

Counsel Practice in criminal law



Overview

Sunny Punamiya is a highly respected specialist in white-collar criminal law, fraud law and human rights law, perhaps best known for his work in legal and factually complex cases. For the past decade, Sunny has specialized in dealing with demanding and sensitive cases of economic nature. He is covered by the Media regularly for his success ratio of cases involving multifaceted criminal laws and high stakes not only for the individual client but having economic consequences upon the State & the Country.

Additional Information

Education

- London School of Economics [LSE], United Kingdom
Int'l Human Rights Law
- King's College London, United Kingdom
European Union Law
- Queen Mary University, United Kingdom
Int'l Criminal Law, LL.M.

Pre-Litigation Strategy

Sunny Punamiya believes in a pre-litigation strategy before launching a prosecution or entering the role of a defense counsel. He has provided strategic guidance and advice to Industry houses, Corporate companies, individual businessmen, politicians caught up in a complex web of criminal litigation and criminal investigations, particularly those with national dimension and where various different criminal laws and corporate laws are involved.

Sunny is currently advising number of high-net individuals and corporate entities in dealing with Serious Fraud Investigation Office [SFIO] enquiries and Anti-Money Laundering compliances.

Range of Skills

Sunny is able to take cases involving layers of Appeal from the Learned Metropolitan Magistrate Court to the highest Court of the land, Supreme Court of India. Advising the appropriate legal procedure depending on the stage of the investigation or the type of investigation agency is an aptitude that he has assimilated over the years by having in-depth understanding of the workings of the different investigating agencies in India. His approach as a defense counsel is vastly different as a prosecuting counsel, as both involve a different set of skills and approach to present a case-brief.

Trial Work

Sunny has appeared in protracted and lengthy trials with patience without losing the understanding of the pulse of the issues and charges. He has appeared for politicians facing corruption charges, businessmen facing fraud

charges and companies facing non-compliance prosecution under money laundering law and Companies act. The art of cross-examination in Indian Courts is a different ball-game, one which Sunny has over the years mastered. Sunny has appeared in many leading trials involving charges of money laundering & fraud.

Specialization

Sunny has acquired specialization in white-collar criminal law. He has worked closely for & against Economic Offences Wing, Mumbai Police, Enforcement Directorate, Mumbai as well as Serious Fraud Investigation Office, Mumbai. This has provided an opportunity to acquire a practical understanding of the investigative technique of the most premium investigating agencies in India along with an in-depth knowledge of the separate laws that govern the Agencies.

Reported Judgments

Ashish Mahendrekar v. State of Maharashtra [2019 3 AIR Bom R (Cri)531

Sunny Punamiya successfully appeared for the 'Yash Birla Group of Companies' involving one of the most complex questions of corporate-criminal law. The submissions and arguments advanced by him found favor with the Hon'ble Bombay High Court who decided favorably by observing that :

"Inter-corporate deposits do not come under the ambit of the term 'deposit' as defined under section 2(c) of the Maharashtra Protection of Interest & Depositors Act"

Nilesh modi v. State of Maharashtra [2019 SCC OnLine Bom 1880]

Sunny Punamiya argued that any criminal offence involving a redevelopment project under Slum Rehabilitation Laws ought to be transferred to High Power Committee constituted under the Act instead of a local police station as per the past precedents. Hon'ble Bombay High Court after agreeing observed that :

"All charge-sheets and FIR's in the matter to be transferred to High Power Committee and investigation must be stayed until then"

Prerna Arora v. Press Council of India & Anr. (2021) 2 AIR Bom R 179

The larger issue before the Hon'ble High Court was the extent of interference of the Media in an ongoing investigation in context of the death of Actor Sushant Singh Rajput. Sunny Punamiya placed before the Hon'ble Court the Law governing the same field in United Kingdom and attempted to draw a comparative analysis with the Indian Law. The Hon'bl Court passed several notable guidelines with respect to the Role of Media vis-a-vis a criminal investigation.

Param Bir Singh v. State of Maharashtra [2021 SCC OnLine Bom 516]

The plea by the Ex-Commissioner of Police, Mumbai was to launch an investigation into the alleged corrupt practices of Shri Anil Deshmukh, Former Home Minister, Maharashtra. The Hon'ble Court passed an Order directing the Central Bureau of Investigation [CBI] to inquire and file a Report within 15 days. The arguments advanced related to the technical & procedural aspects of Code of Criminal Procedure, 1973 as well as Indian Penal Code, 1860.
