

Form A

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| <p>IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE, KALYANI, NADIA.</p> <p>PRESENT : SRI SUBERTHI SARKAR (JO CODE- WB00687) ADDITIONAL DISTRICT & SESSIONS JUDGE, KALYANI, NADIA</p> <p>Date of Judgment : <u>17.07.2025</u></p> <p>Sessions Cases No. 51 of 2025</p> <p>S.T. No. 04 (02) 2025</p> <p>Registration No. 51 of 2025</p> <p>CNR No. WBND0C-000197-2025</p> <p>(Details of FIR/ Crime of Police Station)</p> <p>Cyber Crime P.S. CASE NO. 61 OF 2024, DATED 06.11.2024, U/S. 316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act.</p> | |
| Complainant | STATE OF WEST BENGAL |
| REPRESENTED BY | SRI BIVAS CHATTERJEE LD. PP IN CHARGE |
| ACCUSED | 1. JATIN ANUP LADWAL 2. ROHIT SINGH 3. RUPESH YADAV 4. SAHIL SINGH 5. PATHAN SUMAIYABANU 6. SAHID ALI SK. 7. SHARUKH SHAIKH 8. FALDU ASHOKE 9. IMTIYAZ MOHAMMAD ISSA ANSARI |
| REPRESENTED BY | SRI SOURIK MUKHERJEE SRI AZAHAR UDDIN MONDAL SRI SUBODH KUMAR BOSE SRI ANINDYA SANYAL SRI AMIT BOSE & OTHERS LD. ADVOCATES FOR THE ACCUSED PERSONS |

FORM B

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| DATE OF OFFENCE | 19.10.2024 to 04.11.2024 |
| DATE OF FIR | 06.11.2024 |
| DATE OF CHARGE SHEET | 21.01.2025 |
| DATE OF FRAMING OF CHARGES | 24.02.2025 |
| DATE OF COMMENCEMENT OF EVIDENCE | 19.03.2025 |
| DATE ON WHICH JUDGMENT IS RESERVED | NIL |
| DATE OF THE JUDGMENT | 17.07.2025 |
| DATE OF SENTENCING ORDER, if any | 18.07.2025 |

Accused details :

| Rank of the Accused | Name of Accused | Date of arrest | Date of release on bail | Offences charged with | Whether acquitted or convicted | Sentence imposed | Period of Detention Undergone during Trial for purpose of Section 428,Cr. P.C |
|---------------------|-------------------|----------------|-------------------------|--|--------------------------------|--|---|
| 1. | Jatin Anup Ladwal | 26.11.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for | 233 days |

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|----|-------------|------------|------|--|-----------|---|----------|
| | | | | | | six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
| 2. | Rohit Singh | 06.12.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(| Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for | 223 days |

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|--|--|--|--|---|--|--|--|
| | | | | 2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | | committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year | |
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|----|--------------|------------|------|--|-----------|---|----------|
| | | | | | | and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
| 3. | Rupesh Yadav | 06.12.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) | 223 days |

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|----|-------------|------------|------|--|-----------|--|----------|
| | | | | | | BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
| 4. | Sahil Singh | 06.12.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay | 223 days |

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|----|--------------------|------------|------|---|-----------|--|----------|
| | | | | | | <p>fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month.</p> | |
| 5. | Pathan Sumaiyabanu | 14.12.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) | 215 days |

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| | | | | of BNS & Sec. 66C/66D of the I.T. Act. | | BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the | |
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|----|---------------|------------|------|--|-----------|---|----------|
| | | | | | | offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
| 6. | Sahid Ali Sk. | 29.11.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life | 230 days |

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|----|----------------|------------|------|--|-----------|---|----------|
| | | | | | | and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
| 7. | Sharukh Shaikh | 28.11.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable | 231 days |

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|----|--------------|------------|------|--|-----------|---|----------|
| | | | | | | <p>u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month.</p> | |
| 8. | Faldu Ashoke | 19.12.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one | 210 days |

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| | | | | | | <p>year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one</p> | |
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| | | | | | | month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
| 9. | Imtiyaz Mohammad Issa Ansari | 29.11.2024 | N.A. | U/S.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. | Convicted | Sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- i/d to suffer S.I. for one month for committing offence punishable u/s. 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the | 230 days |

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| | | | | | | offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month. | |
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Form C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES

A. Prosecution :

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|-----------------|--|
| PW-1 | Arijit Das | Telecom Witness |
| PW-2 | Akash Debnath | Bank Witness |
| PW-3 | Rajesh Banerjee | Bank Witness |
| PW-4 | Lina Das | Police Witness |
| PW-5 | Arpan Kumar Kar | Telecom Witness |
| PW-6 | Arijit Paul | Police Witness |
| PW-7 | Subir Kumar Deb | Telecom Witness |

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| PW-8 | Jayesh Kumar Rana | Bank Witness |
| PW-9 | Mangesh Motwani | Bank Witness |
| PW-10 | Deepesh Samadhiya | Bank Witness |
| PW-11 | Rahul Kumar | Bank Witness |
| PW-12 | Ankur Jadon | Bank Witness |
| PW-13 | Atanu Sarkar | Bank Witness |
| PW-14 | Vaibhav Tatkare | Bank Witness |
| PW-15 | Biswajit Roy | Bank Witness |
| PW-16 | Satish Sakharam Kawankar | Police witness |
| PW-17 | Ashru Sarkar | Bank Witness |
| PW-18 | Dipankar Chatterjee | Other witness |
| PW-19 | Partha Kumar Mukhopadhyay | Defacto Complainant |
| PW-20 | Shibu Kant | Bank Witness |
| PW-21 | Ashish Choubey | Bank Witness |
| PW-22 | Vishwas Trivedi | Bank Witness |
| PW-23 | Rahul Dutt Kumar | Bank Witness |
| PW-24 | Aditya Srivastava | Bank Witness |
| PW-25 | Bratati Majumder | Bank Witness |
| PW-26 | Subham Halder | I.O. of this case |
| PW-27 | Debarun Das | I.O. of this case |
| PW-28 | Utpal Kumar Saha | I.O. of this case. |

B. Defence Witnesses, if any :

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|---|
| NIL | | |

C. Court Witnesses, if any :

| RANK | NAME | NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS) |
|------|------|--|
| NIL | | |

LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS

A. Prosecution :

| Sr. No. | Exhibit Number | Description |
|---------|--------------------------|---|
| 1. | Exhibit-1 (collectively) | System generated document i.e. CAF, CDR alongwith certificate |
| 2. | Exhibit-2 (collectively) | Letter of authority |
| 3. | Exhibit-3 | Copy of requisition dated 02.01.2025 |
| 4. | Exhibit-4 (collectively) | Account opening form containing three pages |
| 5. | Exhibit-5 (collectively) | Xerox attested copy of statement of Bank account |
| 6. | Exhibit-5/1 | Transaction dated 21.10.2024, amount of Rs. 17,00,047.20/- |
| 7. | Exhibit-5/2 | Transaction dated 25.10.2024, amount of Rs. 37,60,047.20/- |
| 8. | Exhibit-6 | Certificate u/s. 2 (A) (b) of Banker’s Book of Evidence Act. |
| 9. | Exhibit-7 | Certificate u/s. 63 (4)(c) of BSA |
| 10. | Exhibit-8 | Identity Card of PW-2 |
| 11. | Exhibit-9 | Requisition, u/s. 94 BNSS of Bandhan Bank |
| 12. | Exhibit-10 | Statement of Bank Account, Bandhan Bank |
| 13. | Exhibit-10/1 | Transaction dated 21.10.2024, amount Rs. 2,20,000/- |
| 14. | Exhibit-11 | Certificate of Banker’s Book of Evidence Act |
| 15. | Exhibit-12 | Certificate u/s. 63 (4) (C) of BSA |

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| 16. | Exhibit-13 | Original seizure list dated 26.11.2024 |
| 17. | Exhibit-13/1 | Signature of PW-4 on the seizure list dated 26.11.2024 |
| 18. | Exhibit-13/2 | Signature of PW-26 on Exhibit-13 |
| 19. | Exhibit-14 | Carbon copy of seizure list dated 14.12.2024 |
| 20. | Exhibit-14/1 | The signature of PW-4 on the carbon copy of seizure list dated 14.12.2024 |
| 21. | Exhibit-14/2 | Signature of PW-27 on the seizure list dated 14.12.2024 |
| 22. | Exhibit-15 | The letter of authority |
| 23. | Exhibit-16 | The letter dated 08.01.2025 |
| 24. | Exhibit-17 (collectively) | Nine certificates |
| 25. | Exhibit-18 | Seizure list dated 28.11.2024 prepared by PW-26 |
| 26. | Exhibit-18/1 | Signature of PW-6 on the seizure list dated 28.11.2024 |
| 27. | Exhibit-18/2 | Signature of PW-26 on the seizure list dated 28.11.2024 |
| 28. | Exhibit-19 | Seizure list dated 29.11.2024 |
| 29. | Exhibit-19/1 | The signature of PW-6 on the carbon copy of the seizure list dated 29.11.2024 (with objection) |
| 30. | Exhibit-19/2 | Signature of PW-26 on the Seizure list dated 29.11.2024 |
| 31. | Exhibit-20 | Seizure list dated 29.11.2024 |
| 32. | Exhibit-20/1 | Signature of PW-6 on the seizure list dated 29.11.2024 |
| 33. | Exhibit-21 | Carbon copy of seizure list dated 02.12.2024 |
| 34. | Exhibit-21/1 | The signature of PW-6 on the carbon copy of the seizure list dated 02.12.2024 (with objection) |
| 35. | Exhibit-21/2 | Signature of PW-27 on the seizure list dated 02.12.2024 |
| 36. | Exhibit-22 | Seizure list dated 04.12.2024 |
| 37. | Exhibit-22/1 | The signature of PW-6 on the carbon copy of the seizure list dated 04.12.2024 (with objection) |
| 38. | Exhibit-22/2 | Signature of PW-27 on the Seizure list dated 04.12.2024 |
| 39. | Exhibit-23 | Carbon copy of seizure list dated 19.12.2024 |
| 40. | Exhibit-23/1 | The signature of PW-6 on the carbon copy of the seizure list dated 19.12.2.2024 (with objection) |

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| 41. | Exhibit-23/2 | Signature of PW-26 on the seizure list dated 19.12.2024 |
| 42. | Exhibit-24 | Carbon copy of the Seizure list dated 07.01.2025 |
| 43. | Exhibit-24/1 | The signature of PW-6 on the carbon copy of the seizure list dated 07.01.2025 |
| 44. | Exhibit-24/2 | The signature of PW-18 on the carbon copy of seizure list dated 07.01.2025 |
| 45. | Exhibit-25 | Letter of authority dated 20.03.2025 |
| 46. | Exhibit-26 | Receipt of requisition (containing CDR, CAF & SDR) |
| 47. | Exhibit-27 | Certified copies of CDR, SDR & CAF, u/s. 63(4) (C) of BSA |
| 48. | Exhibit-28 | The compliance letter dated 08.01.2025 |
| 49. | Exhibit-29 | Original requisition issued from I/C, Cyber Crime P.S. Ranaghat P.D. |
| 50. | Exhibit-30 (collectively) | Data from system generated |
| 51. | Exhibit-30/1 | Documents bear P.W. 8's signature |
| 52. | Exhibit-31 | Requisition issued from I/C Cyber Crime P.S., Ranaghat P.D. |
| 53. | Exhibit-32 | System generated data |
| 54. | Exhibit-32/1 | Statement dated 25.10.2024 |
| 55. | Exhibit-32/2 | Statement dated 25.10.2024 |
| 56. | Exhibit-33 | Original requisition issued by I/C, Cyber Crime P.S., Ranaghat P.D. |
| 57. | Exhibit-34 (collectively) | System generated data |
| 58. | Exhibit-34/1 | Statement dated 21.10.2024 |
| 59. | Exhibit-34/2 | Statement dated 21.10.2024 |
| 60. | Exhibit-34/3 | Statement dated 21.10.2024 |
| 61. | Exhibit-34/4 | Statement dated 21.10.2024 |
| 62. | Exhibit-35 | Original requisition issued by I/C, Cyber Crime P.S., Ranaghat P.D. |

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| 63. | Exhibit-36 (Collectively) | System generated date |
| 64. | Exhibit-36/1 | Statement dated 23.10.2024 |
| 65. | Exhibit-36/2 | Relevant entries dated 23.10.2024 |
| 66. | Exhibit-37 | Requisition issued from I/C Cyber Crime P.S., Ranaghat P.D. |
| 67. | Exhibit-38 (collectively) | System generated data |
| 68. | Exhibit-38/1 | Information of Bank |
| 69. | Exhibit-38/2 | Information of Bank |
| 70. | Exhibit-38/3 | Statement dated 23.10.2024 |
| 71. | Exhibit-39 | Letter bears signature |
| 72. | Exhibit-40 | Requisition issued from I/C Cyber Crime P.S., Ranaghat P.D. |
| 73. | Exhibit-41 (collectively) | System generated dated |
| 74. | Exhibit-41/1 | Statement dated 25.10.2024 |
| 75. | Exhibit-41/2 | Documents appears from mobile |
| 76. | Exhibit-43 | Requisition issued from I/C Cyber Crime P.S., Ranaghat P.D. |
| 77. | Exhibit-44 (Collectively) | Data system generated |
| 78. | Exhibit-44/1 | Statement dated 30.10.2024 |
| 79. | Exhibit-44A | Documents bears signature of PW-14 |
| 80. | Exhibit-45 | Requisition dated 13.02.2025 |
| 81. | Exhibit-45/1 | Signature of PW-15 on the requisition dated 13.02.2025 |
| 82. | Exhibit-46 | Reply of letter issued by the Manager Mr. Rupesh Kr. Roy |
| 83. | Exhibit-46/1 | Signature of PW-15 on the Ext. 46 |
| 84. | Exhibit-47 | Self attested identity card of PW-15 |
| 85. | Exhibit-48 | Mail along with attachment and reply |

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| 86. | Exhibit-49 | Mail along with attachment and reply |
| 87. | Exhibit-50 | The requisition bear signature of PW-17 |
| 88. | Exhibit-51 (collectively) | Statement containing six pages bear signature of PW-17 |
| 89. | Exhibit-51/1 | The transaction dated 22.10.2024 and 23.10.2024 through RTGS. |
| 90. | Exhibit-51/2 | The transaction dated 22.10.2024 and 23.10.2024 through RTGS. |
| 91. | Exhibit-52 | The requisition bear signature of PW-17 |
| 92. | Exhibit-53 (collectively) | The statement bear signature of PW-17 |
| 93. | Exhibit-54 (collectively) | The forwarding letter along with AOF and KYC |
| 94. | Exhibit-55 | The certificate u/s. 2 (A)(b) of BB of Evidence Act and the certificate u/s. 63 (4) (C) of BSA |
| 95. | Exhibit-56 | The certificate u/s. 2 (A)(b) of BB of Evidence Act and the certificate u/s. 63 (4) (C) of BSA |
| 96. | Exhibit-57 | Xerox copy of identity card of PW-17 |
| 97. | Exhibit-58 | Three Counter part of three RTGS |
| 98. | Exhibit-59 | Three Counter part of three RTGS |
| 99. | Exhibit-60 | Three Counter part of three RTGS |
| 100. | Exhibit-61 | The complaint |
| 101. | Exhibit-61/1 | The signature of PW-19 on the complaint |
| 102. | Exhibit-61/2 | Endorsement |
| 103. | Exhibit-62 | Formal FIR |
| 104. | Exhibit-62/1 | The signature of PW-19 on the Formal FIR |
| 105. | Exhibit-62/2 | Signature of R.O. on the FIR |
| 106. | Exhibit-63 | Carbon copy of Seizure list dated 03.01.2025 |
| 107. | Exhibit-63/1 | The signature of PW-19 on the seizure list dated 03.01.2025 |

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| 108. | Exhibit-63/2 | Signature of PW-27 on the Seizure list dated 03.01.2025 |
| 109. | Exhibit-64 (collectively) | The certificate u/s. 63 (4) (C) of BSA along with documents |
| 110. | Exhibit-64/1 (Collectively) | The signature of PW-19 on the Exhibit-64. |
| 111. | Exhibit-64/2 (collectively) | Print out of exported WhatsApp chat, i.e. page no. 1740 to 1755 in blue ink |
| 112. | Exhibit-64/3 | Device details mentioned in the Exhibit-64 |
| 113. | Exhibit-65 (collectively) | The print out copies of documents |
| 114. | Exhibit-66 | Self attested identity card of PW-20 |
| 115. | Exhibit-67 | True copy of the requisition issued by I/C, Cyber Crime, Ranaghat P.D. |
| 116. | Exhibit-68 | True copy of the attachment accompanied by the mail. |
| 117. | Exhibit-69 (collectively) | Certificate u/s. 2(A) of BBE Act, issued by PW-20. |
| 118. | Exhibit-69/1 | Statement of account dated 30.10.2024 related to A/C. No. 4769000100095171 |
| 119. | Exhibit-70 | Self attested copy of identity card of PW-21 |
| 120. | Exhibit-71 | Requisition issued by I/C Cyber Crime P.S., Ranaghat P.D. dated 22.03.2025 |
| 121. | Exhibit-72 (collectively) | Statement of the Bank Account dated 25.03.2025 |
| 122. | Exhibit-72/1 | Registered mobile no. 9079803373 |
| 123. | Exhibit-72/2 | Statement of Bank Account dated 21.10.2024 |
| 124. | Exhibit-73 | Authorization letter and attachment |
| 125. | Exhibit-74 | Authorization letter and attachment |
| 126. | Exhibit-75 | Self attested identity card of PW-22 |
| 127. | Exhibit-76 | Requisition issued by I/C, Cyber Crime P.S., Ranaghat P.D. dated 17.03.2025 |
| 128. | Exhibit-77 | Requisition issued by I/C, Cyber Crime P.S., Ranaghat P.D. dated 17.03.2025 |
| 129. | Exhibit-78 (Collectively) | Bank statement and KYC pertaining to A/C No. |

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| | | 23400100024244 |
| 130. | Exhibit-78/1 | Another entry of statement of of A/C dated. 21.10.2024 related to A/C No. 23400100024244 |
| 131. | Exhibit-78/2 | Another entry of statement of of A/C dated. 21.10.2024 related to A/C No. 23400100024244 |
| 132. | Exhibit-78/3 | Another entry of statement of of A/C dated. 21.10.2024 related to A/C No. 23400100024244 |
| 133. | Exhibit-78/4 | Another entry of statement of of A/C dated. 21.10.2024 related to A/C No. 23400100024244 |
| 134. | Exhibit-78/5 | Another entry of statement of A/C dated. 21.10.2024 related to A/C No. 23400100024244 |
| 135. | Exhibit-79 | System generated data of the certificate u/s. 63 (4) (C) of BSA issued by PW-22 |
| 136. | Exhibit-80 | Self identity card of PW-23 |
| 137. | Exhibit-81 | Requisition issued by I/C Cyber Crime P.S., Ranaghat P.D. dated 17.03.2025 |
| 138. | Exhibit-82 | Attachment |
| 139. | Exhibit-83 (collectively) | Bank statement and KYC pertaining to A/C No. 20100031760221 alongwith certificate |
| 140. | Exhibit-83/1 | Another entry of statement dated 21.10.2024 of A/C No. 20100031760221 |
| 141. | Exhibit-83/2 | Another entry of statement dated 21.10.2024 of A/C No. 20100031760221 |
| 142. | Exhibit-83/3 | Another entry of statement dated 21.10.2024 of A/C No. 20100031760221 |
| 143. | Exhibit-84 (Collectively) | The similar data of another A/C No. 20100031869400 |
| 144. | Exhibit-85 | Self identity card of PW-24 |
| 145. | Exhibit-86 | Requisition issued by I/C, Cyber Crime P.S. Ranaghat P.D. dated 17.03.2025 |
| 146. | Exhibit-87 | Attachment |
| 147. | Exhibit-88 (Collectively) | Bank statement and the KYC pertaining to A/C no. |

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| | | 20100031869400 along with certificate |
| 148. | Exhibit-88/1 | Another entry of statement dated 23.10.2024 , A/C No. 20100031869400 |
| 149. | Exhibit-88/2 | Another entry of statement dated 23.10.2024 , A/C No. 20100031869400 |
| 150. | Exhibit-89 | Self attested identity card of PW-25 |
| 151. | Exhibit-90 | Requisition issued by I.C. Cyber Crime P.S., Ranaghat P.D. dated 02.04.2025 |
| 152. | Exhibit-91 | Attachment |
| 153. | Exhibit-92 (collectively) | Bank statement dated 01.10.2024 related to A/C no. 04503211113195 |
| 154. | Exhibit-93 | Requisition prepared by PW-26, deposited at A.U. Bank, Chakala |
| 155. | Exhibit-94 (collectively) | Document includes AOF, KYC, statement in C/W A/C No. 2401252162825531 |
| 156. | Exhibit-95 | Document received by the senior Police Inspector of Pelhar P.S. Maharashtra. |
| 157. | Exhibit-96 | Copy of GDE (no. 047 dated 25.11.2024) |
| 158. | Exhibit-97 | Carbon copy of requisition dated 28.11.2024 from Shantinagar P.S. Thane, Maharashtra (with objection) |
| 159. | Exhibit-98 | Receipt copy of requisition duly signed by the Officer of the Central Police Station at Maharashtra |
| 160. | Exhibit-99 (collectively) | Requisition dated 05.12.2024 in C/W A/C. No. 924010040687988 |
| 161. | Exhibit-100 (collectively) | Receipt copy of requisition dated 05.12.2024 in c/w A/C. No. 10199351901 |
| 162. | Exhibit-101 | Receipt copy of requisition dated 06.12.2024 |
| 163. | Exhibit-102 | Carbon copy of GDE dated 06.12.2024, certified to be true by the I.C. of Cyber P.S. Kalyani, Ranghat P.D. |
| 164. | Exhibit-103 | Seizure list dated 06.12.2024 |
| 165. | Exhibit-103/1 | Signature of PW-26 on the Seizure list dated 06.12.2024 |

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| 166. | Exhibit-104 | Seizure list dated 06.12.2024 |
| 167. | Exhibit-104/1 | Signature of PW-26 on the seizure list dated 06.12.2024 |
| 168. | Exhibit-105 | Intimation letter dated 06.12.2024 |
| 169. | Exhibit-106 | Requisition dated 19.12.2024 |
| 170. | Exhibit-107 | The receipt copy of intimation of arrest |
| 171. | Exhibit-108 (collectively) | Receipt copy of requisition dated 19.12.2024 in c/w A/C No. 923020049667534 |
| 172. | Exhibit-109 | Rough sketch map |
| 173. | Exhibit-110 | Index |
| 174. | Exhibit-111 | Requisition dated 08.11.2024 |
| 175. | Exhibit-112 | Attachment |
| 176. | Exhibit-113 | Reply of WhatsApp Inc in c/w the requisition |
| 177. | Exhibit-114 | Copy of letter addressed to OC, SOG, Ranaghat P.D. |
| 178. | Exhibit-115 (collectively) | Documents related to the reply of SOG, Ranaghat P.D. dated 09.11.2024 |
| 179. | Exhibit-116 | Screen shot of IP address of the mob. no. is 202.79.29.198 |
| 180. | Exhibit-117 | Document downloaded related to IP address of the mobile no. is 202.79.29.198 |
| 181. | Exhibit-118 | Certificate u/s. 63(4) (C) of BSA, issued by constable Pabitra Pal |
| 182. | Exhibit-119 | Signature of Pabitra Pal on Exhibit-118 |
| 183. | Exhibit-120 | Certificate u/s. 63(4) (C) of BSA, issued by constable Pabitra Pal |
| 184. | Exhibit-121 | Signature of Pabitra Pal on Exhibit-120 |
| 185. | Exhibit-122 (collectively) | Requisition signed by PW-27 to different bank |
| 186. | Exhibit-123 | Requisition in c/w A/C No. 10189359753 |
| 187. | Exhibit-124 (collectively) | Documents including bank statement |

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| 188. | Exhibit-124/1 | Entry of the phone No. 9168565255 |
| 189. | Exhibit-125 (collectively) | Documents, i.e. KYC, AOF etc. |
| 190. | Exhibit-126 | Requisition regarding GDE |
| 191. | Exhibit-127 | Requisition filed in sadar P.S. Dist. Hisar, Haryana |
| 192. | Exhibit-128 | Seizure list dated 06.12.2024 |
| 193. | Exhibit-128 /1 | Signature of PW-27 on the Seizure list dated 06.12.2024 |
| 194. | Exhibit-129 (collectively) | Documents of Bandhan Bank, Varachha Branch, Surat |
| 195. | Exhibit-130 (collectively) | Documents including KYC, AOF etc. |
| 196. | Exhibit-131 (collectively) | Copy of GDE containing three pages |
| 197. | Exhibit-132 (collectively) | Certificate u/s. 63(4) (C) of BSA dated 03.01.2025 |
| 198. | Exhibit-133 | Report downloaded from NCRP portal |
| 199. | Exhibit-134 | Certificate u/s. 63 (4) (C) of BSA. |
| 200. | Exhibit- ‘A’ for identification | Document related to Bank Account of Imtiyaz Textile. |
| 201. | Exhibit-’X’ for identification | The xerox copy of the document dated 06.01.2025 |

B. Defence :

| Sr. No. | Exhibit Number | Description |
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| NIL | | |

C. Court Exhibits :

| Sr. No. | Exhibit Number | Description |
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| NIL | | |

D. Material Objects :

| Sr. No. | Material Object Number | Description |
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| 1. | Mat Exhibit-1 | Black coloured mobile phone |
| 2. | Mat Exhibit-2 | The Motorola Mobile phone |
| 3. | Mat Exhibit-3 | The debit card of Utkarsh Small Finance Bank |
| 4. | Mat Exhibit-3/1 | Signature of PW-4 on Exhibit-3 |
| 5. | Mat Exhibit-4 | The debit card of IDFC First Bank |
| 6. | Mat Exhibit-4/1 | Signature of PW-4 on the Exhibit-4 |
| 7. | Mat Exhibit-5 | The debit card of UCO Bank |
| 8. | Mat Exhibit-5/1 | The signature of PW-4 on the Exhibit-5 |
| 9. | Mat Exhibit-6 | The debit card of Central Bank of India |
| 10. | Mat Exhibit-6/1 | The signature of PW-4 on the Exhibit-6 |
| 11. | Mat Exhibit-7 | The C.D. (containing CDR, CAF and SDR) |
| 12. | Mat Exhibit-8 | Vivo mobile phone |
| 13. | Mat Exhibit-9 | The Uddyam Registration certificate containing four pages |
| 14. | Mat Exhibit-9/1 | signatures of PW-6 on the Exhibit-9 |
| 15. | Mat Exhibit-9/2 | signatures of PW-6 on the Exhibit-9 |
| 16. | Mat Exhibit-9/3 | signatures of PW-6 on the Exhibit-9 |
| 17. | Mat Exhibit-9/4 | signatures of PW-6 on the Exhibit-9 |
| 18. | Mat Exhibit-10 | The cheque book of Indusind Bank |
| 19. | Mat Exhibit-10/1 | The signature of PW-6 on the Exhibit-10 |
| 20. | Mat Exhibit-11 collectively | Six debit cards i.e. IDFC Bank, SBI Bank, PNB Bank, UCO Bank, City Union Bank and Utkarsh Small Finance Bank |

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| 21. | Mat Exhibit-12 | One white coloured Oppo mobile phone |
| 22. | Mat Exhibit-13 | Debit card of Indusind Bank |
| 23. | Mat Exhibit-13/1 | Signature of PW-6 on the Exhibit-13 |
| 24. | Mat Exhibit-14 | The debit card of Indusind Bank |
| 25. | Mat Exhibit-15 | The cheque book of Indusind Bank |
| 26. | Mat Exhibit-15/1 | Signature of PW-6 on the Exhibit-15 |
| 27. | Mat Exhibit-16 collectively | Two cheque books and one pass book |
| 28. | Mat Exhibit-17 | White coloured sumsung mobile phone |
| 29. | Mat Exhibit-18 collectively | The articles (one ATM card of PNB , one UCO Bank Debit card, one voter identity card). |
| 30. | Mat Exhibit-19 collectively | The articles (one Aadhaar card, one Pan card, one Pass book of SBI) |
| 31. | Mat Exhibit-20 | One 'one plus' mobile phone |
| 32. | Mat Exhibit-20/1 | The signature of PW-6 on the Exhibit-20 |
| 33. | Mat Exhibit-21 collectively | Blank cheques |
| 34. | Mat Exhibit-21/1 | Signature of PW-6 on the Exhibit-21 |
| 35. | Mat Exhibit-22 collectively | The debit card cards i.e. Axis Bank and Rupay |
| 36. | Mat Exhibit-23 collectively | One NCRP complaint, one eight pages photocopy of SBI passbook, one six pages photocopy of SBI passbook, one print out copy of Police identity card, one six pages print out copy of another documents. |
| 37. | Mat Exhibit-23/1 | The document, sent by the miscreants to PW-17 through WhatsApp |
| 38. | Mat Exhibit-23/2 | The document, sent by the miscreants to PW-17 through WhatsApp |
| 39. | Mat Exhibit-23/3 | The document, sent by the miscreants to PW-17 through WhatsApp |
| 40. | Mat Exhibit-24 | C.D. |

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| 41. | Mat Exhibit-25 | One Realme Mobile phone |
| 42. | Mat Exhibit-26 collectively | Two debit cards voter identity card, Aadhaar card, Pan Card of the accused Rupesh Yadav |
| 43. | Mat Exhibit-27 collectively | Two mobile phones- one 'Vivo', one samsung |
| 44. | Mat Exhibit-28 | One empty packet of SIM card |
| 45. | Mat Exhibit-29 collectively | Six Bank Cheque books |
| 46. | Mat Exhibit-30 collectively | Two bank passbooks |
| 47. | Mat Exhibit-31 collectively | Two cheque books |
| 48. | Mat Exhibit-32 collectively | Realme mobile phone with JIO SIM card |
| 49. | Mat Exhibit-33 | One OPPO mobile phone with SIM card. |

J U D G M E N T

FACTS OF THE CASE :

