its applicable*

↓

*Proceeds of Crime (**PoC**)*

↓

***Money laundering**.*

## *73. What questions are to be asked by ED?*

- *The **ED focuses** "after" the **offence** committed **under** the **BNS**, 2023 like:*

*(i)* *Where the **money goes**?*

*(ii)* *What **name of bank account** where money deposited?*

*(iii)* *Whether **cash deposited** in small amounts?*

*(iv)* *Whether **relatives used** as fronts?*

*(v)* *Whether **gold purchased**?*

*(vi)* *Whether **real estate purchased**?*

*(vii)* *Whether **shell companies used**?*

*(viii)* *Whether **money layered** through multiple transactions?*

## *74. How the CBI and ED investigations complement each other?*

- ***The CBI's role***

*(i)* *To **establishes** the theft.*

*(ii)* *To **identifies** the conspirators.*

*(iii)* *To **recovers** stolen property.*

*(iv)* *To **files** the criminal charge-sheet.*

- ***The ED's role***

*(i)* *To **identifies** Proceeds of Crime (**PoC**).*

*(ii)* *To **traces** financial **trails**.*

*(iii)* *To **attaches** assets.*

*(iv)* *To **files** a **complaint** under PMLA, 2002*

*(v)* *To **seeks confiscation** of tainted property.*

### *75. What are the physical evidences for investigations by CBI and/or ED?*

*(i) Donation **boxes**.*

*(ii) Cash counting **rooms**.*

*(iii) Strong **room access**.*

*(iv) Locks and **seals**.*

### *76. What are the digital evidences for investigations by CBI and/or ED?*

*(i) **CCTV** footage.*

*(ii) **Mobile** phone data.*

*(iii) **GPS** records.*

*(iv) **Computer** logs.*

*(v) **Electronic** accounting **records**.*

### *77. What are the financial evidences for investigations by CBI and/or ED?*

*(i) **Bank** statements.*

*(ii) **Cash** books.*

*(iii) **Ledger** entries.*

*(iv) **Gold** inventories.*

*(v) **Audit** reports.*

*(vi) **Income**-tax **filings**.*

### *78. What are the forensic evidences for investigations by CBI and/or ED?*

*(i) **Fingerprints**.*

*(ii) **DNA** when relevant.*

*(iii) **Handwriting** analysis.*

*(iv) **Digital** forensics.*

*(v) **Metadata** examination.*

### *79. What are actions required for investigations by ED?*

- ***When** the **ED's establishes** money **laundering of** the alleged Proceed of Crime (**PoC**) the **ED may**:*

(i) ***Register*** *an* ***ECIR****.*

(ii) *Conduct* ***searches****.*

(iii) ***Seize documents*** *and digital devices.*

(iv) ***Freeze*** *bank* ***accounts****.*

(v) ***Provisionally attach*** *movable and immovable* ***properties****.*

(vi) ***Trace*** *domestic and foreign* ***financial transactions****.*

(vii) ***Arrest persons involved*** *in laundering, subject to statutory safeguards.*

(viii) ***File a prosecution*** *complaint* ***before*** *the* ***Special*** *PMLA* ***Court****.*

## *80. What is Strategic coordination between CBI and ED?*

- ***In complex*** *financial crime* ***cases****, the* ***CBI*** *and* ***ED*** *typically* ***coordinate*** *while* ***retaining*** *"distinct" statutory* ***roles****:*

(i) *The* ***CBI to establishes*** *the occurrence of the underlying* ***offence under BNS****, 2023*

(ii) *The* ***evidence*** *collected forms the* ***foundation for identifying*** *the Proceeds of Crime (****PoC****).*

(iii) *The* ***ED traces*** *the movement,* ***layering****, integration, and* ***concealment*** *of PoC* ***under*** *the* ***PMLA****, 2002.*

(iv) *The* ***information's*** *are* ***shared through*** *seizure memos,* ***forensic reports****, bank records, and witness statements,* ***reducing duplication*** *and strengthening prosecutions to be carried* ***by CBI*** *and* ***ED****.*

(v) *At trial,* ***findings in 1 proceeding*** *may* ***inform*** *the* ***other****,* ***beside each court*** *independently* ***assesses*** *the evidence* ***under its*** *governing* ***statute****.*

## *81. What is conclusion for parallel investigations by CBI and ED?*

- ***When*** *the* ***allegations*** *are ultimately* ***substantiated****, the Ayodhya Temple donation theft* ***could present a*** *classic* ***example of*** *a* ***2****-track* ***prosecution****:*

(i) *The* ***CBI*** *would* ***focus on proving*** *the commission of the* ***BNS offences*** *i.e. theft,* ***criminal breach of trust****, conspiracy, and receipt of stolen property* ***and bringing*** *the* ***offenders to justice****.*

(ii) *The **ED** would **focus on tracing**, attaching, and **seeking** confiscation of the **assets** derived **from** those **offences under** the **PMLA**, 2002.*

(iii) *When a large volume of public religious donations is involved, a **meticulous investigation under BNS** 2023 and **PMLA** 2002 **and** the subsequent **financial trail** is essential **to ensure accountability**, recovery of assets, and **restoration of public confidence**.*

(iv) *The precise offences and **investigative powers invoked**, however, will ultimately **depend on** the **evidence** collected **and consent** given **by Central** or **State govt**., **directions** issued **by** the **Supreme** courts of India or **High Court** of UP at Allahabad.*

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***July-2026***