1) The prosecution case to state in brief is that one Partha Kumar Mukhopadhyay, aged about 74 years, retired professor of Bidhan Chandra Agricultural University, is a resident of B-10/152, 2nd Floor Kalyani, P.S. Kalyani, Dist. Nadia, West Bengal. He lost his all hard-earned money including all savings, fixed deposits, mutual fund investments, gold loan, PPF savings etc., being trapped by Cyber criminals by practicing fraud upon him in the name of digital arrest. On 06.11.2024 said Partha Kumar Mukhopadhyay being the complainant came to Cyber Crime P.S., Ranaghat P.D. and submitted a typed complaint to the effect that on 19.10.2024, while he was at his above residence, received a WhatsApp call from an unknown WhatsApp No. +917319541594 to his WhatsApp No. +919433390233. The caller gave his identity as a Sub-Inspector of the Mumbai Police and his name is Hemraj Koli. The caller told the complainant that he has been found involved in a case of financial fraud under Mumbai Police. He then sent various documents relating to the said case where the name of the complainant was mentioned as accused. Even though the complainant could not understand due to his old age, he became afraid to see the various stamps on those papers and realised that someone had put him in danger. In such traumatic situation of the complainant, the caller started to threaten the complainant and instructed him to comply direction of the caller otherwise the complainant will be digitally arrested along with his wife and consequence of such digital arrest would be much more terrible than the Police arrest at the ordinary Police Station. Being apprehensive about the ailing condition of the wife of the

complainant and to save her from the digital arrest, the complainant requested the caller not to take any action and to help the complainant to get a way out. The so called Officer being the caller kept the complainant on WhatsApp video calls for most of the day hours forcing him to send money in the accounts as mentioned by the caller. The caller also forced him to deposit the money quickly, with the threat that his wife would be arrested first if there was a slight delay in depositing the money. Being panicked, the complainant transferred one by one, all his savings from his accounts and thereafter the money from all the fixed deposits, mutual funds and even mortgaging all the jewelry of the wife of the complainant. By such a way the complainant paid near about Rs. One Crore upto 04.11.2024 in various accounts as supplied by the caller through WhatsApp. It is the further case that on 06.11.2024, the caller switched off the WhatsApp number and thereafter the complainant could realise that the fraud sters are in a group and under the guise of digital arrest cheated the complainant and took away all the life time savings of the complainant. Further case is that the complainant lodged a complaint in the National Cyber Crime Reporting Portal in this regard vide NCRP SCK No. 23211240058923 from where he was instructed to visit Cyber Crime P.S. Accordingly, the complainant lodged typed complaint requesting I.C. Cyber Crime P.S., Ranaghat P.D., Dist. Nadia on 06.11.2024 to take action against the fraud sters helping the complaint in getting back the money so that the two senior citizens being the husband-wife, who are facing immense financial crisis, would survive in their old age. In such typed complaint, the details of the accounts, supplied by the fraudsters to the complainant, in which the complainant deposited all the amounts, were mentioned by the complainant as follows:-

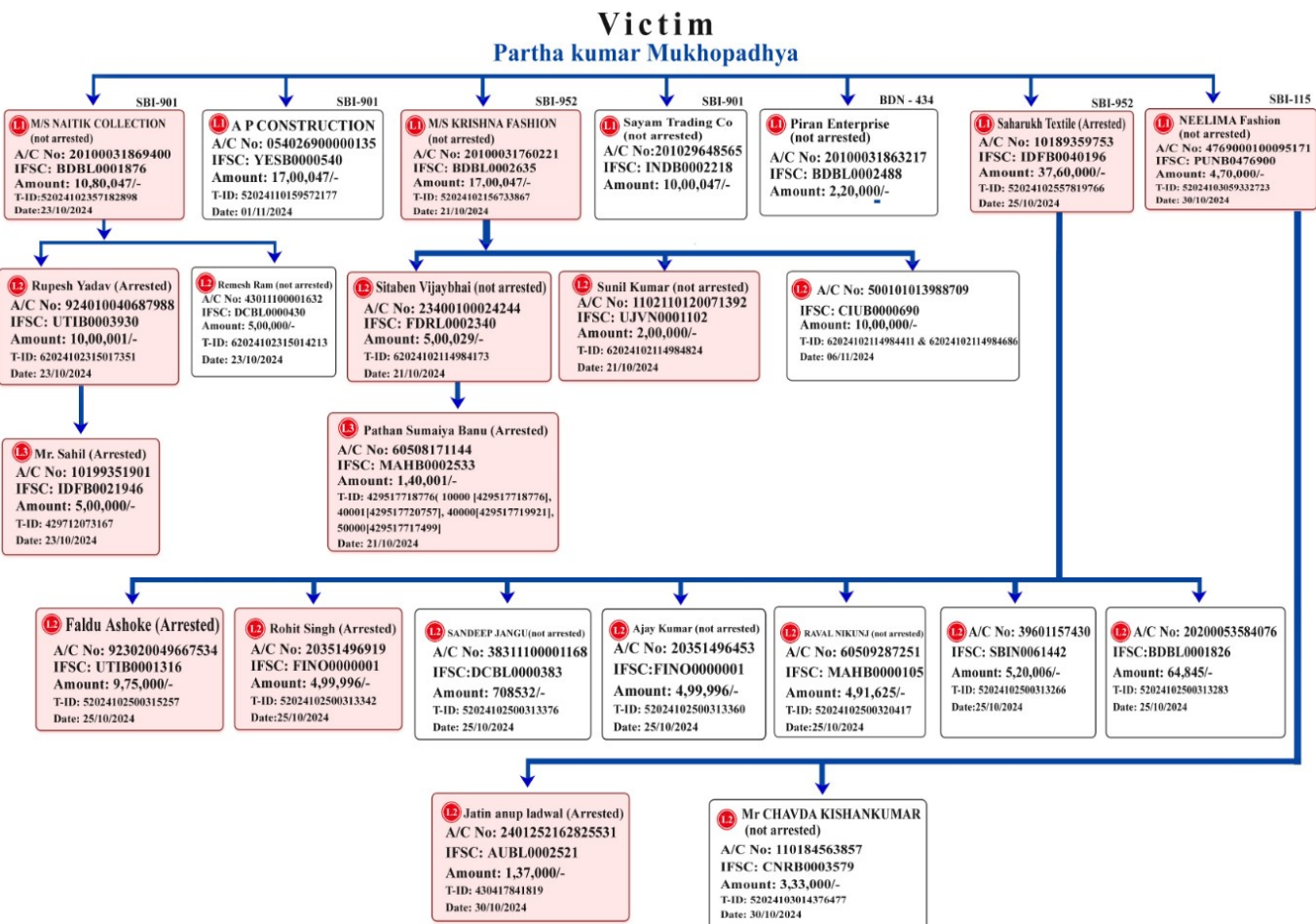
| Bank Name | Account No | Transaction ID/UTR Number | Transaction Date | Transaction Amount |
|---------------------|-------------------|---------------------------|------------------|--------------------|
| State Bank of India | 00000033089616115 | SBINR52024103059332723 | 30/10/2024 | 4,70,023/- |
| | 00000011151161952 | SBINR52024102156733867 | 21/10/2024 | 17,00,047/- |
| | 00000032955736901 | SBINR52024102357182898 | 23/10/2024 | 10,80,047/- |
| | 00000011151161952 | SBINR52024102557819766 | 25/10/2024 | 37,60,047/- |
| | 00000032955736901 | SBINR52024110159572177 | 01/11/2024 | 17,00,047/- |
| | 00000032955736901 | SBINR52024102257021596 | 22/10/2024 | 10,00,047/- |
| Bandhan Bank | 50150086666434 | 6490820241021008700000004 | 01/11/2024 | 2,20,000/- |

2) Out of such typed complaint, Cyber Crime P.S., Ranaghat P.D. Nadia, FIR No. 61 dated 06.11.2024, u/s. 319(2)/318(4)/338/336(3)/61(2)/651(2) of BNS was started by I.C. Utpal Kumar Saha of Cyber Crime PS, Ranaghat, P.D. against the unknown accused person

being the user of WhatsApp Mobile No. + 917319541594 and the user of Bank Accounts No. (1) 00000033089616115 (SBI), (2) 00000011151161952 (SBI), (3) 00000032955736901 (SBI), (4) 00000011151161952 (SBI), (5) 00000032955736901 (SBI), (6) 50150086666434 (Bandhan). The case was endorsed to SI Debarun Das for investigation. On 16.11.2024 the Additional S.P. of Police (HQ) Ranaghat P.D. constituted a Special Investigating Team (SIT) under supervision of DY. SP (D &T) Ranaghat P.D. for investigation of the case and appointed -(1) Inspector Utpal Kumar Saha of CCPS, Ranaghat PD, (2) SI Debarun Das of CCPS Ranaghat PD and (3) SI Subham Halder of CCPS Ranaghat PD for investigation of the case.

3) The Investigating Team took up the investigation. During investigation of the case, the complainant and other witnesses were examined. Requisition was sent for collecting data/information in connection with caller's WhatsApp account details i.e. +917319541594 and for all the FIR mentioned bank accounts where the complainant was compelled to deposit money and the reports were collected. The print out of the chat record along with the mobile phone containing the chat record were seized from the possession of victim Partha Kumar Mukhopadhyay. The Investigating Team could ascertain that in compliance with the direction of the WhatsApp caller and the A/C numbers supplied by the caller, the complainant/victim transferred money to those accounts which were subsequently transferred through different layers and ultimately reached to the accused persons causing wrongful gain to them, by practicing fraud upon the victim, causing wrongful loss to the later. Since inception, all the accused persons in conspiracy with each other, did such fraudulent activity with the complainant by practicing fraud by way of impersonation, creating fake documents threatening the complainant in the name of digital arrest and that the accused persons are fraudsters habitually dealing with such types of activities and habitually dealing with stolen properties cheating a large number of people of India. Due to such activity of the accused persons being the fraudsters, by way of cyber crime, the people of India are suffering the loss of crores of rupees per year even also committing suicide due to their blackmail. These fraudsters are nascent economic bugs. These persons are using the identity of others while using bank accounts and mobile SIM cards so that it becomes hard to unearth them or to reach them easily while investigating money fraud complaints. During the course of investigation the imposter i.e. the person claiming himself as the Officer of Mumbai Police, who called the complainant through WhatsApp, could not be apprehended as it could be established that he was operating from Cambodia and that there is no MLAT between India and Cambodia. However, the other accused persons who were involved in such conspiracy having wrongful gain, being the fraudsters having their residence in India could be apprehended. Different related bank accounts were checked, information relating to

Telecom Department could be received, the valuable documents and materials relating to crime could be seized from those accused persons and ultimately their involvement into the present offence having criminal conspiracy with each other could be established. The money which was swindled from the complainant by the accused persons by applying fraud upon him, benefited the accused persons by way of different layer of transfers as per the following table-



- 4) After conclusion of investigation Police submitted charge sheet against the accused persons namely Jatin Anup Ladwal, Rohit Singh, Rupesh Yadav, Sahil Singh, Pathan Sumaiyabanu, Sahid Ali Sk., Sharukh Shaikh, Faldu Ashoke and Imtiyaz Mohammad Issa Ansari u/s. 319(2)/318(4)/338/336(3)/61(2)/351(2)/317(4) of BNS and Sec. 66C/66D of IT Act of 2008. The Ld. ACJM, Kalyani, Nadia discharged other four accused persons namely Subhash Sabal, Manindar Duggal, Salman Siddiqui, Raju Jaiswar as per prayer of the I.O.
- 5) The case being triable by Court of Sessions, by order dated 04.02.2025 the Ld. ACJM, Kalyani, Nadia committed the instant case to this Court for trial , after supplying copies to the accused persons in respect of the relevant documents relied upon by the prosecution. Considering the C.D. and materials on record and after hearing the Ld. P.P. in

charge and Ld. Defence Counsels, charge was framed against all nine accused persons for offence u/s. 316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/61(2)/3(5) of BNS and Sec. 66C/66D of the I.T. Act. The contents of charge were read over and explained to the accused persons to which they pleaded not guilty and claimed to be tired. Hence, this trial.

CHARGE HAS BEEN FRAMED UNDER THE FOLLOWING PENAL SECTIONS

- 1 **Section 316(2) BNS. Punishment For Criminal Breach Of Trust:** Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.
- 2 **Section 317(4) BNS. Habitually Dealing In Stolen Property:** Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.
- 3 **Section 318(4) BNS. Cheating And Dishonestly Inducing Delivery Of Property:** Whoever cheats and thereby dishonestly induces the person cheated to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
- 4 **Section 319(2) BNS. Cheating By Personation Punishment:** Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.
- 5 **Section 336(3) BNS. Forgery For Purpose of Cheating:** Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.
- 6 **Section 338 BNS. Forgery of valuable security, will, etc.:** Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or

valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

- 7 **Section 340(2) BNS. Using As Genuine A Forged Document or Electronic Record:** Whoever fraudulently or dishonestly uses as genuine any document or electronic record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.
- 8 **Section 351(2) BNS. Criminal Intimidation Punishment:** Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.
- 9 **Section 61(2) BNS. Criminal Conspiracy Punishment:**
Whoever is a party to a criminal conspiracy,- (a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence;
(b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.
- 10 **Section 3(5) BNS. General Explanations- Acts Done By Several Persons In Furtherance Of Common Intention:** When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.
- 11 **Section 66C IT Act. Punishment For Identity Theft:** Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.
- 12 **Section 66D IT Act. Punishment For Cheating By Personation By Using Computer Resource:** Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with

imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

6) The Defence case as it appears from the trend of cross examination of different witnesses as well as the examination of the accused persons u/s. 313 of Cr. P.C. (now u/s. 351 of BNS) is the denial of the case of the prosecution and that the accused persons have been falsely implicated in this case.

7) **POINTS FOR DETERMINATION :**

A. Whether the accused persons being entrusted with the victim's money, misappropriated the same ?

B. Whether the accused persons cheated and thereby dishonestly induced the victim to deliver money to them ?

C. Whether the accused persons cheated the victim by personation?

D. Whether the accused persons forged documents and electronic records with the intention that the same be used for the purpose of cheating and to receive money from the victim ?

E. Whether the accused persons fraudulently or dishonestly used as genuine the documents and electronic records knowing to be forged documents and electronic records ?

F. Whether the accused persons committed criminal intimidation ?

G. Whether all the accused persons being a party to the criminal conspiracy committed the alleged offences ?

H. Whether in furtherance of common intention of all, the accused persons committed the alleged offences ?

I. Whether the accused persons fraudulently or dishonestly made use of the electronic signature, password or any other unique identification features of any other person ?

J. Whether by means of any communication device or computer resource, the accused persons cheated the victim by personation ?

K. Whether the prosecution has been able to prove charge against the accused persons for offence u/s 316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/61(2)/3(5) of BNS and Sec. 66C/66D of the I.T. Act.

DECISION WITH REASONS :

CONTENTION OF THE PARTIES :

8) Ld. P.P. in charge argued that it is necessary that proof beyond reasonable doubt should be adduced in all criminal cases but it is not necessary that such proof should be perfect. He referred some observation of the world judiciaries which are relevant in the light of techno-legal perspective-

- **Justice Stephen Breyer of the US Supreme Court** ----“Science in the Courtroom”, “In this age of science, science should expect to find a warm welcome, perhaps a permanent home, in our courtrooms... Our decisions should reflect a proper scientific and technical understanding so that the law can respond to the needs of the public.”
- **In State of Maharashtra vs. Praful B. Desai (AIR 2003 SC 2053)** the Hon’ble Supreme Court has observed that advancement in science and technology has also helped the process of law in administration of Justice.

He further submitted that proof beyond reasonable doubt is a guideline, not a fetish and guilty man cannot get away with it because truth suffers some infirmity. He submitted that the prosecution has been able to prove that all the accused persons, in furtherance of common intention of their all and having criminal conspiracy with each other, committed the offence for which they have been charged. He submitted that non examination of the mobile phones at FSL, is in no way fatal to the prosecution case as the prosecution has been able to prove the charge independently. He further submitted that the accused persons could not discharge their burden u/s. 106 of Evidence Act (now sec. 109 of BSA) either by cross-examination or by giving explanation in their examination u/s. 313 of Cr. P.C. (now sec. 351 BSA), despite having special knowledge of the monetary transactions in their accounts as well as having special knowledge about the electronic data. Thus, the presumption will go against them. He referred decision reported in **State of U.P. v/s. Anil Singh, (Mukesh & Anr vs. State (NCT of Delhi) and others (2017) 6 SCC 1.), (Inder Singh v/s. State (Delhi Admn.), Damodar v/s. State (AIR 2000 SC 50), Puttu Rajan v/s. State of Tamil Nadu, (AIR 2019 SC 1674), Narayan Chetanram Chaudhary and another v/s. State of Maharashtra Criminal Appeal Nos. 25-26 of 2000, decided on 05/09/2000, decided on 05.09.2000.** Thus he argued that prosecution being able to prove its case, all the accused persons should be convicted.

During the course of argument, the Learned Defence Counsels submitted that there is no concept of digital arrest in the eye of law and accordingly while PW19 stated to have transferred such huge amount of money, there is no such explanation in the FIR regarding digital arrest. The complainant did not disclose his source of money when he was asked during cross examination and accordingly the alleged transfer of money becomes doubtful. It is further argued that the complainant identified the photograph of Hemraj Koli as the caller and that this accused persons did not demand money from the complainant and accordingly the alleged offence, if any, may be attracted against that Hemraj Koli and not against this accused persons. It is contended that Saharukh is the nephew of Imtiaz and the later closed his bank account long before inception of this case. It is argued that the alleged seizure of Xerox copy of Udyam Certificate from the house of accused Imtiaz can not be relied upon as there was no independent witness as to such seizure. Like wise the alleged seizure from the house of other accused persons shall not be relied upon on the same ground. It is contended that the mobile phone of the complainant along with SIM card were not sent to FSL and accordingly not reliable. It is further contended that the linked mobile number 7796645601 was in the name of Abdulla Ali Raza Shah and accordingly that person should have knowledge regarding any transfer and not accused Saharukh. No CCTV Footage of withdrawal of money from ATM is proved. The Learned Defence Counsel referred decision reported in **II (2003) BC 96 (SBI versus Rizvi Exports Limited)** and contended that though the bank statement are computer generated, the certificates of different banker's PWs are not filed as per banker's books of Evidence Act. He also referred decision reported in **(2019) Cr. L.R(SC) 383 (Basalingappa v Mudibasappa)** and submitted that, the complainant is bound to explain his financial capacity when it is questioned by the accused. He also submitted that chain of movement of data has not been proved by the bankers. It is contended that there is no evidence that accused Pathan Sumaiya Banu, accused Sunil or other accused persons are involved in many other cases to deal with stolen property. They have no knowledge regarding any money of this case being transferred to their account. The prosecution failed to prove any criminal conspiracy against the present accused persons and accordingly they should be blessed with an order of acquittal.

9) Before proceeding to analyse the rival claim- contentions, it would be necessary to outline the nature of present allegation. Ld. PP referred the celebrated judgement by the Supreme Court of United States of America **(US) in ACLU v. Reno, 521 US 844(1997)**, where from we get the definition of internet, the very platform of the virtual world in the following way:

“The internet is an international network of interconnected computers.”

Present case is more based upon the data retrieved from cloud-server or other virtual platforms.

Locard's Exchange Principle is equally applicable in present day technical investigation. Paul L. Kirk expressed the principle as follows: -

"Wherever he steps, whatever he touches, whatever he leaves, even unconsciously, will serve as a silent witness against him. Not only his fingerprints or his footprints, but his hair, the fibers from his clothes, the glass he breaks, the tool mark he leaves, the paint he scratches, the blood or semen he deposits or collects. All of these and more, bear mute witness against him. This is evidence that does not forget. It is not confused by the excitement of the moment. It is not absent because human witnesses are. It is factual evidence. Physical evidence cannot be wrong, it cannot perjure itself, it cannot be wholly absent. Only human failure to find it, study and understand it, can diminish its value."

In forensic science, Locard's exchange principle holds that the perpetrator of a crime will bring something into the crime scene and leave with something from it, and that both can be used as forensic evidence. Dr. Edmond Locard, a pioneer in forensic science had formulated the basic principle of forensic science as: "Every contact leaves a trace"

(https://en.wikipedia.org/wiki/Locard%27s_exchange_principle)

The principle is sometimes stated as "every contact leaves a trace" and applies to contact between individuals as well as between individuals and a physical environment.

10) In the current global environment, cyberspace has employed itself as an integral constituent in the every-day business of every faction of the society. Information and communication technology (ICT) has not only globalised its reach, but also simplified and popularised cyberspace into minimalistic activities of the daily including online banking, use of artificial intelligence, online communication and so on. Cyberspace has, no doubt, influenced and to some extent entranced the public at large. Some call it a boon, others call it a bane. Cybercrime, although doesn't have a publicized definition, can be simplified as, any activity occurring over or through the medium of cyberspace that is not only considered illegal as per the relevant sections of the Bharatiya Nyay Sanhita (BNS) and the IT Act, but also include any sort of terrorization or harm, no matter the severity, to the individuals of the state, occurring through cyberspace. The most vicious and frightening factor of cybercrime is that it has no geographic limit. Therefore, an individual situated in any country or anywhere

else in the world can terrorize an individual situated in India and Vice-versa. Crimes such as hacking, phishing, malware attacks (like ransomware), identity theft, cyberstalking, and online fraud are a few of the cybercrimes that have shaken the core of the present society. The malicious incident we are dealing with in the present case, is one such cybercrime, **“Digital Arrest”**.

11) Economic Crime: Significance in the present world:

“The cause of the community deserves better treatment at the hands of the Court in the discharge of its judicial functions. The Community or the State is not a persona non grata whose cause may be treated with disdain. The entire community is aggrieved if economic offenders who ruin the economy of the State are not brought to book. A murder may be committed in the heat of moment upon passions being aroused. An economic offence is committed with cool calculation and deliberate design with an eye on personal profit regardless of the consequence to the Community. A disregard for the interest of the Community can be manifested only at the cost of forfeiting the trust and faith of the community in the system to administer justice in an even handed manner without fear of criticism from the quarters which view white collar crimes with a permissive eye, unmindful of the damage; done to the National Economy and National Interest, as was aptly stated in [State of Gujarat v. Mohanlal Jitamalji Porwal and Anr., AIR \(1987\) 1321](#) Unfortunately in the last few years, the country has seen an alarming rise in white-collar crimes which has affected the fiber of the country's economic structure. These cases are nothing but private gain at the cost of public, and lead to economic disaster.” (**Ram Narain Popli vs Central Bureau of Investigation**)

12) In a criminal case the standard of proof required is strict proof i.e. to say that the prosecution has to prove its case beyond all shadow of reasonable doubt. However, in this case the prosecution has also availed of the presumption u/s 106 of Indian Evidence Act (Corresponding to Section 109 of BSA). In **Inder Singh v. State (Delhi Admn.), (1978) 4 SCC 161** it was decided that proof beyond reasonable doubt is a guideline, not a fetish and guilty man can not get away with it because truth suffers some infirmity when projected through human processes.

In **Puttu Rajan v. State of Tamil Nadu, AIR 2019 SC 1674** the Hon’ble Court was pleased to observe that, It is worth recalling that while it is necessary that proof beyond reasonable doubt should be adduced in all criminal cases, it is not necessary that such proof should be perfect, and someone who is guilty cannot get away with impunity only because the truth may develop some infirmity when projected through human processes. The

traditional dogmatic hypertechnical approach has to be replaced by a rational, realistic and genuine approach for administering justice in a criminal trial. Justice cannot be made sterile by exaggerated adherence to the rule of proof, inasmuch as the benefit of doubt must always be reasonable and not fanciful.

In the light of the aforementioned judgments and in view of such legal principle, now let us determine how far the prosecution has been able to prove its case. Prosecution has examined as many as twenty eight witnesses to prove its case. Let us scan the evidence on record.

13) **DEPOSITION OF WITNESSES :**

PW-1 Arijit Das (Telecom Witness) :

Examination-in-chief :

I am working as General Manager for Bharti Airtel Ltd. for Kolkata and rest of Bengal circle. I am working since September 2009. On the basis of email requisition received by me I have furnished scanned copies of CAF and CDR for mobile no. 9773621224 and 9416745317 for the period 15.10.2024 to 10.11.2024 alongwith certificate u/s. 63(4)(c) BSA. All these documents contained my signature and seal of our office. These are all those documents (marked as **Ext. 1 collectively**). All these documents are system generated and extracted from cloud server.

Cross examination :

In my certificate u/s. 63 (4)(c) BSA there is no mention that the documents are system generated and extracted from cloud server. The server is situated at Sector-V, Saltlake. The server have the capacity to extract CDR on pan India basis for any number belonging to Airtel and the duration for the storage is for 2 years. I handle for Kolkata and West Bengal circle. There are other Officers of Airtel dealing with beyond such area. There is no mention in the certificate as to whether the CDR was downloaded from the server directly or copied. In the certificate there is no mention that the server have the capacity to extract the CDR on pan India basis. I have not mentioned in the certificate regarding the chain of extracting data upto printing out the document of CDR. There is no mention of hashtag value in the certificate as it is not necessary at all due to the reason that the date was directly extracted from the cloud server to the Lenovo M71e (THINKCENTRE) and printed from that system directly. In the certificate there is no description of the printer through which the CDR was printed. Apart from the seal of the company there is no other seal on the certificate as well as the documents tendered by me today in evidence. There is no mention in the certificate that I have the legal authority to issue the certificate. (Volunteers: This is the letter authority issued by Chief Executive Officer in favour of me on the strength of which I issued the certificate [L.A. is marked as **Ext. 2 collectively**]). During my examination in

chief, I did not tendered this document. There is no whisper in the certificate regarding such letter of authority. During investigation I did not hand over the document of L.A. to I.O. In all the documents tendered by me today in evidence there is no note, 'certified to be true'. I have adhere to all the formalities, so far 63 (4)(c) BSA is concerned. After receipt of summons I appeared before this Court.

Not a fact that I have deposed falsely.

Not a fact that the documents tendered by me today are manufactured one or that the certificate issued was beyond my authority.

PW-2 Akash Debnath (Bank Witness) :

Examination-in-chief :

I am working as Deputy Branch Manager at SBI Kalyani Brach, since June, 2024. This is the requisition which was received by me from Cyber Crime P.S., Ranaghat P.D. dated 02.01.2025 for supplying information in connection with 11151161952, IFSC-SBIN0001082 (the requisition is marked as **Ext. 3**).

In compliance with such requisition I supplied the authenticated copy of account opening form in connection with that account. This is the said account opening form in 3 pages (marked as **Ext. 4 collectively**). I prepared it after comparing with the original account opening form. This is the xerox attested copy of statement in connection with that Bank account, duly authenticated by me after comparing with original (marked as **Ext. 5 collectively**). I have issued two certificates, one u/s. 2(A)(b) of Banker's Books of Evidence Act and another certificate u/s. 63(4) (c) of BSA, in support of those documents. (the certificates are marked as **Ext. 6 and Ext. 7 respectively**). From the Bank statement (**Ext. 5**) it appears that there is transaction amount of Rs. 17,00,047.20 on 21.10.2024. There is unique transaction reference (RTGS UTR No. SBINR52024102156733867) (the transaction dated 21.10.2024 is marked as **Ext. 5/1**). There is another transaction dated 25.10.2024 to the tune of Rs. 37,60,047.20 under the unit transaction reference i.e. RTGS UTR No. SBINR52024102557819766 (the transaction dated 25.10.2024 is marked as **Ext. 5/2**). In the statement where the amount is credited, there will be reference regarding such those two RTGS UTR number. Today I am carrying authenticated identity card. This is my said identity card (marked as **Ext. 8**). Today all the documents tendered by me in evidence are system generated of our Office.

Cross examination :

In all the documents filed by me today (Ext. 3, Ext. 4 and Ext. 5), there is no note that the said documents were authenticated by me after comparing with the originals. There is also no note to the effect that, "certified to be true". There is no note in the certificate that I was in charge of the computer system. Except those two certificates, I did not issue any other

certificate relating to the documents I had supplied. There is no note in the certificate (Ext. 6) regarding mode of verification. In the certificate (Ext. 6) there is no note regarding the identification of the device where I downloaded the statement as well as regarding the arrangement. In such certificate (Ext. 6) there is no seal of myself. I have stored the electronic record from server to the computer. I had mentioned the serial number and details of the computer i.e. colour- Black and serial no. IO1082D176. In the certificate (Ext. 7) there is no tick mark on the word computer or storage media.

Not a fact that as there is no mention regarding computer or storage media as the record source, I actually did not store take the digital record.

There is no note in the certificate regarding chain of movement.

Not a fact that I did not issue both the certificates i.e. (Ext. 6 and Ext. 7) as per law.

Not a fact that the transaction details as shown by me are not genuine.

PW-3 Rajesh Banerjee (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager, Bandahan Bank, Kalyani Branch, Dist. Nadia. This is the receipt copy of the requisition received by me from Cyber Crime PS, Ranaghat PD. dated 02.01.2025 seeking information as per Sec. 94 of BNSS in connection with Bank A/C No. 50150086666434 (marked as **Ext. 9**).

In compliance with such requisition I issued Bank statement. This is the said Bank statement in connection with the said account, duly authenticated by me after comparing with the original (the statement 1 sheet is marked as **Ext. 10**). These are the two certificates, one under Banker's Books of Evidence Act and another u/s. 63(4) (c) of BSA. These certificates were issued by me in connection with the relevant Bank statement provided by me (the original certificates are marked as **Ext. 11 and Ext. 12** respectively). From the statement (Ext. 10) it appears that there was transaction dated 21.10.2024 to the tune of Rs. 220,000.00 through cheque issued by Mr. Partha Kumar Mukhopadhyay and Mandira Mukhopadhyay in favour of M/S Piran Enterprise (the relevant entry in the statement dated 21.10.2024 is marked as **Ext. 10/1**). The statement was computer generated and being Manager, all the departments of the Bank including the computer department under my clutch and control.

Cross examination :

There is no note in the seal used for the certificate (Ext. 11 and Ext. 12) that the designation of myself was also 'computer in charge'. Except these two certificates, no other certificate was issued by myself or by any other staff working under me. There is no mention in the certificate as to the device where I stored the data for issuing the statement. There is no mode of verification in those two certificates. There is no mention in the statement (Ext.

10) regarding the term 'certified to be true'. There is no mention in certificate under Banker's Books of Evidence Act (Ext. 11) regarding the identification and arrangement of the storage of data. In certificate u/s. 63 (4)(c)BSA (Ext. 12) there is no mention regarding the chain of movement.

Not a fact that those two certificates were not issued under my capacity or that the Bank statement issued by me is also not a genuine one.

PW-4 Lina Das (Police Witness) :

Examination-in-chief :

Presently, I am posted as L.C. 666 Kalyani Cyber Crime P.S., Ranaghat P.D. since last four years. On 26.11.2024 myself, I.C. Utpal Saha, SI Debarun Das, SI Subham Halder another LC Saima Khatun and two other constables forming a team, went to state of Maharashtra for the purpose of investigation of this case. We went to Nalsa para under P.S. Pelhar in the house of Anup Jotin Ladwal. Our Officers searched him and a mobile phone was recovered from his possession. Accordingly, a seizure list was prepared and I put my signature as witness. This is my signature on the seizure list dated 26.11.2024 (signature is marked as **Ext. 13/1**). This is the said black coloured mobile phone which was seized (mobile phone is marked **Mat Ext. 1**). After recovery of the phone the Officer dialed *#06# and obtained the IMEI No. of the mobile phone.

Accused Jotin Anup Ladwal is present in the Court today (the accused Jotin Anup Ladwal is identified through V.C. produced from Kalyani Sub-Correctional Home).

On 14.12.2024 myself, SI Debarun Das, Constable Arijit Pal went to Surat. We went to the house of Pathan Sumaiyabanu situated at Amina ki wadi under Athwalines P.S., Surat City Gujarat. Said Pathan Sumaiyabanu was searched and following materials were seized from her possession :- 1. Motorola Mobile phone and 2. Four Debit Cards (UCO Bank, Central Bank, IDFC Bank and Utpal small Finance Bank. SI Debarun Das prepared seizure list and I put my signature on the seizure list. This is my signature on the carbon copy of the seizure list (the signature is marked as **Ext. 14/1**) (with objection). This is the motorola mobile phone which was seized (**Mat Ext. 2**). After recovery of the phone the Officer dialed *#06# and obtained the IMEI No. of the mobile phone. This is the said debit Card of Utkarsh small Finance Bank which was seized and this is my signature dated 14.12.2024 on it (the debit card of Utkarsh small Finance Bank is marked as **Mat Ext. 3** and signature is marked as **Mat Ext. 3/1**).

This is the said debit Card of IDFC First Bank which was seized and this is my signature dated 14.12.2024 on it (the debit card of IDFC First Bank is marked as **Mat Ext. 4** and signature is marked as **Mat Ext. 4/1**).

This is the said debit Card of UCO Bank which was seized and this is my signature

dated 14.12.2024 on it (the debit card of UCO Bank is marked as **Mat Ext. 5** and signature is marked as **Mat Ext. 5/1**).

This is the said debit Card of Central Bank of India which was seized and this is my signature dated 14.12.2024 on it (the debit card of Central Bank of India is marked as **Mat Ext. 6** and signature is marked as **Mat Ext. 6/1**).

Accused Pathan Sumaiyabanu is present in the Court today (the accused Pathan Sumaiyabanu is identified through V.C. produced from Kalyani Sub-Correctional Home).

Cross examination :

On 14.12.2024 only one seizure list was prepared by the Officer on which I put my signature. Besides that no other seizure list was prepared by my Officer on that day at the spot. We offered the accused to search ourselves first. She refused to search us. No 'Nil' seizure list was prepared. There is no signature of the accused person on all the four debit cards which were seized by us. There is no seal and labeled on these four debit cards as well as the mobile phone. This type of mobile phone is available in open market. There is no mention of the colour of the mobile phone so far seizure list dated 14.12.2024 is concerned.

On 26.11.2024 only one seizure list was prepared by the Officer on which I put my signature. Besides that no other seizure list was prepared by my Officer on that day at the spot. We offered the accused to search ourselves first. He refused to search us. No 'Nil' seizure list was prepared. In seizure list dated 26.11.2024 the colour of the mobile phone is mentioned as black.

On 14.12.2024 the place where the seizure was made is dense and populated place. There is no signature of any public witness on the seizure list dated 14.12.2024. On 26.11.2024 and 14.12.2024 we proceeded after making the relevant GD Entries at the concerned local P.S., but there is no reference of such GD Entry in the concerned seizure list of those two dates. I am not in a position to say as to whether after returning back to P.S. any GDE was lodged by our Officer or not. In both the cases of search and seizure, the local Police accompanied us to the concerned spots. I cannot say their names and designations. There is no whisper in both the seizure lists as to whether the local Police accompanied us or not. There is no signature of any of those local Police on the seizure list.

My statement was recorded by I.O. I stated him as to the function/ process of collection of IMEI no. of mobile phone.

There is no noting of IMEI No. over these two mobile phones. No personal identification marks are there on these mobile phones. There is no signature of any of the raiding party members on these mobile phones. There is no case number thereon.

Except my signature there is no other signature of anybody dated 14.12.2024 on those four debit cards.

Not a fact that without going through the seizure lists of both the dates I put my

signature on the seizure lists and those seizures were not made in my presence.

PW-5 Arpan Kumar Kar, Telecom (Witness) :

Examination-in-chief :

Since September, 2015 I am working at Vodafone Idea ltd. Sanjay Dutta is the Nodal Officer under whom I am alternative Nodal Officer. Our manager is Mr. Sanjib Bora. Due to the course of my employment I know hand writing and signature of Sanjay Dutta. This is the letter of authority prepared and signed by Sanjay Dutta in my favour (the letter of authority is marked as **Ext. 15**). This is the email requisition received by our Office from SP Ranaghat P.D. dated 06.01.2025 for providing copies of CDR , SDR and CAF of the mobile phones mentioned therein. (The xerox copy of the document dated 06.01.2025 is marked as 'X' for identification).

This is the forwarding letter issued and signed by Sanjay Dutta to the SP Ranaghat P.D. dated 08.01.2025 in compliance with such requisition (the letter dated 08.01.2025 is marked as **Ext. 16**). These are the nine certificates in connection with nine mobile connection numbers u/s. 63(4)(c) of BSA duly prepared and signed by said Sanajy Dutta (nine certificates are marked as **Ext. 17 collectively**).

The CDR, CAF and SDR contained in the CD are all in form of soft copies in connection with those nine mobile connection numbers (these CD bears the signature of said Sanjay Dutta dated 08.01.2025 (the CD is marked as **Mat Ext. 7**). The data provided in the CD are system generated and extracted from our cloud server.

The data was retrieved using SHA256 algorithm from the server Cisco UCS B200 M5 Blade and the hash value of the electronic record was created at the time of such extraction of data and has been noted in the certificates themselves.

[The C.D. (Mat Ext. 7) is opened in the Court room by using laptop and one folder is found namely 'CYBER RANAGHAT' (MM DD YY). The folder is opened and nine PDF files and nine folders are found. Each PDF file contains CAF and KYC of nine mobile connection numbers. Now the nine folders are opened. In each folder the CDR, SDR, certificate and hash value report are found.]

In the file named 'hash report' contains the hash value which Sanjay Dutta has mentioned the hash value in his report.

Cross examination :

In the certificate there is no mention regarding designation of Sanjay Dutta, maker of the certificate. There is no seal regarding designation of Sanjay Dutta on those certificates. Sanjay Dutta is not in a position to come today in the Court and I have been authorized. Sanjay Babu did not mention my designation too in those certificates. On the date on which the CD was prepared, on that day the certificates were issued. There is no mention in the

certificates as to in which device the data was downloaded after extraction from cloud server. There is no mention of hash value during download as well as the hash value during print. There is no whisper in the certificates as to whether the print out was made directly from the device where it was stored as well as whether it was print out after being copied from the store device. There is also no mention in the certificates that the required data has been provided in the C.D. (Volunteers: it has been mentioned in the forwarding report dated 08.01.2025). There is no mention of the hash value, (created at the time of preparation of C.D) either in the forwarding report or in the certificates. The chain of movements are not mentioned in those nine certificates. There is no designation of S.Dutta mentioned in the C.D. (Mat Ext. 7).

Not a fact that I deposed beyond my capacity as per direction of the Police.

PW-6 Arijit Paul (Police Witness) :

Examination-in-chief :

Presently, I am posted as Constable at Kalyani Cyber Crime P.S. Ranaghat P.D. since June, 2024. On 28.11.2024 under the leadership of SI Subham Halder went to Bhiwandi, Fatmanagar under P.S. Shantinagar, Maharashtra. We went to the working place of Sharukh and seized a mobile phone from his possession. The seizure list was prepared in my presence. This is my signature on the seizure list dated 28.11.2024 (signature is marked as **Ext. 18/1**). This is the said Vivo mobile phone which was seized (marked as **Mat Ext. 8**).

On 29.11.2024 we went to a place namely Samrat Ashoknagar- Ullasnagar under P.S. Central Police Station, District Thane. We went to the house of Imtiyaz Md. Issa Ansari and seized one cheque book of Indusind Bank, six debit cards, one white coloured OPPO mobile phone having vodafone sim and one photocopy of UDDYAM registration certificate in the name of Sharukh Textile. The seizure list was prepared in my presence. This is my signature on the carbon copy of the seizure list dated 29.11.2024 (the signature is marked as **Ext. 19/1 with objection**).

This is the said photocopy of UDDYAM registration certificate in the name of Sharukh which was seized from the house of accused Imtiyaz Md. Issa Ansari. (I put my signature on each and every page of such photocopy being the seizure witness). (the document containing four pages is marked as **Mat Ext. 9** and the signatures are marked as **Mat Ext. 9/1, Mat Ext. 9/2, Mat Ext. 9/3 and Mat Ext. 9/4**). This is the said cheque book of Indusind Bank seized from the house of Imtiyaz Md. Issa Ansari. This is my signature on the reverse page of cheque book (the cheque book is marked as **Mat Ext. 10** and the signature is marked as **Mat Ext. 10/1**). These are the six debits cards which were seized from the house of Imtiyaz Md. Issa Ansari (six debits cards namely IDFC Bank, SBI Bank, PNB Bank, UCO Bank, City Union Bank and Utkars Small Finance Bank are marked as

Mat Ext. 11 collectively). This is the said white coloured OPPO mobile phone seized from the house of accused Imtiyaz Md. Issa Ansari (marked as **Mat Ext. 12**).

On that day at dawn we went to the house of Sahid Ali Sk. at Samrat Ashoknagar-Ullasnagar under P.S. Central Police Station, District Thane. Two debits cards, one cheque book of Indusind Bank and one white coloured samsung mobile phone were seized from his possession. In my presence seizure list was prepared. This is my signature as witness on the seizure list dated 29.11.2024 (the signature is marked as **Ext. 20/1**). This is the debit card of Indusind Bank and this is my signature on the debit card. (Debit card of Indusind Bank is marked as **Mat Ext.13** and the signature is marked as **Ext. 13/1**). This is the debit card of Indusind Bank valid from 08/2023 to 07/2028 (Debit card of Indusind Bank is marked as **Mat Ext.14**).

This is the said cheque book of Indusind Bank seized from the house of Sahid Ali Sk. This is my signature on the font page of cheque book (the cheque book is marked as **Mat Ext. 15** and the signature is marked as **Mat Ext. 15/1**).

These are the two cheque books and one passbook which were also seized from the house of Sahid Ali Sk. (marked as **Mat Ext. 16 collectively**). This is the said white coloured samsung mobile phone seized from the house of accused Sahid Ali Sk. (marked as **Mat Ext. 17**).

On 02.12.2024 we went to the house of Sunil S/O Sonaram of Dayasagar under P.S. Phalodi, Rajashthan and one ATM card of PNB, one UCO Bank Debit card and one voter identity card were seized. These are the said articles. This is the carbon copy of said seizure list dated 02.12.2024 and this is my signature [the signature is marked as **Ext. 21/1** (with objection) and the articles are marked as **Mat Ext. 18 collectively**].

On 04.12.2024 we went to the house of another Sunil S/O Chanaram of Muldraj, Phalodi, Rajashthan and one aadhaar card, one Pan card, one passbook of SBI were seized. These are the said articles. This is the carbon copy of said seizure list dated 04.12.2024 and this is my signature (the signature is marked as **Ext. 22/1** with objection and the articles are marked as **Mat Ext. 19 collectively**).

On 19.12.2024 we went to the place namely Bajrangpur P.S. Panchkajhi, Jamagar, Gujrat and some documents and articles were recovered from accused Faldu Ashoke. Some blank cheques with signature, one Axis Bank Debit card one Rupay Card, one One Plus mobile phone, one sim card etc. were seized under proper seizure list. This is the said mobile phone and this is my signature on it (mobile phone is **Mat Ext. 20** and signature is marked as **Mat Ext. 20/1 respectively**). These are the said blank cheques with signature and these are my signatures on the reverse page of those blank cheques (blank cheques are marked as **Mat Ext. 21** collectively and signatures are marked as **Mat Ext. 21/1** collectively). (The two debit cards i.e. Axis Bank and Rupay are marked as **Mat Ext. 22 collectively**). This is the

carbon copy of said seizure list dated 19.12.2024 and this is my signature [the signature is marked as **Ext. 23/1** (with objection)].

On 07.01.2025 we went to the house of Dipankar Chatterjee, S/O Late Ram Chandra Chatterjee of Mankundu, Dist. Hooghly. From his house one photocopy of FIR of Bhadraswar P.S. case no. 435/2024 dated 29.10.2024, one NCRP complaint, one eight pages photocopy of SBI Pass book, one six pages photocopy of SBI Pass book, one print out copy of Police identity card in the name of Hemraj Koli of Mumbai Police, one six page print out copy of another document lodged at Mumbai Crime Branch were recovered and seized, in my presence and I put my signature on those documents as a witness of seizure. These are the said documents (marked as **Mat Ext. 23 collectively**). This is the carbon copy of said seizure list dated 07.01.2025 and this is my signature [the signature is marked as **Ext. 24/1** (with objection)].

The IMEI No. of those mobile phones were obtained by pressing *#06#.

Accused Sharukh Shaikh, Imtiyaz Mohammad Issa Ansari, Sahid Ali Sk. And Faldu Ashoke are present in the Court today (the accused Sharukh Shaikh, Imtiyaz Mohammad Issa Ansari, Sahid Ali Sk. and Faldu Ashoke are identified through V.C.).

Cross examination :

Not a fact that I did not state to I.O. that I was member of the raiding party at all the places as deposed by me in my evidence in chief or that those documents and materials were recovered and seized in my presence on the relevant dates and time.

In respect of recovery and seizure 28.11.2024, 29.11.2024, 02.12.2024, 04.12.2024, 19.12.2024 respectively, the person concerned were requested to search ourselves but in all the cases the persons from whom search/seizure were made refused to search ourselves. However, in all those cases no 'Nil' seizure list was prepared by the team leader of our team. The articles alleged to have been recovered/seized on all those days are although produced today before the Court, neither any seal nor any labeled are there on those documents and materials. There is no signature of the accused persons on the documents/materials seized. There is no special identification mark on the mobile phones which have been shown me today. There are also no special identity mark of the pass book produced before me today. Apart from the signature of the myself, there is no special identification mark on the ATM Cards produced before me today.

Not a fact that I did not state to I.O. that I put my signatures on the documents and materials exhibits which were seized/recovered.

Not a fact that I put my signature on documents and materials, not at P.O. but at P.S.

The Police of local P.S. accompanied us in some of the places including the house of Sharukh. I cannot say who identified the place of seizure relating to Sharukh's place.

Not a fact that I did not state before the I.O. that the specific articles which were

recovered from the possession of accused persons.

SI Subham Halder prepared the seizure list in connection with seizure from Imtiyaz, Sharukh, Sahid Ali and Faldu Ashoke and SI Debarun Das prepared the seizure list in connection with seizure from the house of two Sunil. Sharukh took us to Imtiyaz. We were from 4.30 p.m. to 30/ 40 minutes in the work place of Sharukh.

Not a fact that this is for the first time in my cross examination that Sharukh took us to Imtiyaz.

Not a fact that I did not state before the I.O. that we took local Police assistance.

Not a fact that all the evidence of myself regarding the recover from those accused persons as I have stated in my evidence in chief are all false.

Not a fact that I have deposed falsely.

PW-7 Subir Kumar Deb (Telecom Witness) :

Examination-in-chief :

Presently, I am posted as Manager Nodal, Reliance JIO, since October 2015. I know Aritra Rakshit who is my cluster Nodal Head and we are working together since 2015. Accordingly, I know his hand writing and signature. This is the authorization letter issued by Aritra Rakshit being signed by him dated 20.03.2025. Authorizing me to depose in this case (the authorization letter is marked as **Ext. 25**). This is the received copy of the requisition from SP Ranaghat P.D. bearing memo no. 12 dated 06.01.2025 requesting to provide authenticated copies of CDR, SDR and CAF in connection with the mobile connection numbers given in that requisition (the said requisition is marked as **Ext. 26**). In compliance with that requisition of Office supplied the certified copies of CDR, SDR and CAF in connection with those mobile connections containing the C.D. Alongwith that, the certificate u/s. 63(4) (c) of BSA was also issued (the certificate is marked as **Ext. 27**). The compliance letter dated 08.01.2025 is marked as **Ext. 28** and the C.D. is marked as **Mat Ext. 24**). In those documents as well as C.D. there are signatures of Aritra Rakshit.

(The C.D. is opened in the laptop in presence of both the sides. Two folders are found opening which CDR and SDR are found in one folder and CAF with eKYC is found in another folder. These are the said data supplied in connection with requisition of the SP Ranaghat P.D. All the data are system generated and retrieved from cloud server of our system.

Cross examination :

The data was downloaded from server and downloaded in the computer, specification of which is mentioned in the certificate. There is no mention in the certificate that the CD was prepared from the computer. (Volunteers - However, it is mentioned there that 'the digital record i.e. CDR, CAF were taken from the following device'). There is no mention of

hash value in the certificate created at the time of preparation of the CD from the computer. There is no specification of the cloud server in the certificate itself. There is no mention in the certificate regarding 'chain of movement'. There is no mention in the certificate that at the relevant period Aritra Rakshit was authorized to solely managed the whole system. There is no note in the certificate that the CD was properly preserved after burn. I was not involved in the process of downloading the data from the cloud server, storing it in the computer and thereafter cloning the same by preparing C.D. In the CD there is no seal regarding designation and name of Aritra Rakshit despite a seal of company and initial signature. There is no mention of any case number or memo number in the C.D.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the C.D. is manufactured one.

PW-8 Jayesh Kumar Rana (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of Axis Bank at Kalavad, since 7th January 2025. This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 113/2025 dated 25.02.2025. (The document is marked as **Ext. 29**). In compliance with such requisition I have supplied the AOF, KYC and Bank statement along with the certificate u/s. 63(4) (c) BSA, as well as u/s. 2 (A)(B) of the Banker's Book of Evidence Act issued by me. All the data were system generated and retrieved from our cloud server. These are said documents (marked as **Ext. 30 collectively**). All the documents bear my signature and seal. From the statement dated 25.10.2024 it appears that Rs. 9,75,000.00 was debited from the account of Shahrukh Textiles IDFC First Bank Ltd. account and was credited in the account of Neel Trading Co. marketing yard maintaining account in our Branch. (The statement dated 25.10.2024 is marked as **Ext. 30/1**).

Cross examination :

There is no mention in the documents supplied by me to the effect that, 'those are certified to be true'. In the two certificates issued by me, there is no mention in the body of those certificates regarding my designation. I did not use any tick mark to denote the device in the certificate u/s. 63(4) (c) BSA where I had taken the electronic record/out put of the digital record. I also did not mention the name of the device as to whether it was a computer, a laptop or other device at the time of mentioning the description of model in the certificate. There is no mention in the certificate u/s. 63(4) (c) BSA as well as u/s. 2 (A)(B) of the Banker's Book of Evidence Act that I used to maintain and manage the entire process of the system exclusively and barring me no one was authorized to do so. In the certificate there is no mention of chain of movement of data for the purpose of maintaining integrity and

authenticity. There is no note in the certificate that during the process of chain of movement of data the said data was not contaminated.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

Not a fact that both the certificates are not in proper form.

PW-9 Mangesh Motwani (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of IDFC Bank at Ulhasnagar Branch, Maharashtra, since 10th July 2024. This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 112/2025 dated 25.02.2025. (The document is marked as **Ext. 31**). In compliance with such requisition I have supplied the AOF, KYC and Bank statement along with the certificate u/s. 63(4) (c) BSA, as well as u/s. 2 (A)(c) of the Banker's Book of Evidence Act issued by me. All the data were system generated and retrieved from our cloud server. These are said documents (marked as **Ext. 32 collectively**). From the statement dated 25.10.2024 it appears that Rs. 37,60,000.00 was debited from the account of Partha Kumar Mukhopadhyay, Kalyani/ SBIN0001082 and credited to Shahrukh Textiles whose account is maintained in our Branch.(The statement dated 25.10.2024 is marked as **Ext. 32/1**). All the documents bear my signature and seal.

It appears from the statement dated 25.10.2024 that under the head transaction details, 'BLKRTGS/ON SCREEN PAYMENT/ 923020049667534' is mentioned which denotes that in the Bank Account no. 923020049667534 Rs. 9,75,000.00 was transferred from the bank account of Shahrukh Textiles (the relevant entry dated 25.10.2024 at 12.33 p.m. is marked as **Ext. 32/2**).

Cross examination :

There is no name and designation of myself under my signature in all the documents. There is no mention in the body of certificate u/s. 2 (A)(c) of BB Evidence Act as well as u/s. 63 BSA the name of our Branch. There is no mention in the certificate u/s. 63(4) (c) BSA regarding the process of chain of movement of data as to where it was downloaded, stored and copied. The name of the system/device has also not been mentioned therein. In all the copies of the documents there is no mention that they are 'authenticated and certified to be true'.

Not a fact that the data supplied by me are contaminated one.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

PW-10 Deepesh Samadhiya (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of Bank of Maharashtra, Athawa lines, Surat Branch 14th May, 2024. This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 111/2025 dated 25.02.2025. (The document is marked as **Ext. 33**). In compliance with such requisition I have supplied the AOF, KYC and the Bank statement along with the certificate u/s. 63(4) (c) BSA, as well as under Banker's Book of Evidence Act issued by me. All the data were system generated and retrieved from our cloud server. These are said documents (marked as **Ext. 34 collectively**). All the documents bear my signature and seal.

From the statement dated 21.10.2024 in respect of serial no. 30, 37, 41 and 48 it appears that from the account of SITABEN VIJAYBHAI money were debited and credited in the account of Mrs. PATHAN SUMAIYABANU. The relevant entries are marked as **Ext. 34/1, Ext. 34/2 , Ext. 34/3 and Ext. 34/4** respectively).

Cross examination :

There is no note in the Bank Statement that it was 'authenticated and certified to be true'. (Volunteers- it is mentioned that as the statement is system generated system no signature is required). There is no mention in the certificate regarding chain of movement of data to show its authenticity and integrity. The data was retrieved from server to storage media and the details of storage media is mentioned. However, the details of cloud server from where the data was retrieved has not been mentioned in the certificate u/s. 63(4)(c) BSA. There is no mention in the certificate that the data was not tampered or manufactured. There is no mention in both the certificates that I was the only person to control and manage the entire system. In the statement there is no mention as to wherefrom I retrieved the data.

Not a fact that the data supplied by me are contaminated one.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

PW-11 Rahul Kumar (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of Axis Bank at Rewari Bracnch, Hariyana, since April, 2021. This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 116/2025 dated 25.02.2025. (The document is marked as **Ext. 35**). In compliance with such requisition I have supplied the AOF and the Bank statement along with the certificate u/s. 63(4) (c) BSA, as well as under Banker's Book of Evidence Act issued by me. All the data were system generated and retrieved from our cloud server. These are said documents (marked as **Ext. 36 collectively**). All the documents bear my signature and seal.

From the statement dated 23.10.2024 it appears that Rs. 10,00001.00 were credited

from the account of MRS NAITIK COLLECTION BANDHAN BANK LTD. and was debited in the account of RUPESH YADAV, whose account is maintained in our Bank.

From another statement dated 23.10.2024 it appears that Rs. 5,00011.80 was credited from the account of RUPESH and was debited in the account of SAHIL (the relevant entries dated 23.10.2024 are marked as **Ext. 36/1 and Ext. 36/2**).

So from those statements it appears that Rs. 10,00001.00 was transferred from the account of MRS NAITIK COLLECTION BANDHAN BANK LTD. to the account of RUPESH and thereafter from the account of RUPESH Rs. 5,00011.80 was transferred to the account of SAHIL.

Cross examination :

There is no mention in the body of certificate u/s. 2A regarding my name and designation. There is no mention in the certificate that I was exclusively dealing with the management of the system. I obtained the data from the application system of the branch. There is no mention in the certificate u/s. 63(4) (c) BSA regarding such application system of such branch. There is also no mention any of the two certificates regarding where it was stored. The hash value has been missing in both the certificates. The time and place are also missing in both the certificates. There is no mention in the certificates regarding chain of movement of data for its authenticity and integrity. In the statement there is no mention of name and designation under the seal of the bank. It has not been mentioned that it was 'authenticated to be a true copy'.

Not a fact that the data supplied by me are contaminated one.

Not a fact that today I deposited beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

PW-12 Ankur Jadon (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of IDFC Bank at Rewari Branch, Hariyana, since 9th February, 2024. This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 117/2025 dated 25.02.2025. (The document is marked as **Ext. 37**). In compliance with such requisition I have supplied the AOF and the Bank statement and one information pertaining to AC No. 10199351901 along with the certificate u/s. 63(4) (c) BSA, as well as under Banker's Book of Evidence Act issued by me. All those documents were supplied from our Branch being signed by Bikash Kumar i.e. the relationship Manager working under me. I am acquainted with his hand writing and signature. All the data were system generated and retrieved from our cloud server. These are said documents (marked as **Ext. 38 collectively**). All the documents bear the signature of said Bikash Kumar and seal of our Branch.

The account no. 10199351901 was opened in our Branch in the name of Mr. Sahil. At the time of opening of such account, the mobile number provided by the account holder was 8901677306. Later on, it was changed by the account holder to 9466880396. However, the email id was the same. (The relevant information of the bank are marked as **Ext. 38/1** and **Ext. 38/2** respectively).

From the statement dated 23.10.2024 at 12.34 p.m. amount of Rs. 500000.00 was transferred from the account of RUPESH YADAV to the account of Mr. SAHIL whose account is maintained in our branch (the relevant entry dated 23.10.2024 is marked as **Ext. 38/ 3**).

Cross examination :

There is no mention in the documents as to whether the account of SAHIL was opened physically or through online. In IDFC Bank the account can be opened through online. (Volunteers- but the account will be operative only when the customer will come physically and contact with the Branch). The account can be operative either by taking biometrics or by submission of Aadhaar. In the documents supplied by me today it has been mentioned in AOF the aadhaar number suggesting that it was done by aadhaar linking and so it is found that the account holder came physically to the bank. Except the aadhaar card number mentioned in the AOF there is nothing in this documents to suggest that the came physically. There is no mention in those documents as to on which day the mobile phone number of the customer/account holder was changed.

Fact that when the phone number becomes changed all the informations and intimations relating to the account will be sent to that changed phone number.

There is no signature of SAHIL on any of the documents relating to AOF. (Volunteers- if the account is opened through online, there is no necessity of taking signature of the account holder, however, the account will be operative only when he submits the aadhaar card and biometrics).

I have not supplied the scanned copy of the biometrics as the same has not been preserved in our Bank due to the reason that it is not legal. There is no mention in the documents to the effect that the biometrics was matched with the aadhaar. (Volunteers- as the account was processed it is presumed that the biometrics was matched). There is no mention of such fact which I have volunteered right now, either in the certificates or in other documents supplied by me. There is no mention in the certificate u/s. 2(A) (c) of the BBE Act as to the name of the person and designation of the person who issued the certificate. (Volunteers- it is mentioned that, 'This is a system generated letter and Annexures are based on records available. If you require further clarification, please write to us on lea@idfcfirstbank.com'). In the certificate u/s. 2(A)(c) of the BBE Act that there is no mention that the person issuing it was solely authorized to manage and control the entire

system. In the last line of the certificate u/s. 63(4) (c) BSA that it is mentioned that it was system generated. Accordingly, it was obtained from the IDFC Bank legal department. There is no mention in the certificate regarding chain of movement of data for its authenticity and integrity. In the certificate there is no whisper that the data was not contaminated or the data was genuine.

Not a fact that there was no role or involvement of myself regarding the retrieved, storage and copy and supply of data.

Not a fact that the data supplied by me are contaminated one.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

Not a fact that the certificates issued by me are not in proper form and law.

PW-13 Atanu Sarkar (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Port Folio Manager of Fino Payments Bank at Kolkata Regional Office, West Bengal, since April 2023. This is the authorization letter issued by Basavraj Shivanand Loni being the Company Secretary. I know his signature. The said letter bears his signature as well as my signature (the authorization is marked as **Ext. 39**).

This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 114/2025 dated 25.02.2025. (The document is marked as **Ext. 40**). In compliance with such requisition I have supplied the AOF, eKYC, and the Bank statement along with the certificate u/s. 63(4) (c) BSA, as well as under Banker's Book of Evidence Act issued by me. All the data were system generated and retrieved from our cloud server. These are said documents (marked as **Ext. 41 collectively**). All the documents bear the signature of Company Secretary and seal of the bank.

From the statement dated 25.10.2024 it appears that Rs. 4,99,996.00 was transferred from the account of Sharukh Textiles to the account of Mr. Rohit whose account is maintained in our Branch. (the relevant entries dated 25.10.2024 are marked as **Ext. 41/1**).

From this document it appears that the mobile no. of the account holder Mr. Rohit linked with the bank is 9416745317. In this document the aadhaar no. i.e. the ID proof document no. is mentioned as 115930132924 (the entire documents are marked as **Ext. 41/2**).

At the time of opening the account, the customer has to supply the aadhaar card bearing aadhaar number and mobile number to be registered with the bank. Thereafter, one OTP is sent from the bank side to that registered mobile number and the customer has put that OTP in the application of account opening page, in consequence of which the concerned bank account is opened and becomes operative.

Cross examination :

Almost all the bank accounts of the customers are digitally opened. In the document relating to terms and conditions (tendered by me in evidence today), there is no mention as to any live photograph of the concerned customer is required to be taken or not. In the KYC document tendered by me today there is no mention regarding digital signature of the customer. There is no mention in the form as to the process of tallying the genuinity of the person who actually submits the aadhaar and mobile number. There is no note in the document (**Ext. 41/2**) that the photograph is live photograph of the account holder or not. There is no note in such document as to who actually tallied the photograph of that person. There is no mention in this document (**Ext. 39**) the full name and designation of the authorized signatory. There is no note in that document as to the date and place where it was prepared. There is no mention regarding chain of movement of data, the storage and copied for the genuinity and authentication. There is no note in the certificate regarding the details of the device used for the purpose of retrieved of data.

There is no note in the certificate u/s. 2(A) of BBE Act regarding any specific case or order in respect of which such certificate was issued. There is also no name, designation of the person issuing such certificate. The date on which it was signed is not mentioned. There is no seal, stamp or signature of any authorized person in the statement tendered by me in evidence today. There is no endorsement with respect to the statement of account, AOF, KYC etc. as to its genuinity and correctness. In the two certificates there is no mention as to whether the person issuing them had the authority to issue it or not.

Not a fact that the data supplied by me are contaminated one.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

Not a fact that the certificates are not genuine or that in those two certificates there is no mention that the documents relating to which those certificates were issued are correct and genuine.

PW-14 Vaibhav Tatkare (Bank Witness) :**Examination-in-chief :**

Presently, I am posted as Branch Relation Manager of A.U. Small Finance Bank at Chakala Branch, Maharashtra, since 5th February, 2024. This is the authorization letter issued by Dipak Kamble, B.M. in favour of myself. I know his signature. The said letter bears his signature as well as my signature (the authorization is marked as **Ext. 42**). I am acquainted with his hand writing and signature. This is the original requisition issued from I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha bearing memo no. 115/2025 dated

25.02.2025. (The document is marked as **Ext. 43**). In compliance with such requisition I have supplied the AOF, KYC and the Bank statement along with the certificate u/s. 63(4) (c) BSA, as well as under Banker's Book of Evidence Act issued by me. All the data including the documents supplied by myself today were system generated and retrieved from our cloud server and system records maintained in our official course of business. These are said documents (marked as **Ext. 44 collectively**). Some of the documents bear signature of Mr. Kamble while the rest were signed by Puja Gupta i.e. BOM (Branch Operating Manager) of our Branch. Today, the same set of documents have been filed by myself which also bears my signature as well as bears the seal of the bank. (The said documents are marked as **Ext. 44A**).

From the statement dated 30.10.2024 it appears that Rs. 1,37,000.00 was transferred from the account of Neelima to the account of Jatin Anup Ladwal whose account is maintained in our Branch (the relevant entries dated 30.10.2024 are marked as **Ext. 44/1**).

Cross examination :

There is no mention of details of server in certificate u/s. 63(4) (c) BSA. There is no mention regarding storage of data as to where it was stored. There is no mention that Dipak Kamble used to manage and control the entire system. There is also no whisper in the certificate that there is no chance of contamination of data. The hash value is also not mentioned therein. There is also no mention as to chain of movement of data for the integrity and authenticity. There is no mention as to date of issuing such certificate u/s. 2(A) of BBE Act. The name of the person issuing said certificate is also not mentioned therein. No other certificate barring these two certificate were issued from our branch. There is no note that the documents issued by the bank were authenticated and certified to be true.

Not a fact that the data supplied by me are contaminated one.

Not a fact that today I deposed beyond capacity and I am not authorized to depose.

Not a fact that the data supplied by me are not genuine one.

Not a fact that the two certificates were not issued as per law.

PW-15 Biswajit Roy (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Chief Manager of Canara Bank at Kalyani Branch, since 8th May, 2023. A requisition was received by me from SI Utpal Kumar Saha, Cyber Crime P.S. Ranaghat P.D. in respect of Account No. 403101206666 requesting me to provide me to detail information in respect of that account. This is the said requisition received by our Bank in my presence and this is the signature of Anushriti Neogi with the said note that, 'account does not pertain to our Branch/Bank'. I know her signature and hand writing. The

requisition dated 13.02.2025 is marked as **Ext. 45** and the noting with signature is marked as **Ext. 45/1**).

This is the reply letter issued by the Manager Mr. Rupesh Kumar Roy in my presence, being my junior. The said reply is marked as **Ext. 46** and the signature of Manager is marked as **Ext. 46/1**).

From CBS (Core Banking Solution), on thorough search, it could be ascertained that the account number does not exist in any Branch of Canara Bank in India.

This is my self attested identity card (marked as **Ext. 47**).

Cross examination :

I cannot say whether the said account belong to any other Bank or not. As the account number does not belong to any Branch of our Bank, it is presumed that there is no transaction in respect with that account in our Bank.

PW-16 Satish Sakharam Kawankar (Police witness) :

Examination-in-chief :

Presently, I am posted as Police Inspector at Andheri P.S. from 27th December 2024. On 05.01.2025 my Office received an email from Ranaghat P.D. along with the attachment of picture of one person namely Hemraj Koli, in connection with Cyber Crime P.S. case no. 61 of 2024 dated 06.11.2024. Our Office was requested to provide any information as to whether a person named Hemraj Koli is at all posted at Andheri P.S., Mumbai. On thorough search in our system of entire Police District, we found that there was / is no Police Officer namely Hemraj Koli. Accordingly, we replied as to such information by mail to Ranaghat P.D. dated 10.01.2025.

We received the mail from Ranaghat P.D. bearing email id- 'occccps-ranaghatpd@policewb.gov.in' and we sent the reply mail from mail id- 'ps.andheri.mum@mahapolice.gov.in'.

[The scanned copy of the documents namely the mail and trail mail along with the attachment containing picture of stated Hemraj Koli is sent to the witness at his mail id mm.andheri44@gmail.com].

This is the said mail along with attachment containing picture of stated Hemraj Koli, received from Ranaghat P.D. and the reply of ourselves (marked as **Ext. 48** and **Ext. 49** respectively).

Cross examination :

I sent the reply after verifying the records in our system. In my reply there is no mention that I verified the records in our system. There are total 98 Police Stations in Mumbai District. True that there is no note in my reply letter that I verified from 98 Police Stations and entire state of Maharashtra Police regarding my informations. There is no Police

Station namely Andheri East. Only Police Station Andheri is there.

PW-17 Ashru Sarkar (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Manager of State Bank of India at NRI Kalyani Branch, since 17th August, 2022. A requisition was received by me from SI Debarun Das, Cyber Crime P.S. Ranagaht P.D. dated 03.01.2025. This is the said requisition under proper receipt stamp of our Branch and signature of myself in connection with A/C No. 32955736901 (marked as **Ext. 50**).

These are statement of that account which was sent in reply from our Bank. The statement containing six pages bear my signatory and seal of our Bank. These are said statement (marked as **Ext. 51 collectively**).

Another requisition was received by me from SI Debarun Das, Cyber Crime P.S. Ranagaht P.D. dated 03.01.2025. This is the said requisition under proper receipt stamp of our Branch and signature of myself in connection with A/C No. 33089616115 (marked as **Ext. 52**).

These are statement of that account which was sent in reply from our Bank. The statement containing three pages bear my signatory and seal of our Bank. These are said statement (marked as **Ext. 53 collectively**).

I have also supplied the AOF, KYC with a forwarding letter dated 06.03.2025 duly signed by me bearing the seal of our Bank along with statement u/s. 2(A)(b) of Banker's Book of Evidence Act, certificate u/s. 63 (4) (c) BSA. Those statement, certificates bear my seal and signature. Those certificates and the forwarding letter were issued in connection with those two accounts. All the data including the documents supplied by me today are system generated and retrieved from our cloud server and system records maintained in our Official course of business. (The forwarding letter along with AOF and KYC are marked as **Ext. 54 collectively**). (The certificate u/s. 2(A)(b) of Banker's Book of Evidence Act is marked as **Ext. 55** and the certificate u.s. 63 (4) (c) BSA is marked as **Ext. 56**).

This is the xerox copy of my self attested identity card (marked as **Ext. 57**).

The transaction dated 22.10.2024 and 23.10.2024 in the Bank statements are shown to the witness. These transactions for those two days implies transaction through RTGS containing the reference number of SBI. (marked as **Ext. 51/1** and **Ext. 51/2** respectively).

Cross examination :

In Ext. 55, there is no note that I am the sole person responsible for issuing the said certificate. There is no note in the certificate as to how the data was retrieved and stored. There is no mention in the certificate that the said data is authentic. There is note in my

certificate that physical and logical access controls are in place as safeguards against tampering of the system, however there is no note as to the process adopted thereof.

Not a fact that the certificate is incomplete and not as per law or that I issued the certificate beyond my capacity.

There is no mention in the statement that verified and certified to be true, as the statement is computer generated and treated to be original.

There is no mention in Ext. 55 an Ext. 56 that those were given for AOF and KYC and not for statement. There is also no note in those certificates as to the details of the server from which all the data were downloaded. There is no mention in the certificates as to the hash value. In those certificates it is mentioned that the hash value is not applicable. There is no mention as to chain of movement of data. Except the CPC model number, there is no mention as to the details of that CPU of that certificate. There is also no mention in the certificate u/s. 63 (4) (c) of BSA that the data was not tampered. There is no note in Ext. 54 that the documents issued were verified with the original and found to be correct.

Not a fact that the documents are not genuine one.

PW-18 Dipankar Chatterjee (Other witness) :

Examination-in-chief :

Presently, I am retired Govt. employee. I am 67 years of age and my wife is 64 years of age. My only son has taken 'sannyas' and now he is 'sannayasi' at Belurmah.

On 17.10.2024 the incident took place. On that day at noon I received a phone call and the person calling informed that he was calling from customer care. He told me further that I have an account at Canara Bank where some amount of money is lying in my account. I told him that I have no account in Canara Bank. They told me my account number having the last four digits as 6666. I replied that I do not own such account and if there be any such account it will be fake and it should be blocked instantly. Then the caller sent me through WhatsApp the copy of my aadhaar card and informed that the said account was opened by that aadhaar card. He told me that a huge amount of money were debited from that account in a money laundering case. He then sent me through WhatsApp a letter of Mumbai High Court stating that a case has been lodged against me. He then threatened me that I would be arrested by them if I do not send the details of my Bank Accounts to them. As per their direction I took photographs of my Bank Accounts and sent it to them through WhatsApp out of fear. They went through those documents of my bank accounts. Thereafter, as per their direction I sent money from those accounts to them through RTGS. Since 19.10.2024 to 25.10.2024 I sent them money through RTGS. During that period, as per their direction I went to Banks. They told me through phone about the details of their bank accounts to which the money should be sent by me after fill up of RTGS form and to send the same (the RTGS

filled up form) through WhatsApp and thereafter verifying the same they told in positive and after that I sent money to their said accounts as told by them through RTGS. During that period I sent them total Forty One Lakhs (Rs. 41,00000/-) through that process. I have sent the said money from my one savings bank account at SBI, Mankundu Branch, Dist. Hooghly, another pension account of myself at that bank and from my fixed deposit at Post Office of Barasat. These are the counter parts of RTGS form through I transferred the money. It bears the seal of the concerned Bank and signature of concerned employee (counter part of three RTGS forms are marked as **Ext. 58, Ext. 59 and Ext. 60**). They threatened me and told me to stay inside house in safe condition and to send them my photographs through WhatsApp between the interval of one hour and accordingly I did it. (Ext. 49 is shown to the witness). The miscreants sent me the photograph of this person through WhatsApp (identifies the photograph of Ext. 49). They are telling that they are showing the live stream of the Office of Enforcement Department having their emblem and the person of the document (Ext. 49) was sitting there. Seeing such matter I became apprehensive. On 25.10.2024 I received another call informing that I am accused of an wanted in another criminal case for which they claimed further amount of Rs. 70,00000/-(Rupees Seventy Lakhs). They also threatened me to send the said money otherwise I will be in trouble. When I informed my inability, they told me to manage the money somehow by selling the ornaments of my wife. But I denied to send further money to them. Then I realize that I was somehow cheated and accordingly I went to Bhadreswar P.S. and lodged a typed complaint there on 29.10.2024. I was examined by the Cyber Crime P.S., Ranaghat P.D. and accordingly I have come to depose in this case. (The carbon copy of seizure list dated 07.01.2025 is shown to the witness). This is my signature on this document (marked as **Ext. 24/2**).

After such incident of cheating I had to go and reside old age home being penniless person. (The deponent started to weep and appeared to be depressed).

(At this stage Mat Ext. 23 are shown to the witness and the witness identifies the said material exhibits which were seized from his house).

These three documents were sent by the miscreants to me through WhatsApp (marked as **Mat Ext. 23/1, Mat Ext. 23/2 and Mat Ext. 23/3** respectively).

Cross examination :

Almost all the facts described me today in the Court were written in the complaint lodged by me at Bhadreswar P.S. There is no mention in the complaint that the miscreants showed me the picture of Enforcement Department with emblem. There is no note in the FIR that the miscreants again demanded Rs. 70,00000/- (Rupees Seventy Lakhs) on 25.10.2024. I was employed at Panchayat and Rural Development. My first posting as SAE in the year 1979. The said department is under Govt. of West Bengal. I cannot remember my

pay scale at that time. I cannot remember the gross salary in my first month of service, however, it was trifling amount. Before retirement my post AE. My income was Rs. 40,000/- (Rupees Forty thousand) at the time of retirement. I cannot remember the amount of my retirement benefit. I get just more than Rs. 44,000/- (Rupees Forty Four Thousand) as pension. During my Govt. Service I was very much honest. Being the honest person during my entire service period, I was apprehensive when the miscreants threatened me as I was hypnotized and perplexed during such phone calls.

Fact that I stated to I.O. of Cyber Crime P.S. Ranaghat P.D. that on 17.10.2024 I received a phone call from a person stated to be customer care. I did not state to I.O. as well as in the FIR that there was phone call from E.D. I did not state to I.O. that the miscreants showed me the Office of E.D. with emblem. I did not disclose the source of the money received by me.

Not a fact that my entire evidence in chief is not genuine or that I being tutored have deposed falsely today or that the document identified by me today are all fake and subsequently manufactured.

The first fraud call was received by me on 17.10.2024.

PW-19 Partha Kumar Mukhopadhyay (Defacto Complainant) :

Examination-in-chief :

Presently, I am retired person. I was employed at Bidhan Chandra Krishi Bidyalaya. Myself and my wife namely Dr. Mandira Mukhopadhyaya reside at B-10/158, 2nd Floor at Kalyani, Dist. Nadia, West Bengal. My only daughter reside at USA. On 19.10.2024 at noon, I received a phone call through WhatsApp in my mobile phone number 9433390233 from mobile phone number having last four digit 1594. The person identified himself as SI of Mumbai Police at Andheri P.S. and his name was stated to be Hemraj Koli. He told me alleging that I was involved in huge amount of money laundering and accordingly I was an offender. I became afraid as I did not do any such offence. The miscreants then sent me number of documents through WhatsApp. They sent me the document of Supreme Court, E.D. and SEBI. They told me that if I follow their direction they will help me otherwise I will be digitally arrested and sent to prison. Then they told me to send my picture in every alternative hour through whatsapp and not to disclose the fact to anybody, otherwise I will be in trouble, accordingly I did it. As per their direction I told them the entire details of my Bank Accounts that I have total three Bank account at SBI and one Bank account at Bandhan Bank, all at Kalyani Branch. They directed me to encash the FD at Bandhan Bank and to send them the amount through RTGS. Their account number with IFSC Code was sent by them to me through whatsapp. Thereafter, they sent me the money receipt in the name of RBI and Supreme Court to me through whatsapp. I had to go to the Bank and to fill up the

form of RTGS as per the direction of the miscreants and thereafter to send the money through RTGS and in case of any delay even for one minute, I was scolded and threatened by the miscreants. I thereafter sent money to the miscreants through RTGS from the three account of SBI out of fear. I sent total amount of about Rs. 1 crore to the miscreants since 21.10.2024 to 01.11.2024. They assured me to return back the said money as I was following their direction. They kept contact with me on 02.11.2024 and 03.11.2024 but on 04.11.2024 the mobile phone of the miscreants was switch off. On 04.11.2024 and 05.11.2024 I waited and on 06.11.2024 I went to Ashru 'Babu' i.e. the Manager of SBI, NRI Branch who advised me to lodge a complaint and accordingly I lodged complaint on 06.11.2024 at Cyber Crime P.S., Kalyani Ranaghat P.D. This is the said complaint duly typed by me and this is my signature on the complaint. (The complaint is marked as **Ext. 61** and the signature is marked as **Ext. 61/1**). This is my signature on the Formal FIR (marked as **Ext. 62/1**). I was interrogated by I.O. I printed all the whatsapp chat and thereafter handed over it to I.O. I also handed over my said mobile phone along with Airtel Sim to I.O. I also handed over the I.O. all the relevant transactions of my bank accounts. I also handed over the certificate u/s. 63 (4)(c) of BSA duly prepared and signed by me. I.O. seized all those documents and materials from me. This is the said seizure list prepared by I.O. and this is my signature on the seizure list (the signature of the witness on seizure list dated 03.01.2025 is marked as **Ext. 63/1**). The certificate u/s. 63 (4) (c) of BSA along with all the connected documents are marked as **Ext. 64 collectively** and the signature of the witness on the certificate along with signatures of witness on all the documents are marked as **Ext. 64/1 collectively**). This is the said mobile 'Realme' along with the sim kept inside (the alamat is marked as **Mat Ext. 25**). The print out of whatsapp chats which were seized by I.O. from me are all contained in this mobile phone and are shown in the open Court. By opening the mobile phone using my password. Some of the messages sent by the miscreants subsequently deleted by them. These are documents which were handed over to me by the I.O. at the time of lodging complaint. These documents bear my signature. (The print out copies of the documents duly certified to be true by the witness are marked as **Ext. 65 collectively**). The miscreants informed me that my account number is 403101206666 opened through my aadhaar card and told that I was doing money laundering in respect of that account. But they applied fraud as the said account does not belong to me. (Ext. 49 is shown to the witness). This is the said person who identified himself as SI of Mumbai Police at Andheri P.S. and his name was stated to be Hemraj Koli. (the witness identifies the photo of the person appearing in Ext. 49).

Cross examination :

I did not state in the FIR as well as to I.O. regarding the account no. 403101206666. I also did not state in the FIR as well as to I.O. regarding the allegation of the miscreants that I made money laundering using my account no. 403101206666 which was stated to be opened

by my aadhaar card, however the said documents were all handed over to I.O. subsequently along with the FIR. In the FIR I did not mention the annexures. I did not submit any document to the I.O. relating to source of the duped money of near about one crore. (Volunteers: that money was the savings during my entire service life). The alamat i.e. the mobile with sim has not been produced with seal and signature. I handed over the mobile phone to I.O. in close condition but the password 5054 was given to the I.O. It may be that the investigating agency may have access over the mobile phone. Before coming to the Court as witness, the said phone has been charged through charger as I saw at Cyber P.S.

Question: Whether you took back up of the data before handing over the mobile phone to the I.O.?

Answer: After taking print out of all the whatsapp chat I handed over the phone to the I.O.

I did not take the data of the mobile phone as back up data in separate device. I cannot remember on which day I took print out of whatsapp chats from my mobile phone before handing over it to the I.O. on 03.01.2025. I have little knowledge of computer and other electronic devices. I am little computer savvy. I myself typed the FIR. Firstly, I saved the whatsapp chats in my mobile phone and thereafter sent the same to my mail id. Thereafter I opened the mail in my desktop. Thereafter, I printed the same from my printer attached to the said desktop. Fact that before printing all the chats were downloaded from mail in desktop and it were saved in desktop, wherefrom it were printed. Fact that desktop and laptop are different electronic devices. There is specific format of certificate u/s. 63 (4) (c) of BSA from Cyber Crime P.S. Kalyana, which was filling by me. From the documents I issued that certificate. Fact that the desktop stated by me in my cross examination earlier where the mail was opened, is not the device mentioned in the certificate u/s. 63 (4) (c) of BSA. There is no mention of chain of movement of data in the certificate. There is no mention in the certificate that the data was not tampered.

Not a fact that my entire evidence in chief is not genuine or that I being tutored have deposed falsely today or that the document identified by me today are all fake and subsequently manufactured or that I did not state to I.O. as well as in FIR the facts which I have stated in my evidence in chief.

PW-20 Shibu Kant (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of PNB Bank at Sector-31 Faridabad, Hariyana, since June, 2024. This is the xerox attested copy of identity card with signature of myself and seal of the Bank. (The xerox attested copy is compared with the original and marked as **Ext. 66**). This is the true copy of the requisition through email issued by I.C.

Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha dated 17.03.2025 and received by our Office. (The document is marked as **Ext. 67**). This is the true copy of the attachment accompanied by that mail received by our Office (marked as **Ext. 68**). In compliance with such requisition I have supplied the AOF and the Bank statement and the KYC pertaining to AC No. 4769000100095171 along with the certificate u/s. 63(4) (c) BSA, as well as u/s. 2 (A) Banker's Book of Evidence Act issued by me. All those documents except certificate u/s. 2 (A) Banker's Book of Evidence Act were supplied from our Branch being signed by Geetika i.e. the 2nd Man of our Bank working under me. The certificate u/s. 2 (A) Banker's Book of Evidence Act was issued by me. These are the said documents (marked as **Ext. 69 collectively**). I am acquainted with her hand writing and signature. All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate.

From entry of statement of account dated 30.10.2024 it appears that Rs. 4,70,000/- (Rupees Four Lakhs Seventy Thousand only) was deposited in A/C No. 4769000100095171 from the SBI account of Partha Kumar Mukhopadhyay through RTGS (marked as **Ext. 69/1**).

Cross examination :

In this certificate u/s. 63 (4) (c) of BSA there is no mention that Geetika is the second man of our Bank. It has also not been mentioned in what capacity she has provided the certificate. I have not mentioned the details of the server in the certificate u/s. 63 (4) (c) of BSA. There is no specification as to where I stored the data, due to the reason that it was simultaneously printed out. The chain of movement of data has not been mentioned in the certificate u/s. 63 (4) (c) of BSA, as it was simultaneously printed out. There is no whisper in the certificate that it was simultaneously printed out. In the certificate u/s. 63 (4) (c) of BSA there is no mention as to the measure taken for protecting the data being not tampered (volunteers: the branch can only access the server which is being maintained by the Head Office).

Not a fact that the certificate is not genuine.

There is no mention in the body of the certificate u/s. 2 (A) Banker's Book of Evidence Act as to the details of bank and the name of the person who issued the same (volunteers: there is seal and signature in the certificate from which it can be assumed).

Not a fact that there is no specification in the certificate identification of the data.

Not a fact that my certificate is not as per law.

PW-21 Ashish Choubey (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of Ujjivan Small Finance Bank at

Kanchrapara, since August, 2022. This is the xerox attested copy of identity card with signature of myself and seal of the Bank. (The xerox attested copy is compared with the original and marked as **Ext. 70**). So far core banking system is concerned, any branch of any bank can access data of any other branch of the same bank and that system exists for all bank including the financial institution working under the guideline of RBI. This is the true copy of the requisition issued by I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha dated 22.03.2025 and received by our Office. (The document is marked as **Ext. 71**). All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate.

In compliance with such requisition I have supplied the details of the account no. 1102110120071392 including the AOF and KYC. I have also deposited certificate u/s. 63 (4) (c) of BSA as well as certificate u/s. 2 (A) Banker's Book of Evidence Act. The statement of such account for the period 12.10.2024 to 25.03.2025 is also supplied deposited. All the documents are prepared on 25.03.2025 and bears the signature of Jayaprada Nanda being the Branch Manager of Koramangla Branch, Bangalore, with the seal of our bank, Koramangla Branch. (The documents are marked as **Ext. 72 collectively**). The registered mobile number of the customer of the said account is 9079803373, as has been mentioned in point no. 2 of the details of account (marked as **Ext. 72/1**). At the time of opening of account of a customer, his mobile number is to be registered with the bank system. The aadhaar will be linked with the bank system. An OTP will be sent to the registered mobile number of that customer and he is required to put that OTP in the system and if it matches with the system, then and there the account will be opened and be activated. All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which the hash value did not mention in the certificate. Due to existence of core banking system, although the data was supplied from Koramangla branch I verified and found it to be correct.

From the entry of statement of account dated 21.10.2024 it appears that Rs. 2,00,062/- (Rupees Two Lakhs Sixty Two only) was credited in A/C No. 1102110120071392 from the account of Krishna Fashion through RTGS. (The relevant entry dated 21.10.2024 is marked as **Ext. 72/2**).

This is the letter of authorization issued by Jayaprada Nanda, B.M., Ujjivan Small Finance Bank, Koramangla Branch, Bangalore, authorizing me to depose in connection with this case. The said authorization is sent through mail as attachment (the mail and attachment are marked as **Ext. 73** and **Ext. 74 respectively**).

Cross examination :

There is no mention in the authorization letter regarding the account number as well as the IFSC Code. There is no mention in the document supplied by me as to IFSC Code.

There is no whisper that our bank has CBS system (volunteers: all banks have now CBS system). Except the word 'B.M.' and employee ID, there is no mention either in the seal or in the body of the certificate u/s. 63 (4) (c) of BSA that Jayaprada Nanda was the Branch Manager (volunteers: B.M. denotes Branch Manager). There is no mention in respect of the employee code that it was employee code (volunteers: that it is employee code).

Not a fact that the certificates issued are not genuine and legal or that it were manufactured and that it were issued beyond capacity.

Not a fact that the statement supplied by us is improper.

PW-22 Vishwas Trivedi (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of Federal Bank at Morbi Branch, since September, 2023. This is the xerox attested copy of identity card with signature of myself and seal of the Bank. (The xerox attested copy is compared with the original and marked as **Ext. 75**). This is the true copy of the requisition issued through mail by I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha dated 17.03.2025 along with the attachment and received by our Office. (The documents are marked as **Ext. 76** and **Ext. 77**). All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate.

In compliance with such requisition I have supplied the AOF, Bank statement and the KYC pertaining to A/C No. 23400100024244 along with the certificate u/s. 63(4) (c) BSA, as well as under u/s. 2 (A) Banker's Book of Evidence Act issued by me. All those documents are verified and signed by me under the seal of the branch. (The documents are marked as **Ext. 78 collectively**). All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate. This the present format of the certificate u/s. 63 (4) (c) of BSA issued by me today i.e. on 02.04.2025 under my seal and signature (the certificate is marked as **Ext. 79**). The time in the certificate has been mentioned as 10.00 a.m. and due to such correction another signature of myself under the seal of the bank has been given.

From the entry of statement of account dated 21.10.2024 it appears that Rs. 5,00,029/- (Rupees Five Lakhs Twenty Nine only) was transferred from Krishna Fashion to the present account namely A/C No. 23400100024244 through RTGS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 78/1**).

From another entry of statement of account dated 21.10.2024 it appears that Rs. 50,000/- (Rupees Fifty Thousand) was transferred from this account A/C No. 23400100024244 to the account of Mrs. Pathan through IMPS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 78/2**).

From another entry of statement of account dated 21.10.2024 it appears that Rs 10,000/- (Rupees Ten Thousand only) was transferred from this account A/C No. 23400100024244 to the account of Mrs. Pathan through IMPS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 78/3**).

From another entry of statement of account dated 21.10.2024 it appears that Rs. 40,000/- (Rupees Forty Thousand only) was transferred from this account A/C No. 23400100024244 to the account of Mrs. Pathan through IMPS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 78/4**).

From another entry of statement of account dated 21.10.2024 it appears that Rs. 40,001/- (Rupees Forty Thousand and one only) was transferred from this account A/C No. 23400100024244 to the account of Mrs. Pathan through IMPS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 78/5**).

Cross examination :

I cannot remember the date lastly when the account holder collected the statement of account. The statement of account relates to the date on 17.03.2025. Today is 02.04.2025. There is no certificate submitted by me today before the Court as to whether there is any objection regarding the statement of account by anybody since 17.03.2025 till date. There is no mention as to the details of the server in one certificate u/s. 63 (4) (c) of BSA, however in another certificate there such details. There is also no mention of chain of movement of data in the certificates to prove the integrity and authenticity of the data.

Not a fact that the certificates issued are not genuine and legal or that it were manufactured and that it were issued beyond capacity.

Not a fact that the statement supplied by us is improper.

PW-23 Rahul Dutt Kumar (Bank Witness) :

Examination-in-chief :

Presently, I am posted as Branch Manager of Bandhan Bank at Varachha Branch, Surat, since last six months. This is the xerox attested copy of identity card with signature of myself and seal of the Bank. (The xerox attested copy is compared with the original and marked as **Ext. 80**). This is the true copy of the requisition through email issued by I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha dated 17.03.2025 along with attachment and received by our Office. (The requisition is marked as **Ext. 81** and attachment is marked as **Ext. 82**).

In compliance with such requisition I have supplied the AOF, Bank statement and the KYC pertaining to A/C No. 20100031760221 along with the certificate u/s. 63(4) (c) BSA, as well as u/s. 2 (A) of Banker's Book of Evidence Act issued by me. All those documents are verified and signed by me under the seal of the branch. (The documents are marked as

Ext. 83 collectively). All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate.

From statement of account dated 21.10.2024 it appears that Rs. 2,00,062/- (Rupees Two Lakhs Sixty Two only) was transferred from this A/C No. 20100031760221 from this account to the account of Sunil Kumar through RTGS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 83/1**).

From another entry of the statement of the account dated 21.10.2024 it appears that Rs. 17,00,000/- (Rupees Seventeen Lakhs only) was transferred from the account of Partha Kumar Mukhopadhyay to the present account no. 20100031760221 through RTGS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 83/2**).

From another entry of the statement of the account dated 21.10.2024 it appears that Rs. 5,000,29/- (Rupees Five Lakhs Twenty Nine only) was transferred from this account no. 20100031760221 to the account of Sitaben Vijaybhai through RTGS (the relevant entry of the statement dated 21.10.2024 marked as **Ext. 83/3**).

The similar data was given from our Head Office which were prepared and signed by Saibal Gon dated 25.03.2025 under the seal of the Bank containing the details of the account I have given similar to the contents of the document given by the Head Office as well as the documents of another account no. 20100031869400. I am acquainted with the signature of said Saibal Gon, who is the Head of Law Enforcement Agency and M.H.A (the documents are marked as **Ext. 84 collectively**).

Cross examination :

There is no specification as to server in the certificate given by me as well as the certificate given by the Head Office. There is no specification in both the certificates u/s. 63 (4) (c) of BSA as to the storage. There is also no mention as to chain of movement of data for the purpose of its authenticity and integrity in both the certificated. The Law Enforcement Agency is not the authority to control the server. I do not know whether he is not the authority to issue the certificate u/s. 2 (A) of BBE Act. There is no issuing date in the certificate u/s. 2 (A) of BBE Act given by me. There is no mention of identification of data in those two certificates, one issued by me and another issued by Head Office. In the certificate u/s. 2 (A) of BBE Act there is no mention as to wherefrom the data was collected.

Not a fact that the certificates issued are not genuine and legal or that it were manufactured and that it were issued beyond capacity.

Not a fact that the statement supplied by us is improper.

PW-24 Aditya Srivastava (Bank Witness) :**Examination-in-chief :**

Presently, I am posted as Branch Manager of Bandhan Bank at Naya Raipur Branch, Chattishgarh, since 19th November 2024. This is the xerox attested copy of identity card with signature of myself and seal of the Bank. (The xerox attested copy is compared with the original and marked as **Ext. 85**). This is the true copy of the requisition through email issued by I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha dated 17.03.2025 along with attachment and received by our Office. (The requisition is marked as **Ext. 86** and attachment is marked as **Ext. 87 respectively**).

In compliance with such requisition I have supplied the AOF, Bank statement and the KYC pertaining to A/C No. 20100031869400 along with the certificate u/s. 63(4) (c) BSA, as well as u/s. 2 (A) of Banker's Book of Evidence Act issued by me. All those documents are verified and signed by me under the seal of the branch as well as Gopal Kumar i.e. the Deputy Manager of the Branch. (The documents are marked as **Ext. 88 collectively**). He is junior than me and prepared the document supplying data under my supervision. All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate.

From the entry of the statement of account dated 23.10.2024 it appears that Rs. 10,80,000/- (Rupees Ten lakhs Eighty Thousand only) was transferred from the account of Partha Kumar Mukhopadhyay through SBI RTGS to this account i.e. A/C No. 20100031869400 (the relevant entry of the statement dated 23.10.2024 marked as **Ext. 88/1**).

From another entry of the statement of account dated 23.10.2024 it appears that Rs. 10,00,001/- (Rupees Ten lakhs and one only) was transferred from this A/C No. 20100031869400 to the account of one Rupesh Yadav through RTGS (the relevant entry of the statement dated 23.10.2024 marked as **Ext. 88/2**).

Cross examination :

Gopal Kumar has only one grade i.e. Deputy Manager. There is no mention in the certificate u/s. 63 (4) (c) of BSA as well as u/s. 2 (A) of BBE Act that Gopal Kumar as well as myself are Computer Administrator. There is no mention in both those certificates that the data was collected from server. There is no mention in those certificates as to the storage device. The chain of movement of data for the purpose of its integrity and authenticity has not been mentioned in those certificates.

Not a fact that the certificates issued are not genuine and legal or that it were manufactured and that it were issued beyond capacity.

Not a fact that the statement supplied by us is improper.

PW-25 Bratati Majumder (Bank Witness) :**Examination-in-chief :**

Presently, I am posted as Branch Manager of UCO Bank at Kalyani Branch, Nadia, since June, 2024. This is the xerox attested copy of identity card with signature of myself and seal of the Bank. (The xerox attested copy is compared with the original and marked as **Ext. 89**). This is the true copy of the requisition through email issued by I.C. Cyber Crime P.S. Ranaghat P.D. namely Utpal Saha dated 02.04.2025 along with attachment and received by me under my signature. (The requisition is marked as **Ext. 90** and attachment is marked as **Ext. 91 respectively**).

In compliance with such requisition I have supplied the AOF, Bank statement dated 01.10.2024 and the KYC pertaining to A/C No. 04503211113195 along with the certificate u/s. 63(4) (c) BSA, as well as u/s. 2 (A) of Banker's Book of Evidence Act issued by me. All those documents are verified and signed by me under the seal of the branch as well as my signature. (The documents are marked as **Ext. 92 collectively**). All the data were system generated and retrieved from our cloud server and simultaneously taken print out, due to which I did not mention the hash value in the certificate. The statement dated 01.10.2024 relates to UCO Bank, Lohawat Branch. So far core banking system is concerned, any branch of any bank can access data of any other branch of the same bank and that system exists for all bank including the financial institution working under the guideline of RBI. I also verified the said information.

Cross examination :

In my certificate u/s. 63 (4) (c) of BSA as well as u/s. 2 (A) of BBE Act I did not mention that the core banking system has been followed. I did not mention the email id of our branch in which I received the intimation of Lohawat Branch. I did not mention the details of my computer system including the RAM and ROM. I did not mention the chain of movement of data for its integrity and authenticity. I did not take any permission from Head Office regarding issuance of this certificate. I have not mentioned in those documents as, 'verified and found to be corrected'.

Not a fact that the certificates issued are not genuine and legal or that it were manufactured and that it were issued beyond capacity.

Not a fact that the statement supplied by us is improper.

Not a fact that the data supplied by me are all false.

PW-26 Subham Halder (I.O. of this case) :**Examination-in-chief :**

Presently, I am now posted as S.I. at Cyber Crime P.S., Kalyani, Ranaghat P.D. since

August, 2024. I am the part I.O. of this case. As per instruction of I.C. Cyber Crime P.S., Kalyani, Ranaghat P.D., I took up investigation on 25.11.2024. On that day I went to A.U. Bank, Chakala Branch, Maharashtra. This is the requisition prepared and signed by me which was deposited at A.U. Bank, Chakala, duly received by them on 25.11.2024 under seal and signature (marked as **Ext. 93**). Thereafter, I collected these document from that bank in reply of said requisition. The instant documents were signed by the bank authority under their seal. These documents includes AOF, KYC, statement etc. in connection with A/C. No. 2401252162825531 (the documents are marked as **Ext. 94 collectively**).

I, thereafter went to the place namely Pelhar at Maharashtra and deposited this requisition dated 25.11.2024 to the Senior Police Inspector, Pelhar P.S., Maharashtra, seeking assistance to conduct raid at the area. This is the copy of such document being received by the Senior Police Inspector under seal of that P.S. (the requisition is marked as **Ext. 95**). After receipt of the same, they lodged GDE No. 047 dated 25.11.2024 and this is the copy of such GDE being signed by Inspector under the seal of the concerned P.S. (the copy of GDE is marked as **Ext. 96**). Thereafter, taking assistance and with force I held raid in the intervening night of 25.11.2024 and 26.11.2024 in the house Jatin Anup Ladwal, at Garelpara under P.S. Pelhar, Maharashtra. In presence of two local witnesses and our lady Constable namely Lina Das we held search in his house and one black coloured Infinix Mobile Phone was recovered. I prepared seizure list in respect of the same in presence of witnesses. This is the original seizure list dated 26.11.2024 duly prepared and signed by me. (the seizure is marked as **Ext. 13** and the signature of witness is marked as **Ext. 13/2**). (At this stage Mat Ext. 1 is shown to the witness). This is the said black coloured infinix mobile phone which was seized by me (Mat Ext. 1 identified). I arrested said Jatin Anup Ladwal accordingly under proper arrest memo. The complainant Partha Kumar Mukhopadhyay was duped by the said accused and others and his money was transferred from his account and ultimately credited in the account of Jatin Anup Ladwal through chain of transfers. Accused Jatin Anup Ladwal is present in Court today (identified through V.C).

Thereafter he was produced in the Court of Ld. J.M., Vasai Court, Maharashtra with a prayer for taking him for six days transit remand and the prayer was allowed by the Ld. Court. He was then kept in Nalasopara P.S., Maharashtra. On 28.11.2024 I went to Shantinagar P.S., Thane, Maharashtra and deposited a requisition praying for assistance to conduct raid. This is the carbon copy of said requisition being received by said P.S. under proper seal and signature [the carbon copy of the requisition is marked as **Ext. 97** (with objection)]. I took assistance of Shantinagar Police and my force namely Constable Arijit Pal and others and went to the service place of accused Shahrukh Rafik Shaikh at Bhiwandi, Shantinagar P.S., Maharashtra on 28.11.2024 and held raid and on search one Vivo Mobile Phone with IMEI was recovered from him. I seized the same under proper seizure list. This

is the said seizure list dated 28.11.2024 duly prepared and signed by me (the seizure list is marked as **Ext. 18** and the signature of witness is marked as **Ext. 18/2**). (At this stage Mat Ext. 8 is shown to the witness). This is the said mobile phone which was seized by me (Mat Ext. 8 identified). I arrested said Shahrukh Rafik Shaikh accordingly under proper arrest memo. Accused Shahrukh Rafik Shaikh is present in Court today (identified through V.C).

On 29.11.2024 I went to Central Police Station at Maharashtra and deposited requisition praying for assistance to conduct raid. This is the copy of such requisition duly signed by the officer of the said P.S. alongwith its seal. (the receipt copy of requisition is marked as **Ext. 98**). Accordingly, I went to a place namely Samrat Ashoknagar accompanied by force including constable Arijit Pal to hold raid. We reached in the house of Imtiyaz Mohammad Issa Ansari at Samrat Ashoknagar, Ullasnagar, Thane Maharashtra and held search and seized 1. one cheque book, 2. one white coloured Oppo mobile phone, 3. one vodafone sim card, 4. one Utkarsh small finance bank international debit card, 5. one IDFC debit card, 6. one SBI international debit card, 7. one PNB debit card, 8. one UCO bank debit card, 9. one City Union Bank Debit Card and 10. One Udyam registration certificate. This is the carbon copy of the seizure list dated 29.11.2024, the original was prepared by me by the same mechanical process (the carbon copy of seizure list dated is marked as **Ext. 19** and the signature of witness is marked as **Ext. 19/2**). [Mat Ext. 9, Mat Ext. 10, Mat Ext. 11, Mat Ext. 12 are shown to the witness]. These are the articles and documents which were seized by me (Mat Ext. 9, Mat Ext. 10, Mat Ext. 11, Mat Ext. 12 are identified). Accused Imtiyaz Mohammad Issa Ansari is present in Court today (identified through V.C). (Mat Ext. 9 is referred to the witness). This is the Udyam Registration Certificate (photocopy) which was seized from the house of accused Imtiyaz and the said document was used by accused Shahrukh for opening his bank account. I arrested said accused Imtiyaz under proper arrest memo on 29.11.2024.

On 29.11.2024 myself along with force including constable Arijit Pal went to a place at Samrat Ashoknagar, behind Sarada building press, OT section, Ullashnagar, Thane, Maharashtra in the house of Sahid Ali and from his possession the articles as mentioned the seizure list dated 29.11.2024 were seized under proper seizure list duly prepared and signed by me. (This is the said seizure list dated 29.11.2024 marked as Ext. 20 and the signature of the witness is marked as Ext. 20/2). [At this stage Mat Ext. 13, Mat Ext. 14, Mat Ext. 15, Mat Ext. 16 and Mat Ext. 17 are shown to the witness]. (these are the said materials and documents seized by me). (all the mat exhibits are identified). Accused Sahid Ali is present in Court today (identified through V.C). I arrested said accused Sahid Ali under proper arrest memo on 29.11.2024.

On 29.11.2024 I produced all those three accused persons namely Imtiyaz, Sahid Ali and Shahrukh and before the Court of Ld. J.M. Ullashnagar, Maharashtra and prayed for

transit remand of four days, which was allowed by the Ld. Court. Accordingly, I returned back with all the aforesaid three accused persons and Jatin Anup Ladwal and reached Kalyani on 01.12.2024 and produced all the four accused persons before the Ld. Court of ACJM Kalyani and deposited the alamats at Cyber Crimi P.S. Kalyani, Malkhana under proper P.R. number. I deposited the original seizure lists in the Ld. Court.

On 04.12.2024 I left for Hariyana with force and on 05.12.2024 I reached at Rewari, Hariyana. I went to Axis Bank, Shadatmagar Branch and submitted this requisition with my signature with a request to provide documents in connection with A/C No. 924010040687988. Thereafter, the said bank provided all these documents containing seven pages including, AOF, KYC and statement of account etc., under proper seal and signature. These are all the documents (the requisition dated 05.12.2024 along with all the bank documents are marked as **Ext. 99 collectively**). Thereafter, I went to IDFC First Bank, Rewari, Hariyana and submitted requisition under my signature which was received by them under the seal and signature of the bank, requesting for providing documents in connection with A/C No. 10199351901. In reply they provided me all the connected documents including AOF, KYC, Bank Statement, Certificate etc. This is the receipt copy of requisition dated 05.12.2024 and the bank documents supplied to me (marked as **Ext. 100 collectively**).

On 06.12.2024 I went to Hailymandi P.S., Gurugram, Hariyana and submitted this requisition for rendering Police assistance to conduct raid. This is the said requisition prepared by me under my signature and being received by said P.S. (The receipt copy of requisition dated 06.12.2024 is marked as **Ext. 101**). The same was reduce into GDE bearing no. 5 dated 06.12.2024. This is the carbon copy of said GDE certified to be true by the I.C. of Cyber Crime P.S. Kalyani, Ranaghat P.D. West Bengal (marked as **Ext. 102**). Accordingly, on the same day I went to the house of Rupesh Yadav in Ward no. 3 Todapur, Hailymandi P.S. Gurugram, Hariyana and held search, due to which the documents and materials in 17 numbers as mentioned in the seizure list dated 06.12.2024 were seized. (This is the said seizure list duly prepared and signed by me is marked as **Ext. 103** and signature of witness is marked as **Ext. 103/1**). These are the two Debit Cards, one Voter Card, one Pan Card and one Aadhar Card of accused Rupesh Yadav (marked as **Mat Ext. 26 collectively**). These are two mobile phones, one Vivo and another Samsung recovered and seized from Rupesh (marked as **Mat Ext. 27 collectively**). This is the empty packet of sim card recovered from accused Rupesh (marked as **Mat Ext. 28**). These are six bank cheque books recovered and seized from accused Rupesh (marked as **Mat Ext. 29 collectively**). These are two bank pass books recovered and seized from accused Rupesh (marked as **Mat Ext. 30 collectively**). Accused Rupesh Yadav is present in Court today (identified through V.C). I arrested accused Rupesh Yadav under proper arrest memo and thereafter went to a place at Ward no. 3, Todapur, Hailymandi P.S. Gurugram, Hariyana where accused Sahil, S/O Virender Singh

was there. From that place on search I recovered the documents and articles mentioned in the seizure list dated 06.12.2024 in presence of witnesses. This is the said seizure list dated 06.12.2024 duly prepared and signed by me.(seizure list dated 06.12.2024 is marked as Ext. 104 and the signature of the witness is marked as **Ext. 104/1**). These are two cheque books recovered and seized from Sahil (marked as **Mat Ext. 31 collectively**). These are the Realme mobile with JIO sim card recovered and seized from Sahil (marked as **Mat Ext. 32 collectively**) Accused Sahil is present in Court today (identified through V.C). I arrested accused Sahil under proper arrest memo. After returning back to Hailymandi P.S. I intimated about arrest of accused Rupesh Yadav and Sahil. This is copy of said intimation letter prepared and signed by me which was duly received by concerned P.S. under seal and signature (copy of intimation letter dated 06.12.2024 is marked as **Ext. 105**). I then produced those two accused persons before the Ld. Court of SDJM, Pataudi, Gurugram, Hariyana with prayer for six days transit remand and the Ld. Court allowed the prayer for 40 hours. On 08.12.2024 I returned back and produced the said two accused persons before the Ld. ACJM, Kalyani, Nadia under arrest and the articles were deposited at Cyber Crime P.S. Kalyani, Ranaghat P.D. under proper P.R. number. I forwarded the seizure lists to the Ld. Court. I additionally produced another accused Rohit before the Ld. Court of ACJM, Kalyani, Nadia. Said accused Rohit was arrested by S.I. Debarun Das.

On 17.12.2024 I left for Gujrat with my force and reached to Jamnagar, Gujrat on 19.12.2024 and deposited this requisition duly signed by me for Police assistance for holding raid and the said was received by them under seal and signature.

(Copy of requisition dated 19.12.2024 is marked as **Ext. 106**). Myself along with force and constable Arijit Pal went to a place Bajrangpur, Panchkasi, Jamnagar, Gujrat and from accused Faldu Ashoke, I recovered and seized documents and materials as mentioned in seizure list dated 19.12.2024. This is the carbon copy of the said seizure list, the original being prepared and signed by me in the same mechanical process (the carbon copy of seizure list dated 19.12.2024 is marked as **Ext. 23** and signature of witness is marked as **Ext. 23/2**). [Mat Ext. 20 (mobile with two sims), Mat Ext. 21 and Mat Ext. 22 are shown to the witness]. These are the articles recovered and seized from accused Faldu Ashoke (Mat Ext. 20, Mat Ext. 21 and Mat Ext. 22 are identified). Accused Faldu Ashoke is present in Court today (identified through V.C). I arrested the accused Faldu Ashoke under proper arrest memo. Another accused namely Sabal Subhash was arrested. This is the receipt copy of the information of arrest of those two accused persons, which was submitted and received by Panchkasi P.S. under proper seal and signature (the receipt copy of intimation is marked as **Ext. 107**). I produced those two accused persons before the Court of Ld. Third Additional Chief Judge and JMFC, Jamnagar Court Gujrat with prayer for transit leave of six days and the prayer was allowed. Thereafter, I went to Axix Bank Kalavat Branch, Jamnagar, Gujrat

and submitted this requisition duly prepared and signed by me praying for supply of documents in connection with A/C No. 923020049667534, duly received by the bank under seal and signature. Accordingly, the bank supplied these documents (22 copies) including KYC, AOF, certificates, Bank statement etc. These are all the documents (the receipt copy of requisition dated 19.12.2024 along with the documents are marked as **Ext. 108 collectively**).

On 21.12.2024 I returned back to Kalyani with the accused persons namely Faldu Ashoke and Sabal Subhash and produced them before the Court of Ld. ACJM, Kalyani, Nadia through SI Debarun Das and the materials were deposited at Cyber Crime P.S., Kalyani Malkhata under proper P.R. number and seizure lists were deposited in the Ld. Court.

This was the part of my investigation. Accordingly, I deposited the SCD along with all the connected documents to SI Debarun Das.

An amount of Rs. 37,00,000/- (Rupees Thirty Seven Lakhs only) (tentatively) was transferred from the account of defacto complainant Partha Kumar Mukhopadhyay directly to the account of accused Shahrukh by way of cheating.

A huge amount of money was transferred from the account of victim Partha Kumar Mukhopadhyay to Neelima Fashin and ultimately a portion thereof was transferred to the account of accused Jatin Anup Ladwal by second layer of transferred by way of cheating.

Like wise huge amount of money was transferred from the account of victim Partha Kumar Mukhopadhyay to the account of Naitik Collection, subsequently a portion thereof was transferred to the account of Rupesh Yadav and ultimately a portion thereof was transferred to the account of accused Sahil by third layer of transfer by way of cheating.

Like wise huge amount of money was transferred from the account of victim Partha Kumar Mukhopadhyay to the account of Shahrukh Textile, subsequently a portion thereof was transferred to the account of Faldu Ashoke by second layer of transfer by way of cheating.

The Udyam Registration Certificate (photocopy) was seized from the house of accused Imtiyaz. The said document was used by accused Shahrukh for opening his bank account namely Shahrukh Textile.

In view of the information of accused Shahrukh I went to hold raid in the house of Imtiyaz Ansari and Sahid Ali. The details bank account of Imtiyaz Ansari and connected documents were recovered from the accused of Sahid Ali. During my investigation it could be ascertained that Imtiyaz Ansari, Sahid and Shahrukh used to work together for the purpose of earning money by illegal way by practicing fraud upon general public by opening fake bank accounts.

All the documents and materials recovered and seized by me during investigation, are all found by me in the Court today.

Cross examination :

There is mentioned in the C.D. I took up the part of investigation as per direction of I.C. except that there is no other endorsement on that score. (Ext. 93 and Ext. 94 are shown to the witness). There is signature of I.C. authenticating the document and there is no authentication of concerned bank. There is no whisper of the GDE in the requisition (Ext. 13). There is no whisper in the seizure list that the articles were properly sealed and labeled. These types of mobile phones which I have seized in all the seizures in this case, are available in open market manufactured by the concerned companies. At this moment without inspecting the mobile phones, one cannot say the IMEI number of those mobile phones. (Volunteers: at the time of seizure I checked the IMEI numbers of those mobile phones).

Not a fact that the seizure lists were prepared without taking signature of the local witnesses.

There is no note in the seizure lists that I checked the IMEI number of those mobile phones. There is no whisper in the seizure lists in all cases that we offered to search ourselves. There is no NIL seizure list (Volunteers: we offered to search ourselves but they refused in all cases). After seizure from Jatin, we returned back to Pelhar P.S. Except information to concerned P.S., no further GDE was lodged regarding seizure. There is no mention in the seizure lists regarding the GDE number of the local P.S. No direct or indirect transaction between Imtiyaz and Shahruk could be established in this case. Said Imtiyaz, Shahruk and Sahid Ali are the residents of the same locality. There is no endorsement of the banks, to the effect that 'certified to be true' in all the documents supplied by the bank to me. Except the data received from the bank, I have no knowledge as to how Sahil opened the bank account IDFC Bank, Rewari Branch. There is no reflection in the investigation as to when and how the phone number of Sahil was changed in bank records. The KYC document of Sahil are all updated in the bank account. There is no investigation that whether the reply of UIDAI on the point of 'YES' or 'NO' was received by the bank at the time of opening the account by supplying aadhaar. I did not try to track Neelima Fashion from whose account the money was transferred to account of Jatin Anup Ladwal. I did not try to track Naitik collection from whose account the money was transferred by third layer to the account of Sahil. I deposited the alamats in malkhana by filing GDE, but there is no note on that score.

Not a fact that there is no mention in the seizure list (Ext. 19) as to the serial number of the cheque pertaining to bank of Indusind Bank.

Not a fact that my investigation is merely a table work and my investigation is perfunctory one.

PW-27 Debarun Das (I.O. of this case) :**Examination-in-chief :**

Presently, I am now posted as S.I. at Cyber Crime P.S., Kalyani, Ranaghat P.D. since December, 2023. I am the First I.O. of this case. The instant case was started out of a typed complaint filed by one Partha Kumar Mukhopadhyay on 06.11.2024 at Cyber Crime P.S., Kalyani, Ranaghat P.D. Out of such complaint Cyber Crime P.S. case no. 61 of 2024 dated 06.11.2024 was started and I.C. namely Utpal Saha endorsed me the case for investigation. This is the endorsement on the typed complaint by ASI Bimalendu Mondal whose signature and hand writing I know. The endorsement on typed complaint is marked as **Ext. 61/2**. Thereafter said ASI filled in this Formal FIR with his signature (the Formal FIR is marked as **Ext. 62** and the signature of R.O. is marked as **Ext. 62/2**). I.C. thereafter endorsed me to investigate the present case.

Accordingly, I took up the investigation, perused the FIR, complaint and all other documents including the annexures. I examined the complainant and recorded his statement separately. The complainant showed me his mobile phone where he received the whatsapp chats and phone calls of the fraudsters. (Ext. 65 is identified). These annexures were accompanied with the FIR. After checking these annexures I could identify the seven bank accounts of different banks. The complainant was made to transfer his money to seven accounts from his four accounts. The offending phone no. of the fraudsters is 7319541594. The mobile phone of complainant where he received whatsapp chat and phone call is 9433390233. From this annexure the picture of Hemraj Koli is found who perpetrated fraud upon the complainant and duped money. I visited the P.O. i.e. the house of the complainant where he was so called digitally arrested. I prepared rough sketch map with index of the P.O. This is the said rough sketch map with index (marked as **Ext. 109** and **Ext. 110 respectively**). thereafter, I returned back to P.S.

I sent requisition to the banks where the complainant was made to send money. I sent the offending mobile number of fraudsters to OC, SOG for collecting CDR, SDR and CAF. I sent requisition to Whatsapp Inc for sending the registration details and log in IP pertaining to the whatsapp account of the fraudsters. This is the copy of requisition dated 08.11.2024 along with attachment sent through Whatsapp portal by our I.C. Utpal Kumar Saha under his signature (the copy of requisition with attachment are marked as **Ext. 111** and **Ext. 112 respectively**). This is the reply of Whatsapp Inc in connection with the requisition addressed to our P.S. through Whatsapp portal and downloaded by our P.S. duly certified by I.C. (marked as **Ext. 113**). This is the copy of letter addressed to OC, SOG, Ranaghat P.D. issued by myself by my signature and being forwarded by I.C. (marked as **Ext. 114**).

Both the numbers i.e. the offending mobile number of fraudsters as well as the

mobile number of defacto complainant, both numbers are belonging to Airtel company. This is the reply of SOG Ranaghat P.D. dated 09.11.2024 along with attachment through mail mentioning that, no data was found in pursuant to search of offending mobile no. 7319541594. The said information received through mail along with attachment are certified by our I.C. (the document dated 09.11.2024 is marked **Ext. 115 collectively**). From Ext. 113 it is apparent that the last seen IP address of the offending mobile no. is 202.79.29.198. Firstly, I searched in google, 'what is my IP'. This is the screen shot of said search duly certified by I.C. under his signature (the screen shot is marked as **Ext. 116**). After opening the portal, I put the said I.P. address 202.79.29.198 and found the result which has been downloaded and this is the said document, duly certified by I.C. (marked as **Ext. 117**). From the result it appears that the last location of the IP address is in the country Cambodia. There is no MLAT (Mutual Legal Assistance Treaty) between our country and Cambodia and accordingly we had to stop there. These are the certificate u/s. 63 (4) (c) of BSA containing two pages regarding the data of the Whatsapp issued by constable Pabitra Pal and myself respectively. I know the signature of said constable (marked as **Ext. 118** and **Ext. 119 respectively**). These are the certificate u/s. 63 (4) (c) of BSA containing two pages regarding the data relating to, 'what is my IP' issued by constable Pabitra Pal and myself respectively. I know the signature of said constable (marked as **Ext. 120** and **Ext. 121 respectively**). These are the copy of requisitions signed and sent by me time to time to different banks (six pages) (marked as **Ext. 122 collectively**).

On 12.11.2024, I received datas from different banks namely AU Small Finance Bank (having account no. 2401252162825531), Ujjivan Small Finance Bank (having account no. 1102110120071392), Punjab National Bank (having account no. 4769000100095171), Axis bank (having account no. 923020049667534) and IDFC First Bank (having account no. 10189359753 in the name of Saharukh Textile). After receiving the replies from those banks through mail I analyzed the data concerned. These datas are relevant, in as much as the money of the victim was made to transfer to the accounts of these banks.

On 19.11.2024 I received data of Federal Bank in the name of Sitaben Vijaybhai bearing A/C. No. 23400100024244.

On 22.11.2024 I went to Thane, Maharashtra with force and submitted requisition at IDFC Bank Ullashnagar Branch for supplying information in connection with A/C. No. 10189359753, duly signed by me and the same was received bank end after putting signature and seal. (This is the said copy of requisition is marked as **Ext. 123**). This is the reply of the said bank duly signed by the bank authority with seal with the documents including bank statement, AOF and KYC (marked as **Ext. 124 collectively**). From the KYC i.e. Udyam Registration Certificate the mobile phone no. 9168565255 is collected and during investigation it appears that it belongs to accused Imtiyaz Ansari (the entry of the phone

number is marked as **Ext. 124/1**). This is the requisition for collecting the information from Bandhan Bank, Thane Branch, Maharashtra duly signed by me and received by the said bank. This is the reply letter including all the documents i.e. KYC, AOF and Bank statement provided by the said bank (all the documents are marked as **Ext. 125 collectively**).

I have perused the SCD containing documents and materials as produced the part I.O. namely S.I. Subham Halder (Ext. 19 is shown to the witness). The sim card in respect of phone number 9168565255, was recovered and seized by S.I. Subham Halder from accused Imtiyaz Mohammad Issa Ansari as it appears from the seizure list dated 29.11.2024.

On 29.11.2024, the part I.O. SI Subham Halder informed me over telephone that accused persons namely Shahrukh, Imtiyaz and Sahid were arrested by him at Maharashtra.

On 01.12.2024 I left Maharashtra for Rajasthan.

On 02.12.2024 I went to Phalodi P.S. of Rajasthan and took the assistance of local Police and went to the house of Sunil S/O Sonaram situated at Dayasagar, P.S. Phalodi, Rajasthan. On search I could not find the accused Sunil but after search I recovered and seized two ATM cards and one voter identity card from his house in presence of Constable 988 Arijit Pal. This is the carbon copy of the said seizure list, the original is being prepared and signed by me in the same mechanical process (carbon copy of the said seizure list dated 02.12.2024 is marked as **Ext. 21** and the signature of the witness is marked as **Ext. 21/2**). These are the said two ATM cards along with one voter ID recovered and seized therefrom (Mat Ext. 18 is shown to the witness and identified by him). Thereafter, I went to Lohawat P.S. Dist. Phalodi, Rajasthan where I deposited the requisition for seeking Police assistance which was received by them and thereafter they handed over me this GDE (the document is marked as **Ext. 126**). In consequence with Police force including constable Arijit Pal we proceeded to the house of another Sunil S/O Chanaram at Muldraj, P.S, Lohawat, Dist. Phalodi, Rajasthan and on search could not found said Sunil but I recovered and seized one Aadhaar card and one Pan Card in the name of Sunil and one Pass book. Accordingly, I prepared seizure list under my signed and signature. This is the carbon copy of seizure list, the original being prepared and signed by me in the same mechanical process (the carbon copy of seizure list dated 04.12.2024 is marked as **Ext. 22** and the signature of the witness is marked as **Ext. 22/2**). These are the said alamat (Mat Ext. 19 is identified by the witness).

On 05.12.2024 I left for Hariyana and on 06.12.2024 I reached there and on that day I submitted requisition at Sadar P.S. Dist. Hisar, Hariyana for Police assistance and this is the said requisition duly signed by me acknowledging the receipt thereof by the concerned P.S. with seal and signature (the document is marked as **Ext. 127**). In consequence thereof, on that day i.e. 06.12.2024 myself along with force went to the house of accused Rohit, at Mirzapur, P.S. Sadar Hisar, Hariyana and from his possession one OPPO mobile one and one Airtel Sim Card were recovered and seized. This is the said seizure list duly prepared and

signed by me (the S.L. is marked as **Ext. 128** and signature of the witness is marked as **Ext. 128/1**). [At this stage one black coloured OPPO mobile phone along with one SIM card are shown to the witness by the Ld P.P.] These are said alat recovered and seized from the possession of Rohit on 06.12.2024 (marked as **Mat Ext. 33**). I checked the IMEI number of the said mobile phone by dialing *#06# and got the IMEI number. The ICCID number of the sim which I have mentioned in the seizure list dated 06.12.2024 (marked as Ext. 128) is found in CAF of that particular SIM. Later it was found that the connection number of that SIM is the registered mobile number of the bank account issued by FINO Bank where victim's money is siphoned into. Accordingly, I arrested accused Rohit and produced him before the Court of Ld. JM, Hisar, Hariyana with a prayer for six day's transit remand and the Ld. Court allowed the prayer for four days. Accused Rohit is produced today in Court (identified the accused through V.C.). From Hariyana I went to Delhi and handed over the accused Rohit to SI Subham Halder and thereafter I went to Gujrat where I accompanied I.C. Utpal Saha.

On 12.12.2024 I.C. submitted requisition at Bandhan Bank, Varachha Branch, Surat for required information. This is the copy of said requisition duly signed by I.C. and the documents supplied by the said bank along with KYC (the documents i.e. 11 pages are marked as **Ext. 129 collectively**). Thereafter, I went to Bank of Gujarat Surat Branch and issued requisition duly signed by I.C. Utpal Kumar Saha for providing information and obtained the relevant documents from the bank including KYC, AOF, bank statement, in reply. (These are the said documents are marked as **Ext. 130 collectively**). Thereafter, I submitted requisition at Athwalines P.S., Surat, Gujrat seeking for Police assistance on 13.12.2024 being received by said P.S. under seal and signature. This is the said copy of requisition along with the copy of GDE issued by the said P.S. (3 pages are marked as **Ext. 131 collectively**).

On 14.12.2024 I went to the house of Pathan Sumaiya Banu with force including L.C. Lina Das and from the exclusive possession of that accused one Motorala mobile phone, one UCO bank ATM card, one Utkarsh Bank Debit card, one IDFC First bank Debit Card and one Central Bank of India Debit Card were recovered and seized. This is the carbon copy of the said seizure list, the original being prepared and signed by me by the same mechanical process. (the carbon copy of S.L. is marked as **Ext. 14** and the signature of witness is marked **Ext. 14/2**). (Mat Ext.2, 3, 4, 5 and 6 are shown to the witness). These are the said articles which were recovered and seized. (Mat Exhibits are identified). I arrested her and produced before the Ld. J.M Surat City with transit remand for six days and the Ld. Court allowed the prayer. The accused person Pathan Sumaiya Banu is present today in the Court (identified through V.C.).

On 21.12.2024 SI Subham Halder handed over me the SCD along with all the

connected documents to me and I went to Malkhana and identified all the alamats.

On 30.12.2024 I took P.C. of 13 accused persons from the Court of Ld. ACJM, Kalyani, Nadia for eight days.

On 03.01.2025 complainant Partha Kumar Mukhopadhyay came to the P.S. and showed his mobile phone again in connection with the Whatsapp chat between the mobile phone of the fraud sters and that of himself. He came with the print out of such exported Whatsapp chat and handed over the same to us. Then I accessed his Whatsapp chat by opening the same by scanning QR Code in web.whatsapp.com in our office laptop using internet resource of our P.S. The Whatsapp chat was opened. After that I took the screen shot of the Whatsapp chat in two copies of total 124 pages each. Then he again exported the chat in my presence and sent the same to his mail. I logged in and accessed that mail from my official laptop using internet resource of our P.S. I printed out such Whatsapp chat from the mail of the complainant (with objection).

I seized some bank statements, Whatsapp chat screen shot print out copies (124 pages), Whatsapp exported chat print out copies (17 pages), photocopy of Hemraj Koli print out from Whatsapp chat, one Realme mobile phone, one Airtel Sim and one 6 pages document regarding fake account number 403101206666. This is the carbon copy of the said seizure list. I prepared seizure list under my signed and signature. This is the carbon copy of seizure list, the original being prepared and signed by me in the same mechanical process (the carbon copy of seizure list dated 03.01.2025 is marked as **Ext. 63** and the signature of the witness is marked as **Ext. 63/2**).

[The documents marked as Ext. 64 collectively are shown to the witness]. These are the said documents which were sized by me (identified Ext. 64 collectively).

These are the print out of exported Whatsapp chat seized by me (the print out of exported Whatsapp chat i.e. page no. 1740 to 1755 in blue ink are marked as **Ext. 64/2 collectively**). The rest print out of Whatsapp chat is the screen shot taken using my official laptop.

This is the said mobile phone of complainant Partha Kumar Mukhopadhyay seized by me on 03.01.2025 (Mat Ext. 25 identified).

This is the certificate u/s. 63 (4)(c) of BSA dated 03.01.2025 duly prepared and signed by me pertinent to the print out of Whatsapp chat in connection with the screen shot as well as the exported Whatsapp chat [all the documents along with certificate u/s. 63 (4) (c) of BSA is marked as Ext. 132 collectively and be kept with the envelope (with objection)]. [Ext. 64 i.e. certificate u/s. 63 (4)(c) of BSA] is shown to the witness]. The device details mentioned in that document belonged to myself (marked as **Ext. 64/3**). (Ext. 48 and Ext. 49 are shown to the witness). This is the requisition and reply and this is the photograph of Hemraj Koli (identified those documents).

(Ext. 24/2 is shown to the witness). On 07.01.2025 I went to the house of Dipankar Chatterjee at Bhadreswar and seized some documents from his house. This is the carbon copy of said seizure list dated 07.01.2025 duly prepared and signed by me in the same mechanical process. [Entire Seizure list is marked as **Ext. 24**] (With objection). (Mat Ext. 23, 23/1, 23/2 and 23/3 are shown to the witness). These are the said documents which were seized from the house of Dipankar Chatterjee (identified all those Mat Exhibits).

During my investigation I arrested the accused Pathan Sumaiya Banu and Rohit, as the money of the victim were siphoned to their bank accounts through chain of transfer.

On 06.11.2024 the FIR was lodged and I seized the mobile phone of the victim on 03.01.2025. In the meantime I thought it prudent to hold the accounts and to identify them as huge amount of money of the victim/complainant was siphoned and accordingly there is such delay of seizure. On the first day when I met the complainant I instructed him to preserve the data of mobile phone safely. During the investigation I did not collect the details of the offending phone number from Airtel as the phone number could be identified by me from the mobile phone of the victim, as I could gather it from the settings of the mobile of the victim and from Whatsapp profile. During the investigation I found whatever documents and materials were collected by me, all are produced before the Court. Victim told me that portion of whatsapp chats of the fraudsters were deleted by the fraudsters before 06.11.2024.

‘What is my IP’ is an open source tool. Such type of open source tool is available in google. I do not know whether those search engines are approved by the Govt. or not. I do not know whether there is Govt. registered search engine named as Indian Registry for internet names and numbers (IRINN) and that its Official website is www.india.gov.in/official-website-indian-registry-internet-names-and-numbers. Fact that I did not hold search from that search engine. I verified the result availed from, ‘what is my IP’ search engine with the other search engines, but there is no note in the C.D. to that effect.

(To Court- why you used the search engine, ‘what is my IP’ ?

Ans. It is very commonly used and it is very renowned).

Despite the existence of Govt. registered tool, it seemed to me that it is more effective and reliable. There is no note in my C.D. to that effect. There is no note in the C.D. that the said search engine was not compromised under the influence of hackers. I issued requisition to Airtel company and other companies regarding the SIM of the fraudsters. Except Airtel the other companies did not reply at all as the data was not available to them. There is no whisper in the charge sheet as well as that if the company having no data regarding SIM, they will not reply. As the said Hemraj Koli was fake and does not exist at all, there is no question of arrest. Taking that photograph of so called Hemraj Koli we did not circulate it to different P.S. to establish the actual identity of that person, nor did we take help

of electronic system for the purpose of establishing the identity of that photograph. All and each person in whose bank account money was sent through chain of transfer as well as direct transfer were not made accused in this case. The proprietor of AP construction, Mr. Ahmed Nissan PP, Mrs. Faujiya Imran Motiwala, proprietor of Krishna Fashin namely Neelima, Chabra Krisha Kumar Manu Bhai, Sunil Kumar, Sunil Khara, Naitik collection, Sitaben Bijay Bhai Yadav and Rubia Banu were not made accused in this case. The mobile phone of the defacto as well as other mobile phones which were seized in this case were not sent to FSL. The storage device where the data of phone of complainant were stored i.e. my official laptop was also not sent to FSL. In the certificate sec. 63 (4) (c) of BSA issued by me there is non mentioned of chain of movement of data for the purpose of its integrity. There was no direct and indirect monetary transaction established between the complainant in one part and Imtiyaz Ansari and Sahid Ali in another part. Sahid Ali had no bank account and no such account was seized in this case. (At this stage copy of mail information of Indusind Bank sent to I.C. Cyber Crime P.S. dated 08.01.2025 is shown to the witness). From this document it appears that the current bank account of Imtiyaz Textile was closed on 24.06.2024 i.e. three/four month's before this case (the document is marked as **Ext. A** from the side of Defence). (Volunteers- that account may be mule account).

Not a fact that my investigation is merely a table work or that the documents and certificates provided by me are not as per law or that the accused persons whom we arrested are not at all involved in the alleged crime and real culprits were not arrested in this case.

On 14.12.2024 I went to the house of Pathan Sumaiya Banu to hold raid. The said GDE was lodged on 13.12.2024 but local Police did not help and accompany us on 13.12.2024 and accordingly the search was held on 14.12.2024. There is no note in the C.D. on that score. The locality was Amina Ka Wadi where we held search for Pathan Sumaiya Banu. That is congested place. There is no signature of local witness on such seizure list (volunteers- we searched but none appeared to act as witness). There is no note in the C.D. that we tried to collect local people as witness but none appeared. There is no mention that we issued notice upon any of the local witness. No NIL seizure list was prepared. There is no note in the C.D. that we placed requisition for collection CCTV Footage of the ATM where the money was withdrawn by whom on behalf of Pathan Sumaiya Banu. There were three children in the house of Pathan Sumaiya Banu.

Not a fact that my investigation was perfunctory one.

Not a fact that I have deposed falsely.

PW-28 Utpal Kumar Saha (I.O. of this case) :

Examination-in-chief :

Presently, I am now posted as I.C. at Cyber Crime P.S., Kalyani, Ranaghat P.D. since

20th February, 2024. On 16.01.2025 I.O. of this case placed a prayer before Ld. ACJM, Kalyani, Nadia for adding sec. 66C and 66D of IT Act and the said prayer was allowed. Thereafter, I personally took up the investigation of this case as further I.O. I perused the FIR from which I could gather that the victim Partha Kumar Mukhopadhyay received a whatsapp call on 19.10.2024 in his mobile number from the mobile number of fraudsters. The caller identified himself as S.I. of Mumbai Police and alleged that the complainant was involved in a financial fraud. To make the complainant/victim to believe such story, the said caller sent various documents and photographs to the victim in his mobile phone through whatsapp chat. The caller frightened the victim that if the victim does not follow the direction of the caller, the said victim will be digitally arrested along with his wife. Due to such fear of stated digital arrest, the victim was bound to pay the huge amount of money near about 1 crore to the caller as per direction. Accordingly, after perusal of FIR, I went through the development of the C.D. and the investigation of previous I.O. I found that I.O. collected the IP address of the fraudster's whatsapp account through whatsapp LEORS (law enforcement on line request system), as whatsapp is IP based platform and to connect through it only IP address is required. I.O. analyzed that IP through OSINT (open source intelligence system). The IP was identified by the I.O. as internet service provider of Cambodia, which can only be provided by the ISP (internet service provider) of that Country. From the investigation of the previous I.O. it could be ascertained that the stated identity card of said SI of Mumbai Police namely Hemraj Koli, which was sent to the victim as well as Dipankar Chatterjee in order to frighten them, is totally a fake ID and there is no person of SI Mumbai, Police name as Hemraj Koli. The said fact was established as the SHO of Mumbai Police submitted a report on that score after thorough search. The statement of Canara Bank which was sent by caller/fraudsters to the complainant as well as Dipankar Chatterjee through whatsapp is also a fake statement, as the stated customer had no bank account in Canara Bank and such fact could be established as per the report of the Manager of Canara Bank. The chat history of whatsapp, seized by I.O. from the complainant it could be ascertained that it was combined conspiracy as the caller who was in Cambodia provided all the accounts with IFSC Code mentioning the amount to be paid by the complainant in those accounts as well as the concerned account holder to whom the money were sent by the complainant, immediately withdrew the same through RTGS, IMPS and other modes. Those account holders even did not inform the concerned banks that the transferred amount were not their and as they did not disown those transferred amounts having knowledge about such transfers, it can safely be said that those persons had nexus and conspiracy with the fraudsters operating from Cambodia. From the documents and materials collected by the previous I.O., it is certain that the nine arrested accused persons are totally involved in this case and accordingly I submitted charge sheet against all of them u/s. 319(2)/318(4)/ 338/ 336(3)/

61(2)/ 351(2)/317(4) of BNS read with sec. 66C and 66D of IT Act, 2000 as amended. I collected all the authenticated copies of AOF, KYC, statements of the Bank Accounts, certificates u/s. 2(A) of BBE Act and certificate u/s. 63 (4)(c) of BSA. Basing upon those documents, I submitted four supplementary charge sheet in this case. All the documents and materials collected through investigation, are produced before this Court today. Before filing supplementary charge sheet, I found some facts that one person namely Sunil Kumar in whose account Rs. 2 lakhs was credited from first layer account, his two another debit cards were seized from the possession of accused Pathan Sumaiya Banu. I have also collected authenticated documents in this regard. Secondly, I found that the involved account where the amount were debited from the account of complainant, is involved in 108 other cases all over India and I have the all complaint numbers which I can produce before the Court. This is the said document wherein the details of those 108 complaints can be found. This document is prepared by downloading the data from National Cyber Crime Reporting Portal of Govt. of India which is till now available in the said website and anybody can access it. This document is authenticated by me. (the document is marked as **Ext. 133**). Another fact is that accused Sahid Ali used to collect money by cash from accused Shahrukh Shaikh and Imtiyaz and another accused Sahid Ali took all the identity cards like Pan, Aadhaar of Shahrukh, Imtiyaz and others through whatsapp for creating more and more bank accounts to apply fraud. From the whatsapp chat of seized mobile of Sahid Ali, the same is established. All the online communications made by the previous I.O. during their investigation were all made from our official mail account which is in my custody and accordingly I am producing this certificate u/s. 63 (4)(c) of BSA for those documents which were duly signed and sealed by me and produced in evidence in this trial (marked as **Ext. 134**).

Cross examination :

I have filed charge sheet against the persons in whose account the money was transferred from the account of complainant Partha Kumar Mukhopadhyay, as established during the course of investigation.

In the bank account of the proprietor of AP construction, Mr. Ahmed Nissan PP, Mrs. Faujiya Imran Motiwala, proprietor of Krishna Fashin namely Neelima, Chabra Krishna Kumar Manu Bhai, Sunil Kumar, Sunil Khara, Naitik collection, Sitaben Bijay Bhai Yadav and Rubia Banu, the money of complainant was transferred. They were not made accused in this case.

(Volunteers- I.O. collected information with the level best and so far evidence collected by I.O., basing upon that I have submitted charge sheet).

There was no prayer for further investigation.

Not a fact that the certificate issued by me u/s. 63 (4) (c) of BSA is not as per law.

Not a fact that the supplementary charge sheets submitted by me during trial is nothing but to fill up the lacunae.

Not a fact that my investigation is perfunctory one.

14) Evidence Scan :

PW 1 namely Arijit Das being the nodal officer of telecom company namely Bharti Airtel Ltd. provided valuable mobile data with reference to mob no. 9773621224 and 9416745317. The witness identified the documents produced on behalf of his company. He proved scanned copies of CAF and CDR for mobile number 9773621224 which shows the same in the name of Rameshwar Prasad, S/O Nathi Lal. The CAF in respect of mobile number 9416745317 stands in the name of accused Rohit, S.O Jaibir Singh.

PW2 namely Akash Debnath being the manager of SBI Kalyani branch had provided details of the bank a/c of the complainant / victim and from the document it is evident that money has been transferred from the victim's a/c to the fraudsters a/c which corroborates the prosecution case. He has identified the documents provided on behalf of his bank. The data which he had provided on behalf of SBI i.e. his bank are all system generated and there is no chance of apprehension that the contents are tampered to falsely apprehend the accused. The said PW proved account opening form (Ext-4 collectively) and Bank Statement (Ext-5 collectively). From those exhibited documents, it appears that the complainant opened the bank A/C No. 11151161952 by providing his KYC including aadhaar card and his mobile number 9875638302 and 9433390233 were linked with such account.

PW3 namely Rajesh Banerjee being the manager of Bandhan bank Kalyani branch, proved the fraudulent transaction between complainant-victim & M/s PIRAN ENTERPRISE he proved the documents provided by his bank which corroborates the prosecution case. He proved the bank statement (Ext-10) which shows that joint account no. 50150086666434 stands in the name of the complainant and his wife in Bandhan Bank, Kalyani.

PW4 namely Lina Das being a Lady constable of Kalyani Cyber Crime P.S. under Ranaghat P.D., has witnessed some crucial seizure when she had accompanied the I.O. during investigation. At first she went to Maharashtra in the house of accused Anup Jatin Ladwal and witnessed the seizure of mobile phone from his possession. She identified the mobile phone as well as the accused person and her signature on seizure list. She remained a seizure list witness when the seizure was made from the house of Pathan Sumaiya Banu and also witnessed various seized articles, namely mobile phone, debit cards etc. She identified all the seized articles as well as her signature on seizure list and also identified the accused

Pathan Sumaiya Banu before this Court. She also narrated the procedure by which IMEI numbers of the seized mobiles were obtained. From Ext. 92 (collectively) read with Ext. 14, it appears that the UCO Bank ATM Card in the name of Sunil Kumar was recovered from the accused Pathan Sumaiya Banu. It further appears that some other debit cards in the name of different persons were also recovered from accused Pathan Sumaiya Banu.

PW5 namely Arpan Kumar Kar being the nodal officer of Vodafone, provided CDR, SDR and CAF of mobile numbers connected with the case. The witness identified both the documents. He proved Mat Ext. 7 which shows the details of SIM issued by Vodafone. From such document it is clear that phone number 8153072446 was issued to accused Pathan Sumaiya Banu.

PW6 namely Arijit Pal being the witness of cyber crime Police Station (RPD) Ranaghat Police District, was in raid team and witnessed the seizure of various materials from the possession of the accused Sharukh, Imtiyaz Mohammad Isha Ansari and Sahid Ali Sekh. He identified all the seized articles connected with the case and provided crucial data related to the case. The witness also witnessed the seizure from the House of Sunil and identified the documents seized from the House. The witness also witnessed the seizure of materials and documents from the house of accused Faldu Ashoke and also identified them. The witness has witnessed the seizure from the house of Dipankar Chatterjee, victim of another cyber fraud case of like nature. He identified the seizures that are connected to the case. The witness divulged how the IMEI number of the mobile phones were obtained. The witness also identified all the accused persons in whose presence the seizure were made.

PW7 namely Subir Kumar Deb being a nodal officer of reliance JIO, provided valuable data with respect to CDR, SDR & CAF of some mobile numbers which are connected with the case. He also identified all the documents provided by the telecom service provider. He proved the certified copies of CDR, SDR & CAF and the compliance letter is marked as Ext. 28 and the C.D. containing the details data is marked as Mat Ext. 24. From such document it appears that accused Sahil is the owner of mobile phone number 8901677306, as well as accused Faldu Ashoke was allocated mobile no. 9925470610. Sitaben Vijay Bhai Jadav was allocated mobile no. 6351899217. They obtained those SIM from JIO. In view of PW-12 such mobile number of accused Sahil was linked with Bank A/C No. 10199351901. Later on it was changed by the account holder to 9466880396. However, the email id was the same (Ext. 38/1 and Ext. 38/2).

PW8 namely Jayesh Kumar Rana being a banker representing the Axis bank had provided some crucial data in form of bank statement and KYC related documents. The data

proves the transfer of Rs.9.75 lakh from the account of Sharukh textile (The account of accused Sharukh) to the account of Neel Trading, proving the fact of siphoning the hard-earned money of the victim to the account of the accused persons through various layers. He proved AOF, KYC and Bank Statement and the certificates (marked as Ext. 30 collectively). It appears from those documents that the account of Neel Trading Co. was opened by accused Faldu Ashoke by supplying KYC and by filling up the form under his signature.

PW9 namely Mangesh Motwani being the Branch manager of IDFC bank, had provided on behalf on the Bank some crucial data or information relating to the case. On analysis of bank statement it is evident that Rs 37.6 lakhs was siphoned from the bank account of the victim to the accused Sharukh and an amount of Rs. 3.75 lakhs was transferred from the bank account of accused Sharukh to next layers of fraudulent transaction. The witness identified all the documents. He proved AOF, KYC and the Bank Statement (Ext. 32 collectively). From those documents it appears that the account of Sharukh Textiles was opened by accused Sharukh by supplying his KYC and by filing form under his signature.

PW10 namely Deepesh Samadhiya being the Branch manager of Bank of Maharashtra had provided on behalf on the Bank some crucial data or information relating to the case. On analysis of bank statement it is evident that considerable amounts were debited and credited from or to various account holders . The witness identified all the documents. He proved AOF, KYC, Bank Statement and certificates (marked as Ext. 34 collectively). From such documents it appears that A/C No. 60508171144 was opened by accused Pathan Sumaiya Banu by supplying KYC and all the relevant documents and filling up the form under her signature and supplying the mobile number 8153072446. He also deposed about the account of Sitaben Vijay Bhai who has not been arrested in this case.

PW11 namely Rahul Kumar being a branch manager of Axis Bank provided some important data from which it is evident that huge amount of money has been transferred in between various fraudulent accounts and the money is nothing but the cheated money. He proved KYC, AOF, Bank Statement and certificate (Ext. 36 collectively). From those documents it appears that A/C No. 924010040687988 was opened by accused Rupesh Yadav by filling up the form under his signature and by providing all the required datas. If we go through the evidence of PW-5 and PW-11 coupled with Mat Ext. 7 and Ext. 36/1, 36/2, it will be cleared that mobile number 9992591227 in the name of Rupesh Yadav is tagged with such account number of Rupesh Yadav and that he received money of fraudulent transaction, a portion of which he transferred to accused Sahil and accordingly he has direct knowledge

regarding the offence.

PW12 namely Ankur Jadon The witness of the branch manager of IDFC bank provided some important data as to the bank account of accused Sahil .The document also proved the flow of money from the account of accused Rupes Yadav to account of Sahil. The witness has identified the documents provided on behalf on the bank.

PW-13 namely Atanu Sarkar being the Port Folio Manager of Fino Payments Bank at Kolkata Regional Office tendered in evidence AOF, e-KYC and bank statement alongwith certificate u/s. 63(4) (c) of BSA as well as Banker's Book of Evidence Act (Ext. 41 collectively). He deposed that Rs. 4,99,996/- was transferred from the account of Shahrukh Textiles to the account of Mr. Rohit (Ext. 41/1). From his evidence as well as Ext. 41 it is clear that accused Rohit opened Bank Account No. 20351496919 by supplying his aadhaar card as identity proof bearing no. 115930132924 and the mobile no. 9416745317. From Ext. 1(i.e. CAF supplied by Bharati Airtel Ltd.) and from evidence of PW-1, it appears that the said mobile phone and SIM card belongs to Rohit. The process as it appears for opening the bank account as deposed by PW-13 is that, the customer has to supply the aadhaar card and mobile number to be registered with the bank. Thereafter, one OTP is sent from the bank side to that registered mobile number and the customer has to put that OTP in the application of account opening page, in consequence of which, the concerned bank account is opened and becomes operative. From evidence of PW-27 i.e. SI Debarun Das it appears that from the possession of accused Rohit, one OPPO mobile phone and one Airtel SIM card were recovered and seized (Mat Ext. 33). The number of the SIM recovered from Rohit is found in seizure list dated 06.12.2024 (Ext. 128). From Ext. 1 it appears that such SIM is registered in the name of accused Rohit. From Ext. 41 it appears that such SIM number was mentioned in the bank account of Rohit. From the evidence it is crystal-clear that it was the accused Rohit who has opened the said bank account. There is no explanation from the side of accused Rohit u/s. 313 Cr. P.C. (u/s. 351 of BNSS) regarding such fact and accordingly presumption goes against him.

PW-14 namely Vaibhav Tatkare being the Branch Relation Manager of AU Small Finance Bank at Chakala Branch, Maharashtra also supplied AOF, KYC, bank statement and certificate (Ext. 44 collectively). He deposed that Rs. 1,37,000/- was transferred from the account of Neelema to the account of accused Jatin Anup Ladwal (Ext. 44/1). From Ext. 44 it appears that he opened the bank account no. 2401252162825531 by supplying his KYC and filling up the form under his signature. However, the mobile number supplied by him to the bank is 7757853573 as it appears from the bank record produced by PW-14 as evidence.

If that phone number does not belong to accused Jatin Anup Ladwal then it is upon him to explain why he used such phone number in his bank account. There is no explanation from the side of accused person u/s. 313 of Cr. P.C. (u/s. 351 of BNSS) on that score. Accordingly, presumption goes against him. From the statement it is evident that the hard-earned money of the victim was channelized in various fraudulent layers along with evidence of how accused Jatin Anup Ladwal was benefited.

PW-15 namely Biswajit Roy being the Chief Manager of Canara Bank at Kalyani Branch, proved the reply letter in respect of A/C No. 403101206666 (Ext. 46). He provided verification report as to the non-existence of account number being 403101206666. These forged papers relating to the bank account created in the name of two victims namely PW 19 and 18 were used to dupe the said victim. He specifically deposed that from the CBS (Core Banking Solution) on thorough search it could be ascertained that the account number does not exist in any branch of Canara Bank in India. As per evidence of PW-18 and PW-19 i.e. the victim of this case and victim of another case, the fake caller blamed that they had account number at Canara Bank having last four digit 6666 wherefrom a huge amount of money were debited in a money laundering case and accordingly the caller threatened them to coerce money. But the victims denied. This PW i.e. PW-15 came before the Court with relevant banking data and proved that the said account no. 403101206666 does not exist at all in any branch of Canara bank of India. Thus, the intention of the caller in conspiracy with the accused persons of this case for cheating the victim is very much clear from the evidence of PW-15 coupled with the evidence of PW-18 and PW-19.

PW-16 namely Satish Sakharam Kawakar being the Police Inspector at Andheri P.S. deposed in this case through V.C. In compliance with the email from Ranaghat P.D. along with attachment of picture of stated Hemraj Koli, he prepared a report and sent to Ranaghat P.D. through email. Both the emails are marked as Ext. 48 and Ext. 49 in this case. He deposed that on thorough search in their system of entire Police District, they found that there was/is no Police Officer namely Hemraj Koli. Such evidence of PW-16 clearly shows that the caller was a fake person.

PW-17 namely Ashru Sarkar being the Manager of State Bank of India at NRI Kalyani Branch tendered evidence relating to the bank account of the victim. He proved the statement of A/C No. 32955736901 and 33089616115 (marked as Ext. 51 and Ext. 53 respectively). He deposed that the transaction dated 22.10.2024 (Ext. 51/1) and transaction dated 23.10.2024 (Ext. 51/2) were through RTGS containing the reference number of SBI. From the evidence of PW-17 coupled with the exhibited documents and the evidence of

victim it appears that the victim was made to transfer a huge amount of money to the members of racket of fraudsters under threat, coercion and the victim was cheated accordingly.

PW-18 namely Dipankar Chatterjee is victim of another case and not this case. However, prosecution has brought him to adduce evidence in this case to prove that how the fraudsters are committing the same nature cyber crime. The witness being a ill-fated victim of the organized crime was cheated a huge amount of his hard-earned money under the guise of digital arrest. The victim being a senior citizen, has been completely ruined both financially and mentally. In his deposition, he described a detailed account of how he was duped in a span of few days when he was under digital arrest. He had identified all the documents which he submitted before the investigating agency. Though this witness is not the complainant-victim of this case but he was duped in the same way as the PW 19 was. Even the account number told to him and PW 19 is the same having last four digit 6666.

PW-19 namely Partha Kumar Mukhopadhyay is the complainant who had filed the complaint on the strength of which the present prosecution case set into motion. He had given a detailed account showing his predicament and miserable condition resulted from the crime perpetrated upon him during his long virtual detention which is styled and named in present technological terms as digital arrest. Accused persons in conjunction with the fraudster lying at foreign country namely Cambodia had duped the victim to the staggering amount of Rs. 99,30,258/-. He had explained how he was hypnotized and under the negative influence and under psychological manipulation and threat he was forced to transfer all his hard-earned money to the fraudsters. During the investigation he had provided all the relevant documents and his mobile phone which contained the digital footprints as to the fact of how he was duped. He identified all the documents as well as his mobile phone in the open court. His money was stolen by applying fraud and cheating by the fraudster impersonating as police officer and all the accused persons in furtherance of common intention of all with a team work stole his money by taking them in their bank accounts by threat of digital arrest causing wrongful gain to themselves and wrongful loss to victim/complainant.

PW-20 namely Shibu Kant being the Branch Manager of PNB Bank Faridabad, Hariyana, on requisition received from Cyber Crim P.S. Ranaghat P.D., supplied AOF and the bank statement and KYC pertaining to A/C No. 4769000100095171 along with certificate (Ext. 9 collectively). From such exhibited document it appears that the said account was opened in the name of Neelema Fashion and from Ext. 69/1, it appears that Rs.

4,70,000/- was transferred from the account of victim/complainant to that account through RTGS.

P.W.21 namely Ashish Choubey being the Branch Manager of Ujjivan Small Finance Bank at Kanchrapara and from his evidence, it appears that the banks are under core banking system now and accordingly any branch of any bank can access data of any other branch of the same bank, and that system exists for all the banks including the financial institution working under the guideline of RBI. In compliance with requisition of I/C Cyber Crime P.S., Ranaghat P.D., he supplied details of the A/C No. 1102110120071392 including the AOF and KYC and certificates (Exhibit No.72 collectively). From such documents it appears that the accused Sunil Kumar opened the said account by supplying his KYC documents and email I.D. and mobile phone number. From Exhibit No. 72/2, it appears that an amount of Rs. 2,00,062/-, out of total fraud amount of victim / complainant, were transferred to this account through Krishna Fashion. The present accused could not be arrested.

P.W.22 namely Vishwas Trivedi being branch manager of Federal Bank at Morbi Branch came to depose and supplied various documents in connection with A/C No 23400100024244. The KYC, AOF, Bank Statement and the certificates produced by the witness are marked as Exhibit No.78 collectively. From such documents, it appears that Sitaben Vijaybhai Jadav opened the said account. From Exhibit 78/1, it appears that Rs.5,00,029/- was transferred from the account of Krishna Fashion to the present accused. From Exhibit Nos. 78/2, 78/3, 78/4 and 78/5 it appears that an amount of Rs. 1,40,000/- was transferred from the account of Sitaben Vijaybhai Jadav to the account of accused Pathan Sumaiyabanu. Although the latter has been arrested, said Sitaben Vijaybhai Jadav could not be arrested in this case.

P.W.23 namely Rahul Dutt Kumar being the Branch Manager of Bandhan Banak of Vaharacha Branch, Surat came to depose before this court and proved AOF, Bank Statement, KYC pertaining to A/C No. 20100031760221 along with the certificates (Exhibit 83). The documents go to show that the said account was opened in the name of Krishna Fashion. He deposed that Rs.2,00,062/- was transferred from the account of Krishna Fashion to the account of one Sunil (Exhibit No.83/1) through RTGS. He further deposed that Rs.17,00,000/- was transferred from the account of complainant to this account (Exhibit No.83/2). He further deposed that Rs.5,00,29/- was transferred from this account to this account of Sitaben Vijaybhai Jadav through RTGS (Exhibit No.83/3).

P.W.24 namely Aditya Srivastava being the Branch Manager of Bandhan Banak at Nayaraipur Branch, Chattisgarh was asked by I/C Cyber Crime P.S., Ranaghat P.D. namely Uttpal Saha by sending requisition, in compliance of which said P.W.24 supplied the AOF, Bank Statement and the KYC pertaining to A/C No. 20100031869400 along with the certificates (Exhibit No.88 collectively). The said account was opened in the name of Naitik Collection. P.W.24 deposed that Rs.10,80,000/- was transferred from the account of complainant through SBI RTGS to this account (Exhibit No.88/1). He further deposed that Rs. 10,00,001/- was transferred from this account to the account of Rupesh Yadav through RTGS (Exhibit No.88/2).

P.W.25 namely Bratati Majumder being the Branch Manager of UCO Bank at Kalyani Branch, Nadia came to depose about the documents which he supplied in compliance with the requisition of I/C Cyber Crime P.S., Ranaghat P.D. He proved AOF, Bank Statement dated 01.10.2024 and the KYC pertaining to A/C no.04503211113195 along with certificates (Exhibit no.92 collectively). It appears that the said account was opened by one Sunil. The father's name of Sunil is Chenaram as it appears from the AOF of Sunil. Phone number 9079803373 is linked with A/C no. 04503211113195. It appears that Aadhaar Card of Sunil was used to open the Bank Account. If we go through Mat Exhibit No.24, Mat Exhibit No.19 coupled with Exhibit no.92 collectively, it can be seen that the SIM of said mobile phone was purchased in the mother's name of Sunil. The Debit Card of that account was seized from the possession of the accused Pathan Sumaiyabanu. Thus the link between the accused persons and their conspiracy has been established since beginning of the cyber crime.

PW-26 namely SI Subham Halder is the Part I.O of this case. He took up investigation and performed the job of investigation till 21.12.2024 i.e. till the date of his handing over charge of investigation to PW-27. From his evidence it appears that on 25.11.2024 he took the charge of investigation. On that day he sent requisition to A.U. Small Finance Bank, Chakala Branch for relevant documents and thereafter received the same. He submitted requisition at P.S. Pelhar for Police Assistance in raid. He conducted raid and arrested Jatin Anup Ladwal and seized articles including mobile phone from him. On 28.11.2024 he went to Shantinagar P.S., Thane, Maharashtra and submitted requisition at such Police Station for raid. He conducted raid and arrested accused Saharukh Sk. and seized articles from him. On 29.11.2024 he went to Central Police Station at Maharashtra and deposited the requisition praying for Police assistance to conduct raid. After that he conducted raid and arrested accused Mohammad Issa Ansari and seized articles from him. On that day he along with force including Constable Arijit Pal went to a place at Samrat

Ashoknagar behind Sarada building Press O.T. Section, Ullashnagar, Thane, Maharashtra in the house of accused Sahid Ali. After conducting raid he arrested the said accused and seized articles from him. He obtained four days transit remand of the said accused. On 04.12.2024 he left for Hariyana with force and on 05.12.2024 he reached at Rewari, Hariyana. He submitted requisition at Axis Bank, Shadatnagar and obtained documents. He submitted requisition at IDFC First Bank, Rewari Branch and obtained the documents. On 06.12.2024 he submitted requisition at P.S. Haliyandi, Gurugram, Hariyana and submitted requisition at Hailyandi P.S. for holding raid. He conducted raid and arrested accused Rupesh Yadav and seized articles from him. On 08.12.2024 he returned back and produced the said two accused persons before the Ld. ACJM Kalyani, Nadia and obtained P.C. After that he again on 17.12.2024 left for Gujrat with Police force and reached to Jamnagar, Gujrat on 19.12.2024 and submitted requisition for Police assistance for holding raid. He conducted raid and arrested accused Faldu Ashoke and seized articles from him. He conducted raid and arrested accused Sabal Subhash. He submitted requisition at Axis Bank, Shadatnagar Branch and obtained documents. He thereafter on 21.12.2024 returned back to Kalyani with the accused persons namely Faldu Ashoke and Sabal Subhash and produced them before the Ld. ACJM Kalyani, Nadia through S.I. Debarun Das and the seized articles were deposited at Cyber Crime P.S. Kalyani, Malkhana under proper P.R. No. and the seizure lists were deposited in the Ld. Court. He then handed over the SCD to SI Debarun Das. The said witness gave the details of crime proceeds being channelized from the account of the victim to the account of the accused namely Jatin Anup Ladwal, Sahil, Faldu Ashoke and Imtiyaz Issa Ansari. He narrated the involvement of various accused persons in the entire chain of the crime.

PW-27 namely S.I. Debarun Das another I.O. of this case. Utpal Saha being the I.C. of Cyber Crime P.S. Kalyani endorsed him for investigation in this case. He stated that on 06.11.2024 he took up investigation of this case. He perused the FIR, complaint and other documents including annexures. The complainant showed his mobile phone to the said witness where he received the WhatsApp chats and phone calls of the fraudsters (Ext. 65 identified by PW-27). After investigation he could learn that the complainant made transaction of his money to seven accounts from his four accounts. He stated that the offending phone numbers of fraudsters is 7319541594. The mobile phone of complainant where he received WhatsApp chats and phone call is 9433390233. He identified the annexure as the picture of Hemraj Koli who perpetrated fraud upon the complainant and duped money. On that day he visited the scene of crime and prepared rough sketch map with index. On 08.11.2024 he sent requisition to banks seeking details. He sent requisition to WhatsApp for registration details and IP address of the WhatsApp. On 09.11.2024 he received reply from SOG Ranaghat P.D. regarding CD/SDR/CAF. He received I.P. details

from WhatsApp . He checked I.P. details from the portal, “what is my I.P.”. On 12.11.2024 he received information/datas from AU Small Finance Bank, Ujjivan Small Finance Bank, Punjab National Bank, Axis Bank, IDFC First Bank. On 19.11.2024 he received reply from Federal Bank. On 22.11.2024 he submitted requisition to IDFC First Bank, Ullashnagar for documents and received reply of the same. On 29.11.2024 he received information from SI Subham Halder (PW-26) about the arrest of accused Saharukh, Imtiyaz Issa Ansari and Sahid. On 01.11.2024 he left Maharashtra and proceeded towards Rajasthan. On 02.12.2024 he conducted raid at Rajashtan and recovered the seized articles from the house of accused Sunil, S/O Sonaram situated at Dayasagar, P.S. Phalodi, Rajasthan. On 04.12.2024 he recovered and seized articles from the house of another Sunil, S/O Chanaram at Muldraj, P.S. Lahawat, Dist. Phalodi, Rajasthan. On 05.12.2024 he left for Hariyana and reached there on 06.12.2024. He conducted raid at Hariyana and arrested accused Rohit and recovered and seized articles from the said accused. He obtained six day’s transit remand for the accused Rohit. On 12.12.2024 he accompanied I.C. Cyber Crime P.S. Kalyani to Gujrat for raid. Reaching there he submitted requisition to bank of Gujrat and obtained relevant documents. He submitted requisition to P.S. Athwalines, P.S. Surat, Gujrat seeking for Police assistance and on 14.12.2024 he went to the house of Pathan Sumaiya Banu. He recovered one Motorala mobile phone, one UCO bank ATM card, one Utkarsh Bank Debit card, one IDFC First bank Debit Card and one Central Bank of India Debit Card from exclusive possession of said accused. On 21.12.2024 he received SCD from anther I.O. namely S.I. Subham Halder (PW-26). On 30.12.2024 he took eight day’s P.C. of thirteen accused persons from the Court of Ld. ACJM, Kalyani, Nadia. On 03.01.2025 he obtained relevant documents from defacto complainant and seized the same. The defacto complainant came with the print out of exported WhatsApp chat and handed over the same to PW-27. Thereafter, PW-27 accessed his WhatsApp chat and printed out it by accessing the mail from the official laptop using internet resources of Cyber Crime P.S. He narrated the procedure in details in his evidence in chief. (The said witness identified all the documents and materials collected during investigation performed by him).

PW-28 is the final I.O. of this case namely Inspector Utpal Kumar Saha. He took up further investigation of this case. On going through the development of the C.D., he could ascertain that it was large conspiracy, as the caller sitting at Cambodia provided all the accounts with IFSC code and mentioning the amount to be paid by the complainant in those accounts as well as the concerned account holders to whom the money were sent by the complainant, immediately withdrawn the same through RTGS, IMPS and other modes. Those account holders even did not inform the concerned banks that the transferred amount were not their and as they did not disown those transferred amounts having knowledge about such transfers, it can safely be said that those persons had nexus and conspiracy with the

fraudsters operating from Cambodia. After conclusion of investigation he submitted charge sheet against all the accused persons u/s. 319(2)/318(4)/338/336(3)/61(2)/351(2)/317(4) of BNS read with Sec.66C/66D of I.T. Act, 2000 as amended. He collected all the authenticated copies of AOF, KYC, statement of the bank accounts, certificate u/s. 2(1) of BBE Act certificate u/s. 63(4)(c) of BSA. He deposed that one Sunil Kumar, in whose account Rs. 2 lakhs was credited from first layer account, his two other debit cards were seized from the possession of accused Pathan Sumaiya Banu. He found that the involved account where the amount were debited from the account of complainant, is involved in 108 other cases of all over India. He tendered documents wherein the details of 108 complaints can be found. He deposed that the said document is prepared by downloading the data from National Cyber Crime Reporting Portal of Govt. of India which is till now available in the said website and anybody can access it. He proved that document (Ext. 133). As per his evidence, the accused Sahid Ali used to collect money by cash from accused Saharukh Sk. and Imtiyaz and another accused Sahid Ali took all the identity cards like Pan, Aadhaar of Shahrugh, Imtiyaz and others through whatsapp for creating more and more bank accounts to apply fraud. He deposed that such fact is established from the whatsapp chat of seized mobile of Sahid Ali. The said witness is given crucial analysis as to the entire case and involvement of various accused persons in the entire plot of the crime. From his evidence coupled with the evidence of Ext. 133, the habitual involvement of the accused persons with the stolen property of the victim is established. He being the Inspector in charge and Supervisor Officer, provided the statement of admissibility of the electronic documents extracted and downloaded or prepared in the official computer of the P.S.

15) There are three types of witnesses in this case. One type of witnesses includes the employees of concerned banks and the Telephonic Department. The other type witnesses include the victim of this case and victim of another case. The third type of witnesses includes the police personnel including the investigating officers being the members of SIT.

16) If we go through the cross-examination of the bank and telecom witnesses, it will be observed that the trend of cross-examination is more or less touching the manner of the certificates u/s 63(4)(c) BSA as well as Section 2A of Bankers Books of Evidence Act.

In cross examination **P.W.1** deposed that in the certificate u/s 63(4)(c) BSA, there is no mention that the documents are system generated and extracted from cloud server. He deposed that the server is situated at sector 5, Salt Lake. The server has capacity to extract CDR on Pan India basis for any number belonging to Airtel and the duration for the storage is for two hours. There is no mention in the certificate whether the C.D.R was downloaded from the server directly or copied.

P.W.2 was also cross examined as to the certificates and documents produced by them. He deposed in cross examination that there is no note in Exhibit no.3,4 and 5 ie the banking documents to the effect “certified to be true” . There is no note in the certificate that he was in charge of computer system.

P.W.3 also cross examined in the same manner and he stated that his designation is computer incharge. There is no mention in the certificate as to the device where he stored data for issuing the statement. There is also no mention in the statement (Exhibit no.10) regarding the term “certified to be true”.

P.W.5 during cross-examination deposed that there is no mention in the certificate as to, in which device the data was downloaded after extraction from the cloud server. There is no mention of hash value during download as well as the hash value during print.

P.W.7 although confronted in cross-examination that it is not mentioned in the certificate that C.D was prepared from the computer, he volunteered that it is mentioned that the digital record i.e C.D.R and CAF were taken from the devices. There is no mention of hash value in the certificate. There is no mention in the certificate regarding chain of movement.

P.W.8 in cross-examination deposed that he did not mention the name of the device at the time of mentioning the description of model in the certificate. There is no mention in the certificate that he used to maintain and manage the entire process of the system exclusively and barring him no one has authorized to do so.

P.W.9 also admitted that there is no mention in the certificates regarding the process of chain of movement of data as to where it was downloaded, stored and copied.

P.W.10 stated in the same manner in his cross-examination mentioning that there is no note in the certificate regarding chain of movement of data to show its authenticity and integrity. However, he deposed that the data was retrieved from server to storage media and the details of storage media is mentioned.

PW-11 was cross examined but nothing has come which can disprove the fact of transfer of money from the account of victim to subsequent layers of fraudulent transactions. There are some futile attempts to challenge the document specially regarding the chain of movement of data. The document submitted by the banks, taken from their server, clearly proved the movement of data as a whole and it remained unchallenged.

P.W.12 stated in cross-examination that in the last line of the certificate u/s 63(4)(c) BSA this is mentioned that it was system generated. There is no mention regarding chain of movement of data for its authenticity and its integrity. In the certificate there is no whisper that data was not contaminated or that the data was genuine.

P.W.13 also mentioned in the same manner in the cross-examination that there is no note in the certificate regarding the details of the device used for the purpose of retrieved of

data. There is no name and designation of such certificate.

P.W.14 stated in cross-examination that there is no whisper in the certificate that there is no chance of contamination of data. The value is also not mentioned. There is also no mention as to chain of movement of data for the integrity and authenticity.

P.W.17 in cross-examination deposed that there is no mention in the certificate that the said data is authentic. There is also no note in those certificates as to the details of server from which the data were downloaded. There is no mention in the certificate as to hash value.

P.W.20 stated in cross-examination that he has not mentioned the details of server in the certificate u/s 63(4)(c) BSA.

P.W.21 admitted in his cross-examination that there is no whisper that their bank has CBS system. However, he volunteered that all the banks has now CBS system.

P.W.22 deposed in cross-examination that there is no certificate submitted by him before the court as to whether there is any objection regarding statement of account by anybody since 17.03.2025 till date.

P.W.23 also deposed in cross-examination in the same way that there is no mention as to the chain of movement of data for the purpose of its authenticity and integrity in both the certificates u/s 63(4)(c) BSA as well as 2A of BBE Act.

P.W.24 stated in cross-examination that there is no mention in both the certificates that the data were collected from server. There is also no mention in those certificates regarding the storage device as well as the chain of movement of data for the purpose of its integrity and authenticity.

P.W.25 deposed in cross-examination that he did not mention the details of computer system including the RAM , ROM. He did not mention the chain of movement of data for its integrity and authenticity.

17) From the trend of cross examination of all the witnesses, who are the bank employees and telecom employees, it appears that the documents supplied by the bank in this case were challenged under two scores :-

- 1) The documents were not authenticated with the certificate as, “certified to be true” and that no signatures were there.
- 2) The certificates u/s 63(4)(c) BSA and Section 2A of BBE Act were not properly prepared.

The Ld. Defence Counsel referred decision reported in **SBI Vs. Rizvi Exports Ltd. II (2003) BC 96** On going through the said judgment, it is clear that the said judgment is not applicable in the facts and circumstances of the present case. That case was in between the bank and borrowers and was filed u/s 19 of the Recovery of Debts Due to Banks and

Financial Institution Act. The bank was interested party. But the instant case is a criminal case lodged by the victim, and the accused persons are facing trial for the offence of fraud, cheating, impersonation, criminal breach of trust and many other offences for which a huge quantity of money of the victim was duped by the accused persons. In this case the employees of the banks are merely a party through which the monetary transactions were made and the victim as well as accused persons are shown to have their accounts in those banks. These witnesses have no interest in this case and they are merely non interested witnesses. Accordingly I have no reason to disbelieve their evidence. Moreover the accused persons could not discharge their reverse burden u/s 106 of Evidence Act (corresponding to 109 of BSA) by filing any counter statement of the bank accounts during the course of evidence. In the bank statements it is mentioned that the statements are computer generated and need not normally be signed. Contents of the statement will be considered correct if no error is reported within 21 days of the statement date. There is no evidence adduced from the side of the accused persons that they challenged those statements of the bank before the concerned bank authorities. It has already been established that the accused persons had their knowledge regarding the money transactions by which they have gained wrongfully out of the money of victim. Having knowledge about those monetary transactions, if they had any doubt about those transactions to their accounts, they ought to have challenged before the bank authority, but there is no evidence adduced from the side of the accused persons on that score.

So far non mention of specification of devices in those certificates are concerned, it is the evidence of most of the witnesses that no such specification were mentioned in those certificates as to the storage devices of data. On analysis of the trend of cross-examination, it is evident that the approach was only to challenge the certificate u/s. 63(4) (c) of BSA, which is merely hypertechnical approach. Apart from such hypertechnical formality, nothing came out during the cross-examination of the PWs which may create doubt on the data provided by the banking authorities as well as the telecom companies. The certificates provided by the witnesses clearly proved the admissibility and authenticity of data provided by the banks as well as the telecom company. The statement of the banks are all computer generated and the witnesses deposed that the computer department were under their clutch a control and management. It is settle principal of law that substantial justice always over ride the procedural aspects. There may be some insignificant omission here and there in the evidence of the witnesses but those are in no way through away the crucial data provided by the bank. The data provided by the banks and the telecom company are from there server and system generated. The documents provided by the bank were directly taken from their server which clearly proves the movement of data as a whole and there is nothing to challenge the data. So far PW-12 is concerned, the defence tried to make a cloud to the prosecution case,

but failed. From his cross-examination it is apparent that it was the accused who opened the bank account by physically appearing before the bank. The authority to challenge or to modify the details including phone number in respect with the bank account lies only with the accused who opened the said account. The bank opened the account in the system after complying with all official formalities. The onus of proving is upon the person who challenges that any document is tampered. Despite several attempts, the defence could not prove by way of cross-examination that the data supplied by prosecution in evidence were tampered. The witnesses in cross examination stated that the server from which the data were produced is under the exclusive accessibility of the branch of concerned banks only. It is clear from their cross examination that all the data were system generated and retrieved from there cloud server and simultaneously taking print out thereof, due to which they did not mention the hash value in the certificates. The chain of movement of data is evident from the data presented by the witnesses before the Court. In view of Section 57 of BSA, electronic and digital records stored simultaneously or sequentially in multiple files are also considered as primary evidence.

18) The next type of witnesses are official witnesses i.e the police personnel.

In cross-examination, PW4 was mainly challenged regarding seal and label of the seized alams, where she deposed that there is no seal and label on the four debit cards as well as mobile phones. The factum of seizure cannot fail as it is proved either by direct witness or various documents relating to seizure. The documents containing digital record not always require seizure labels with signature because IMEI number of mobile and the debit card numbers of the seized debit cards carry the testimony of the seized articles. In cross-examination she stated that there is no signature of any public witness on the seizure list. From cross-examination it is evident that the investigating agency was accompanied by local Police and I.O. The seized digital documents speaks for itself and additionally they carry the signature of the witness. The IMEI number is clearly mentioned in the seizure list. The place of seizure may be densely populated area but that does not mean that the local people will readily come to participate the process of seizure.

In cross-examination PW6 was asked in the same manner that of PW-4 to the fact that there was no such identification mark on the seized mobile phone and that there was no any seal and label. It has already been disclosed that a mobile phone is identified by its IMEI numbers and the other document have enough identification mark being mentioned by the prosecution. Thus, his cross-examination remained also unshaken.

PW16 was cross examined but there is nothing to dispute the veracity of such witness. On the Contrary the defence affirmed the fact that the document sent through Whatsapp to both the victims were forged document as there is no existence of any Police Station by the name

Andheri East.

PW-26 was cross examined at length. It is true that he stated in cross examination that such types of mobile phones which he has seized in all the seizures in this case are available in open market manufactured by the concerned companies. But such cross-examination will not help defence as he mentioned the IMEI number of the mobile phones in the seizure lists which is a specific identity mark of a mobile phone. Non preparation of NIL seizure list will not vitiate the entire process of seizure as those accused persons are residents of the same locality and on analysis of various bank statement, the fact of meeting of mind and joint knowledge of all the accused persons is evident. He stated that there is no reflection in the investigation as to when and how the phone number of Sahil was changed in bank records. But such statement in cross-examination will not destroy the prosecution case in so much as, it is the holder of the bank account who is responsible or full aware of any change of data in the KYC details. In cross-examination he admitted that he did not try to track Naitik Collection from whose account the money was transferred by third layer to the account of Sahil. But such statement will not absolve the liability of Sahil for such criminal activity.

In cross-examination although PW27 was asked as to why he used the search engine, “what is my I.P.”? In reply he deposed that it is very commonly used and it is very renowned. He deposed that despite the existence of Govt. registered tool it seemed to him that it is more effective and reliable. The defence cannot get the benefit of such cross-examination. It is true that internet is full of non Governmental websites which are relied not only in Indian but also through out the world and such types of pages like “what is my I.P.” are very authentic resources providing information of origin of I.P. address. If a search engine is under influence of hackers, there is every obligation of the service provider to provide the information to the public as a whole. It is beyond imagination that the said on line resources would be hacked only to influence this case. From his cross-examination, it is established that some of the account holder have not been made accused in this case. But such fact will in no way exonerate the other accused persons involved in the present case. He deposed in cross-examination that the mobile phones in this case were not sent to FSL and the official laptop of this case was also not sent to FSL. Defence could not prove any type of animosity for false implication of the accused persons by the complainant. The WhatsApp chat was initially printed out and handed over to I.O. by the defacto complainant. Again it was exported by the I.O. from the mobile phone of the complainant. The primary evidence i.e. the mobile phone was tendered in evidence and was marked as mat exhibit by the Court. The deleted messages were at the bottom most of the WhatsApp chat. Despite such deleted chats, if the undeleted chats can be considered, the existence of complainant case is found. Non examination by FSL of those articles is not fatal for prosecution case. The inherent or implied chain of movement of data is evident from the certificate u/s. 63 (4)(c) of BSA. In

further cross-examination the said witness deposed that there was no direct and indirect monetary transaction established between the complainant in one part and Imtiyaz Issa Ansari and Sahid Ali in another part. In such score it is to be mentioned that, not every accused persons in this case is a beneficiary. The phone number of Imtiyaz was found in the KYC document of Saharukh for which accused could not give any information. Accused Sahild Ali and Imtiyaz are differently involved other than involved in a beneficiary. The defence although highlighted that there was no independent witness of the seizure made by I.O., such plea will in no way benefit the accused persons. When an I.O. of a case ventures for seizure of any material out side the vicinity, it may be that local witness may not participate, but that does not vitiate the entire seizure rather a seizure cannot be disbelieved because of the fact that the Police personnel are only the seizure witnesses. In **Rohtash Kumar v. State of Haryana, (2013) 14 SCC 434**, it was held that evidence of Police Officials can not be discarded merely on the ground that they belonged to police force and are either interested in the investigating or the prosecuting agency. The defence also highlighted the cross-examination of such witness where he deposed that, there is no note in the C.D. that they placed requisition for collection of CCTV footage of the ATM where the money was withdrawn by the accused. The various statement from various banks had made the fact clear that fraudulent transactions were made. Hence, non collection of CCTV footage from ATM has no significance in the present case.

In cross-examination PW28 gave the explanation as to why the accused persons were charge sheeted. He deposed that in the bank account of the proprietor of AP construction, Mr. Ahed Nissan PP, Faujiya Imran Motiwala, proprietor of Krishna Fashin namely Neelima, Chabra Krisha kumar, Manu Bhai , Sunil Kumar, Sunil Khara, Naitik collection, Sitaben Bijay Bhai Yadav and Rubia Banu the money of complainant was transferred. They were not made accused in this case. He volunteered that i.O. collected information with the level best and so far evidence collected by I.O, basing upon that he had submitted charge sheet. There was no prayer for further investigation.

19) Rest witnesses are PW18 i.e victim of another cyber crime case of like nature and PW 19 i.e victim of this case.

PW 18 in cross examination deposed that,almost all the facts described by him in the Court were written in the complaint lodged by him at Bhadreswar P.S. There is no mention in the complaint that the miscreants showed him the picture of Enforcement Department with emblem. There is no note in the FIR that the miscreants again demanded Rs. 70,00000/- (Rupees Seventy Lakhs) on 25.10.2024. He was employed at Panchayat and Rural Development. His first posting was SAE in the year 1979. The said department is under Govt. of West Bengal. He could not remember his pay scale at that time. He could not

remember the gross salary in my first month of service, however, it was trifling amount. His income was Rs. 40,000/- (Rupees Forty thousand) at the time of retirement. He could not remember the amount of his retirement benefit. He got just more than Rs. 44,000/-(Rupees Forty Four Thousand) as pension. During his Govt. Service he was very much honest. Being the honest person during his entire service period, he was apprehensive when the miscreants threatened him as he was hypnotized and perplexed during such phone calls.

Thus although he was cross examined at length about his source of income and he gave satisfactory reply, such cross examination is irrelevant so far the present issue is concerned. He omitted to mention some facts in the Written complaint lodged by him, but such omission is not vital as FIR is not the encyclopedia containing each and every details. In this case his allegation is not the fact in issue, however he was brought by prosecution only to show that the accused persons are committing same type of cyber crime with many others and habitually dealing with the stolen property and stolen data.

PW19 in cross examination deposed that, he did not state in the FIR as well as to I.O. regarding the account no. 403101206666. He also did not state in the FIR as well as to I.O. regarding the allegation of the miscreants that he made money laundering using his account no. 403101206666 which was stated to be opened by my aadhaar card, however the said documents were all handed over to I.O. subsequently along with the FIR. In the FIR he did not mention the annexures. He did not submit any document to the I.O. relating to source of the duped money of near about one crore. He volunteered that money was the savings during his entire service life. The alamat i.e. the mobile with sim has not been produced with seal and signature. He handed over the mobile phone to I.O. in close condition but the password 5054 was given to the I.O. It may be that the investigating agency may have access over the mobile phone. Before coming to the Court as witness, the said phone has been charged through charger as he saw at Cyber P.S. He did not take the data of the mobile phone as back up data in separate device. He could not remember on which day he took print out of whatsapp chats from his mobile phone before handing over it to the I.O. on 03.01.2025. He have little knowledge of computer and other electronic devices. He is little computer savvy. He himself typed the FIR. Firstly, he saved the whatsapp chats in his mobile phone and thereafter sent the same to his mail id. Thereafter he opened the mail in his desktop. Thereafter, he printed the same from his printer attached to the said desktop. Fact that before printing all the chats were downloaded from mail in desktop and it were saved in desktop.

Thus though PW19 was cross examined at length, defence could not be able to get any material contradiction. It was decided in **Kirender Sarkar and others v. State of Assam, AIR 2009 (SC) 2513** that FIR is not supposed to be an encyclopedia of the entire events

and cannot contain the minute of details of the events. The essential material facts if disclosed in the FIR is sufficient. So It is a well known settled law that FIR is not an encyclopedia and hence non-mentioning of minute details had little value in prosecution case. In the present case, the complaint was filed by PW 19 where he did not mention every details. It is to be noted that he wrote the complaint under a huge trauma, who is not in a condition to mention every minute details but it is evident that the complaint contains more or less a gist of the actual incident. When there is ample evidence that his hard-earned money was duped, then question of how he obtained that amount is beyond the perspective of present case. The defence had reaffirmed the fact that the fraudulent incident had made the witness a penniless one. It maybe noted that the investigating agency had not produced his mobile phone in a seal pack condition, but a mobile phone has a specific characteristic to define which is its IMEI number. It is also the fact as stated by him that he had provided the password of the said mobile. He has stated that he had seen that his mobile phone was being recharged at P.S. If such evidence is read conjointly with the relevant part of evidence of PW 27, it is evident that the complainant arrived at the PS with his mobile phone and handed over the same to PW 27 who had in his presence logged into his Whatsapp account through Whatsapp web and extracted all the ongoing repeated chats between the fraudster and the victim and again exported the Whatsapp chat to the email account of the P.S. and had also taken printout thereof. PW 27 had also exhibited above relevant documents for the perusal of this Court. It is also evident that this witness also came to the PS along with his mobile phone and a printout of exported chat lying in the concerned Whatsapp account of the fraudster. Such fact ultimately proves the fact that there is no scope for alteration or tampering of Whatsapp chat or data, whatever accessibility was lying with the investigating agency. There might be some omission in the certificate u/s 63(4)(c) of BSA given by the witness but that does not make any aspersion as to the veracity of the document provided by him. The hyper technical approach cannot disprove the prosecution case based on strong facts arising out of direct evidence as well as documents both conventional as well as digital.

20) In the present case, the repeated approach of the defence at the time of cross-examination is more on various hyper-technical approaches beyond the ambit of substantial justice. It is settled law of land that substantial justice override the procedural aspect. Even the layman witnesses namely PW 18 and 19 had been in few areas confronted with their previous statement with IO but those are not in any way creating any dent in the prosecution case. In this respect the following observation are important:

In **Prabhu Dayal v. State of Rajasthan, (2018) 8 SCC 127** it was held in para 10. "It is a common phenomenon that the witnesses are rustic and can develop a

tendency to exaggerate. This, however, does not mean that the entire testimony of such witnesses is falsehood. Minor contradictions in the testimony of the witnesses are not fatal to the case of the prosecution. This Court, in **State of U.P. v. M.K. Anthony, (1985) 1 SCC 505 : (AIR 1985 SC 48)**, it was held that inconsistencies and discrepancies alone do not merit the rejection of the evidence as a whole. It stated as follows:"10. While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the court to scrutinise the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief. Minor discrepancies on trivial matters not touching the core of the case, hyper-technical approach by taking sentences torn out of context here or there from the evidence, attaching importance to some technical error committed by the investigating officer not going to the root of the matter would not ordinarily permit rejection of the evidence as a whole. If the court before whom the witness gives evidence had the opportunity to form the opinion about the general tenor of evidence given by the witness, the appellate court which had not this benefit will have to attach due weight to the appreciation of evidence by the trial court and unless there are reasons weighty and formidable it would not be proper to reject the evidence on the ground of minor variations or infirmities in the matter of trivial details. Even honest and truthful witnesses may differ in some details unrelated to the main incident because power of observation, retention and reproduction differ with individuals. Cross-examination is an unequal duel between a rustic and refined lawyer. Having examined the evidence of this witness, a friend and well-wisher of the family carefully giving due weight to the comments made by the learned counsel for the respondent and the reasons assigned to by the High Court for rejecting his evidence simultaneously keeping in view the appreciation of the evidence of this witness by the trial court, we have no hesitation in holding that the High Court was in error in rejecting the testimony of witness Nair whose evidence appears to us trustworthy and credible."

21) CONNECTED SEIZURES FROM VARIOUS ACCUSED PERSONS:

1.Jatin Anup Ladwal (23 Years) S/O Anup Ladwal of Nalasupara East, Gorai Naka Garell Para, PS Pelhar Maharashtra

1. 01 infinix mobile black colour having IMEI 354838531249287 and 354838531249295.
(**Exhibit-13**)

2. Sharukh Shaikh S/O Rafik Shaikh of Samrat Ashoknagar, Ullash nagar, Dist. Thane , Maharastra

1. one Vivo mobile phone having IMEI 866088057682179 and IMEI2 – 86608805768216.
(Exhibit-18)

3. Sahid Ali Sk. (25 yrs) S/O Mohammad Ibrahim Shaikh of Samrat Ashoknagar OT Section Ullashnagar PS Central PS Dist Thane Maharashtra

1. One Debit Card of Indusind Bank vide No. 5256 2204 1580 2648 .
2. One cheque book of Indusind bank vide A/C no. 2592 0983 8833.
3. One Indusind Bank Debit card vide no. 5256 2207 0533 4617.
4. One Federal Bank cheque book vide of A/C no. 16160100083702.
5. One Federal Bank pass book of vide A/C no. 16160100083702.
6. One Kotak Mahindra Bank Cheque book vide A/C no. 1047648156.
7. 01 White Samsung mobile phone.

(Exhibit-20)

4. Sahil Singh (Age - 26years) S/o Virender Singh of Palhawas, PS Rohari, Dist. Rewari, Haryana

1. One Cheque book of Punjab National Bank containing cheques from sl no. 004245 to 004260 A/C no. 9878000100036930 (IFSC PUNB0987500) account holder – Sahil
2. One Cheque book of IDFC Bank containing cheques from sl no. 000006 to 000010 linked with A/C no. 10199351901 (IFSC IDFB0021946).
3. One Realme NARZO Mobile phone vide IMEI Number 866296063165135 and 866296063165127
4. One Jio Sim Card Vide IMSI 89918580100004313532 & mobile phone no. +91 8901667306.

(Exhibit-104)

5. Rohit Singh (Age – 20 years) S/o Jaivir Singh of Mirzapur, PS Sadar Thana, Hisar, Haryana

1. One Black colored OPPO Mobile phone vide IMEI Number 866030050685411 and 866030050685403
2. One Airtel Sim Card Having ICCID number 10231D8991000921314026302U and Phone Number 9416745317 found installed in seized item Sl no. 1.

(Exhibit-128)

6. Rupesh Yadav S/O Samay Singh of Palhawas PS Rohrai Dist Rewari Hariyana

- i. One passbook of IDFC first bank vide 10199845527 IFSC IDFB0021946 A/C Holder Rupesh Yadav.
- ii. One Indian Bank passbook vide account number 7835946572 IFSC IDIB000R099 Account holder name Rupesh Yadav.
- iii. One chequebook of IDFC firstbank Containing Cheque number 000001 To 000010 Linked with account number 10199845527 IFSC IDFB0002194 In the name of Rupesh Yadav.
- iv. One chequebook of pnb containing cheque number 514041to 514060 Linked with account number 98788000100036815 IFSC PUNB00987800 By the name of Rupesh Yadav.
- v. One federal bank chequebook contain cheque number 170911 to 170920 Linked with account number 16880100066288 IFSC FDRL0001688.
- vi. One Utkarsh Small Finance Bank cheque book containing cheque number 015081 to 015090 Linked with account number 1564018239935680 IFSC UTKS0001564.
- vii. Two axis bank chequebook (i) Containing cheque number 074176 to 074185 Linked with account number 924010040688017 IFSC UTIB0003930 (ii) Containing cheque number 073586 to 073595 Link with account number 924010039978080 IFSC UTIB0003930.
- viii. ONE Debit Card (SBI) vide Card no. 0522940891627781 valid upto 04/31 on the name of Rupesh Yadav.

- ix. One Axis bank Debit Card vide Card No. 4691970133266619 valid from 07/24 to 07/29 One VI Sim Card Packet vide IMSI No. 404222790464602 and Sim No. 89910273418096304447.
- x. One Samsung Black Android phone vide IMEI No. 354479112556350/01 & 354480112556358/01.
- xi. 02 VI Sim Card vide IMSI No. 89910273418117214344 & 89910273418113945032 found installed in Sl no. 11.
- xii. One Vivo Blue Colour Android Phone vide IMEI No. 8650100448511775 & 865010044851767.
- xiii. Two VI Sim Card Vide IMSI No. 8991027341809630447 & 89910273418048193179.
- xiv. One Adhar Card Vide No. 322201309783 in the name of Rupesh Yadav.
- xv. One Pan Card Vide No. BFNPY4093J in the name of Rupesh Yadav.
- xvi. One Voter Card Vide NO. TRU1387935 in the name of Rupesh Yadav.

(Exhibit-103)

7. Pathan Sumaiyabanu (30 yrs) W/o Musha Khan of 1432/A-3, Amina Ki Wadi, Kadarshah Ni Nal, Nanpura, PS Athwalines, Surat City, Gujrat

1. One Motorola mobile phone bearing IMEI Number 353139531490273/22 and 353139531490281/22 containing SIM Card bearing ICCID Code 8991000921467582291.

(Exhibit-14)

8. Faldu Ashoke (35), S/O Jantilal Limbabbhai of Cinema Road, Near Petrol Pamp, PS-Town Kalavad Police Station, Dist- Jamnagar, Gujarat,

- i) One Axis bank Debit card vide no-4632200001969314 in the name of Dhragu Hajabhai Mayur Trading.
- ii) One commercial Co. op Bank ltd Jamnagar Rupay Card vide no-6081150100005679 in the name of Dhrangu Mayur H.
- iii) One Axis bank blank cheque vide no.319285.A/C no-922020014882910 in the name of Mayur Trading Co.
- iv) One Axis bank signed cheque vide cheque no 350638.A/C no-922020014882910 in the name of Mayur Trading Co.
- v) One signed cheque of Rs 350000 vide cheque no. 048590 of the Commercial CO operative Bank LTD linked with A/C No-004010100001363.
- vi) One IDFC First Bank signed blank cheque vide cheque no.000027 in A/C-0087788631 in the name of Mayur Trading Co.
- vii) One Oneplus (Blue colour) mobile Phone vide IMEI No.863410056606558 & 863410056606541.
- viii) One Jio Sim card vide no.+919225470610 & ICCID card-89918570400213858565 found installed in item no. 7.
- ix) One VI sim card vide JCCJD code.89010973402071200967 found installed in item no.7.

(Exhibit-23)

9. Imtiyaz Mohammad Issa Ansari

- i) one check book of Indusind bank a/c no. 59209838833 (ifsc INDB0001552) containing cheque from sl. no. 486923 to 486950.
- ii) one white coloured oppo mobile phone having IMEI no. 864517058231158 & 864517058231141 .
- iii) one Vodafone sim card vide no. +919168565255 found installed in sl. no. 2.
- iv) one Utkarsh small finance bank International debit card vide card no. 2249470200101422 in the name of Ramesh Kumar.
- v) one IDFC fast bank debit card vide no. 4011784604002789. in the name of Ramesh Kumar.
- vi) one SBI international debit card vide no. 6522940815909802 in the name of TINKU
- vii) one PNB debit card vide no. 5085461139273933 in the name of khusboo.

- viii)one UCO bank debit card vide no. 6523330450006552 in the name of ...
 - ix)one City union bank debit card vide no.5035450210915061 in the name of Ramesh Kumar.
 - x)one Udyam (photocopy) registration certificate in the name of Shahrukh textiles vide reg. no. UDYAM-MH-30428578
- (Exhibit-19)

22) ROLE OF TELECOM AND BANKING DATA IN THE PROSECUTION CASE:

The different Bank Employees of the relevant banks as well as the employees of the Telecom Department came before the Court to support the Prosecution case. From their oral evidence as well as documentary evidence, it could be ascertained as to how the money of the victim was stolen by the accused persons being the fraud sters by way of different bank transactions causing wrongful gain to themselves and wrongful loss to the victim. The datas are sufficient enough to identify the mobile numbers and bank details of the accused persons as well as to justify that those bank accounts were opened by the accused persons. The datas are also enough to prove the conspiracy of all the accused persons and the manner of cheating the victim on the threat of digital arrest.

Following table will prove the importance of telecom data as well as banking data in the present case which is based upon various electronic evidences:

PW-01: Shri. Arijit Das, Nodal Officer, Bharti Airtel Limited

| Sr. No. | Mobile Number | CAF | Exhibit NO./PW (TSP) | Involvement of the Number | Exhibit No./PW (Bank) |
|---------|---------------|--|----------------------|--|-------------------------|
| 01 | 9773621224 | Rameshwar Prasad S/O- Nathi Lal Address: Jagram Sarpanch Colony, Palla No. 1 Brithala, Varithal, Agra, Faridabad, Haryana | Exbt.P-1/PW-1 | This mobile number is linked with Bank A/C No. 4769000100095171 IFSC Code- PUNB0476900 which received an amount of Rs. 4,70,000 from the A/C of the Victim. (M/S Neelima | Exbt. P-69 /PW-20 (PNB) |

| | | | | | |
|----|------------|---|-------------------|---|-------------------|
| | | | | Fashion) | |
| 02 | 9416745317 | Rohit, S/O- Jaibir Singh Address: Hisar, Mirzapur 63, Haryana | Exbt.P-1/PW- 1 | This mobile number is linked with Bank A/C No. 20351496919, IFSC Code- FINO0000001 which is in the name of Accused Rohit who has received an amount of Rs. 4,99,996 from Accused Sharukh. | Exbt.P-41/2/PW-13 |

PW-05: Shri. Arpan Kumar Kar, Nodal Officer, Vodafone Idea Limited

| Sr. No. | Mobile Number | CAF | Exhibit NO./PW (TSP) | Involvement of the Number | Exhibit No./PW (Bank) |
|---------|---------------|---|----------------------|---|-----------------------|
| 01 | 6356938245 | Dhaval Jagdishbhai Bhensaniya Address: A-303 3rd Floor, Radhika Flats, Gujarat-395004 | Mat.Exbt.P-7/PW5 | This mobile number is linked with Bank A/C No. 20100031760221 IFSC Code-BDBL0002635, which is in the name of M/S Krishna Fashion which received an amount of Rs.17,00,000/- from the A/C of the Victim. | Exbt.P-83/PW23 |
| 02 | 7796645601 | Mr. Abdullah Aliraza Shah S/O- Aliraza Shah Add: Ashirvad Society, Near Navin Kirana Store, Ulhasnagar, | Mat.Exbt.P-7/PW5 | This mobile number is linked with Bank A/C No.10189359753 IFSC Code-IDFB0040196 which is in the name of Accused Shahrukh who has received an amount of Rs. 37,60,000.00 from the A/C of the Victim. | Exbt.P-32/PW9 |

| | | | | | |
|----|------------|---|----------------------|--|--------------------|
| | | Maharashtra | | | |
| 03 | 8007348338 | Sumit Ishwardas Barbaile Address: Isapur,Tirora, Gondiyagangla, Maharashtra | Mat.Exbt.P -7/PW5 | This mobile number is linked with Bank A/C No. 54026900000135 IFSC Code- IDFB0040196, which is in the name of M/S A P Construction which received an amount of Rs.17,00,000/- from the A/C of the Victim. | Exbt.P-38/ PW12 |
| 04 | 8153072446 | Pathan Sumaiyabanu C/O- Mushakhan Address: Amina Ki Wadi, Kadarshah Ni Nal, Gujarat | Mat.Exbt.P -7/PW5 | This mobile number is linked with Bank A/C No. 60508171144 IFSC Code- MAHB0002533 which is in the name of Accused Pathan Sumaiyabanu who received an amount of Rs. 14,00,01.00 from Sitaben Vijaybhai in Layer 3 with respect to the A/C of the Victim. The A/C of Sitaben Vijaybhai received the amount of Rs. 5,00,000.00 from the A/C of M/S Krishna Fashion which received an amount of Rs. 17,00,000.00 from the A/C of the Victim. | Exbt.P-34/ PW10 |
| 05 | 9111463057 | Chandrakant Ramteke C/O- Prahlad Ramteke Chota Asok | Mat.Exbt.P -7/PW5 | This mobile number is linked with Bank A/C No. 20100031869400 IFSC Code- | Exbt.P-88/ PW24 |

| | | | | | |
|----|------------|---|------------|--|--|
| | | Nagar, Prahlad Ramteke, Chhattisgarh- 492009 | | BDBL0001876 which is in the name of M/S Naitik Collection and received an amount of Rs. 10,80,000.00 from the A/C of the Victim. | |
| 06 | 9619067441 | Fauziya Imran Motiwala Address: Zakari Street Chinch Bunder, Mumbai | | This mobile number is linked with Bank A/C No. 110203640611 IFSC Code- CNRB0000135 which received an amount of Rs.1,00,000.00. | (This account and phone number is not directly linked with the arrested accused.) |
| 07 | 9712108167 | Mr. Shekh Farman Jabarbhahi, C/O - Jabarbhahi Sudvel Society, Wadhwan, Gujarat-363030 | | This mobile number is linked with Bank A/C No. 500101013767736 IFSC Code- CIUB0000710, where an amount of Rs.44500 was withdrawn from ATM. | (This account and phone number is not directly linked with the arrested accused.) |
| 08 | 9714546578 | Mr Rathod Ashokbhai Danabhai S/O Rathod Danabhai Premjibhai Address: Aadsangghansh yamnagar Amreli, Gujrat | | This mobile number is linked with Bank A/C No. 110184563857 IFSC Code- CNRB0003579 which was in the name of Mr. Chavda Kishankumar which received an amount of Rs. 3,33,000.00 from the A/C of M/S Neelima Fashion in Layer 2 with respect to the account of the Victim. | (This account and phone number is not directly linked with the arrested accused.) |
| 09 | 9992591227 | Rupesh Yadav | Mat.Exbt.P | This mobile | Exbt.P-36/1 & |

| | | | | | |
|--|--|--|--------|---|------------|
| | | Add – Rewari, Rewari Palhawas, Gurao Ra, Rewari123035, Haryana | -7/PW5 | number is linked with Bank A/C No. 924010040687988 IFSC Code- UTIB0003930 which is in the name of Accused Rupesh Yadav who received an amount of Rs. 10,00001.00 from M/S Naitik Collection in Layer 2 with respect to the account of the Victim. | 36/2, PW11 |
|--|--|--|--------|---|------------|

PW-07: Shri. Subir Kumar Deb, Nodal Officer, Reliance Jio Infocom Limited

| Sr. No. | Mobile Number | CAF | Exhibit NO./PW (TSP) | Involvement of the Number | Exhibit No./PW (Bank) |
|---------|---------------|--|---------------------------|---|---|
| 01 | 6351899217 | Sitaben Vijaybhai Jadav S/O- Vijaybhai Gandhinagar Society, Gujarat | Mat.Exbt .P-24/ PW7 | This mobile number is linked with Bank A/C No. 23400100024244, IFSC Code-FDRL0002340 which is in the name of Sitaben Vijaybhai who received an amount of Rs. 5,00,029.00 from M/S Krishna Fashion in Layer 2 with respect to the account of the Victim. | Exbt.P-78/ PW22 |
| 02 | 7356062121 | Raneesh Muraleedharan, S/O - Uma AN, Ramaya Nivas, Kattuvayal Colony, Kerala | | This mobile number is linked with Bank A/C No. 158592980095 , IFSC Code-INDB0000144 where an amount of Rs.5,00,000.00 transferred. | (This account and phone number is not directly linked with the arrested accused.) |
| 03 | 7427885894 | Sandeep Jangu S/O - Pukhraj Address - Indra Nagar Fateh Sagar Jodhpur Rajasthan 342309 | | This mobile number is linked with Bank A/C No. 38311100001168 IFSC Code-DCBL0000383, where an amount of Rs.7,08,532.00 was transferred. | (This account and phone number is not directly linked with the arrested accused.) |
| 04 | 8708486830 | Name: Ajay Kumar | | This mobile number is linked with Bank A/C | (This account and phone |

| | | | | | |
|----|------------|---|-------------------------------|---|---|
| | | S/O- Ghan Shyam, Address - Dhansu 64 Hisar Hr 125005, Haryana | | No. 20351496453 IFSC Code- FINO0000001 where an amount of Rs. 4,99,996.00 was transferred. | number is not directly linked with the arrested accused.) |
| 05 | 8606790986 | Ahammed Nizam S/O- Ali Moulavi Address: Valapuram, Kuruvambalam, Malappuram, Kerala | | This mobile number is linked with Bank A/C No. 110191474487 IFSC code- CNRB0000338. | (This account and phone number is not directly linked with the arrested accused.) |
| 06 | 8901677306 | Name- Sahil S/O- Birender Singh Palhawas236 Rewari Rewari, Haryana 123035 | Mat. Exbt. P-24/ PW7 | This mobile number is linked with Bank A/C No. 10199351901 IFSC Code- IDFB0021946 which is in the name of Accused Sahil who received an amount of Rs. 5,00,000.00 in Layer 3 with respect to the account of the Victim wherein he received the amount from the A/C of Accused Rupesh Yadav who received the amount from M/S Naitik Collections who received the amount directly from the A/C of the Victim. | Exbt.P-38/ PW12 |
| 07 | 9079803373 | Name: Saddam Husain S/O: Moinuddin Qureshi Address: 471 Bus stand Riyan bari Nagaur, Rajashthan | Mat. Exbt. P-24/ PW7 | This mobile number is linked with Bank A/C No. 1102110120071392 IFSC Code- UJVN0001102, where an amount of Rs.2,00,062.00 was transferred. | Exbt.P-72/ PW21 |
| 08 | 9098902929 | Name- Ramesh Ram S/O - Harlal Ram Address - Kurado Ki Dhani Kushlawas, Phalodi, Jodhpur, | | This mobile number is linked with Bank A/C No. 43011100001632 IFSC Code- DCBL0000430, where an amount of Rs.5,00,000.00 was transferred in Layer 2 with respect to the Account of the Victim. | (This account and phone number is not directly linked with the arrested accused.) |

| | | | | | |
|----|------------|--|-------------------------------|--|---|
| | | Rajasthan 342314 | | | |
| 09 | 9824274118 | Name: Raval Jyotsanaben Yashvantkumar S/O- Raval Yashvantkumar Address: Sai Om Chamber Opp.Kevdabaug Navapura Vadodara Gujarat | | This mobile number is linked with Bank A/C No. 60509287251 IFSC Code- MAHB0000105 where an amount of Rs.4,91,625.00 was transferred in Layer 2 with respect to the Account of the Victim. | (This account and phone number is not directly linked with the arrested accused.) |
| 10 | 9925470610 | Name: Ashok Jentilal Faluda S/O - Jentilal Faluda Address: Neel Trading Co, Marketing Yard, Kalavad, Jamnagar, Gujrat 361160 | Mat. Exbt. P-24/ PW7 | This mobile number is linked with Bank A/C No. 923020049667534 IFSC Code- UTIB0001316 which is in the name of Accused Ashok Jentilal Faluda @ Faldu Ashok where an amount of Rs. 9,75,000.00 was transferred in Layer 2 with respect to the A/C of the Victim wherein he received the amount from Accused Sharukh who was the direct beneficiary from the A/C of the Victim. | Exbt.P-30/ PW8 |
| 11 | 6375833976 | Sunil C/O- Sonaram, Dadharvalo Ki Dhani, Rajasthan 345023 | | This mobile number is linked with Bank A/C No. 04503211113195. | (This account and phone number is not directly linked with the arrested accused.) |
| 12 | 9518456774 | Name: Vishwash S/O- Vinod Kumar Hisar Hisar Haryana, Haryana, 125001 | | This mobile number is linked with Bank A/C No. 20200053584076 IFSC Code- BDBL0001826, where an amount of Rs.68,845.00 was received. | (This account and phone number is not directly linked with the arrested accused.) |

BANKING DATA

PW-02: Shri. Akash Debnath, Deputy Branch Manager, SBI Kalyani Branch:

| Sr. No. | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|---------|-------------|---|---|-----------------|
| 01 | 11151161952 | Shri. Partha Kumar Mukhopadhyay, Victim | This instant Bank A/C belongs to the Victim wherefrom an amount of Rs. 17,00,047.20 (RTGS UTR No. SBINR52024102156733867), Rs. 37,60,047.20 (RTGS UTR No. SBINR52024102557819766) were transferred. | Exbt.5/ PW.2 |

PW-03: Shri. Rajesh Banerjee, Branch Manager, Bandhan Bank, Kalyani Branch:

| Sr. No. | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|---------|----------------|---|---|-------------------|
| 01 | 50150086666434 | Shri. Partha Kumar Mukhopadhyay and Smt. Mandira Mukhopadhyay, Victim | This instant Bank A/C belongs to the Victim wherefrom an amount of Rs. Rs. 220,000.00 was transferred to M/S Piran Enterprise.. | Exbt.10/ PW.03 |

PW-08: Shri. Jayesh Kumar Rana, Branch Manager, Axis Bank, Kalavad Branch:

| Sr. No. | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|---------|-----------------|--|--|-------------------|
| 01 | 923020049667534 | Name: Ashok Jentilal Faluda S/O - Jentilal Faluda Address: Neel Trading Co, Marketing Yard, Kalavad, Jamnagar, Gujrat 361160 | This instant Bank A/C No. 923020049667534 IFSC Code- UTIB0001316 which is in the name of Accused Ashok Jentilal Faluda @ Faldu Ashok where an amount of Rs. 9,75,000.00 was transferred in Layer 2 with respect to the A/C of the Victim wherein he received the amount from Accused Shahrukh who was the direct beneficiary from the A/C of the Victim. | Exbt.30/ PW.08 |

PW-09: Shri. Mangesh Motwani, Branch Manager, IDFC Bank, Ullashnagar Branch:

| Sr. No. | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|---------|-------------|----------------------------------|---|-------------------|
| 01 | 10189359753 | Shahrukh Textiles Prop. Shahrukh | This instant Bank A/C No.10189359753 IFSC Code- IDFB0040196 which is in the name of Accused Shahrukh who has received an amount of Rs. 37,60,000.00 from the A/C of the Victim. | Exbt.32/ PW.09 |

PW-10: Shri. Deepesh Samadhiya, Branch Manager, Bank of Maharashtra, Athwa Lines Branch:

| Sr. No | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|--------|-------------|---|---|-------------------|
| 01 | 60508171144 | Pathan Sumaiyabanu C/O- Mushakhan Address: Amina Ki Wadi, Kadarshah Ni Nal, Gujarat | This instant Bank A/C No. 60508171144 IFSC Code- MAHB0002533 which is in the name of Accused Pathan Sumaiyabanu who received an amount of Rs. 14,00,01.00 from Sitaben Vijaybhai in Layer 3 with respect to the A/C of the Victim. The A/C of Sitaben Vijaybhai received the amount of Rs. 5,00,029.00 from the A/C of M/S Krishna Fashion which received an amount of Rs. 17,00,047.00 from the A/C of the Victim. | Exbt.34/ PW.10 |

PW-11: Shri. Rahul Kumar, Branch Manager, Axis Bank, Rewari Branch:

| Sr. No | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|--------|-----------------|--|---|------------------|
| 01 | 924010040687988 | Rupesh Yadav Add – Rewari, Rewari Palhawas, Gurao Ra, Rewari123035, Haryana | This instant Bank A/C No. 924010040687988 IFSC Code- UTIB0003930 which is in the name of Accused Rupesh Yadav who received an amount of Rs. 10,00,001.00 from M/S Naitik Collection in Layer 2 with respect to the account of the Victim. | Exbt.36 PW.11 |

PW-12: Shri. Ankur Jadon, Branch Manager, IDFC Bank, Rewari Branch:

| Sr. No | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|--------|-------------|---|--|-------------------|
| 01 | 10199351901 | Name- Sahil S/O- Birender Singh Palhawas236 Rewari Rewari, Haryana 123035 | This instant Bank A/C No. 10199351901 IFSC Code- IDFB0021946 which is in the name of Accused Sahil who received an amount of Rs. 5,00,000.00 in Layer 3 with respect to the account of the Victim wherein he received the amount from the A/C of Accused Rupesh Yadav who received the amount from M/S Naitik Collections who received the amount directly from the A/C of the Victim. | Exbt.38/ PW.12 |

PW-13: Shri. Atanu Sarkar, Portfolio Manager, Fino Payment Bank, Kolkata Regional Branch:

| Sr. No | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|--------|-------------|--------------------------------------|--|-------------------|
| 01 | 20351496919 | Rohit, S/O- Jaibir Singh Address: | This instant Bank A/C No. 20351496919, IFSC Code- FINO00000001 which is in the name of Accused Rohit who has received an | Exbt.41/ PW.13 |

| | | | | |
|--|--|-----------------------------------|--|--|
| | | Hisar, Mirzapur 63, Haryana | amount of Rs. 4,99,996 from Accused Sharukh. | |
|--|--|-----------------------------------|--|--|

PW-14: Shri. Vaibhav Tatkare, Branch Relationship Manager, AU Small Finance Bank, Chakala Branch:

| Sr. No | A/C Number | AoF/ KYC | Relevance in Case | Exhibit No./PW |
|--------|------------------|-------------------|---|-------------------|
| 01 | 2401252162825531 | Jatin Anup Ladwal | This instant Bank A/C No. 2401252162825531, IFSC Code-AUBL0002521 which is in the name of Accused Jatin Anup Ladwal who has received an amount of Rs. 1,37,000.00 from M/S Neelima Fashion which is in Layer 2 with respect to the Account of the Victim. | Exbt.44/ PW.14 |

PW-15: Shri. Biswajit Roy, Branch Manager, Canara Bank, Kalyani Branch:

| Sr. No. | A/C Number | AoF/KYC | Relevance in Case |
|---------|-----------------------------|---------|--|
| 01 | 403101206666 of Canara Bank | N/A | Fake Account details sent to Victim wherein this instant A/C does not exist. |

PW-17: Shri. Ashru Sarkar, Branch Manager, SBI Bank, Kalyani NRI Branch:

| Sr. No | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|--------|----------------------------|---|--|-------------------|
| 01 | 33089616115 32955736901 | Shri. Partha Kumar Mukhopadhyay, Victim | This instant A/C belongs to the Victim wherefrom funds were transferred. | Exbt.53/ PW.17 |

PW-20: Shri. Shibu Kant, Branch Manager, PNB Bank, Sector 31, Faridabad Branch:

| Sr. No. | A/C Number | AoF/KYC | Relevance in Case | Exhibit No./PW |
|---------|------------------|---------------------|--|-------------------|
| 01 | 4769000100095171 | M/S Neelima Fashion | This instant A/C received an amount of Rs. 4,70,000.00 from the A/C of the Victim in layer 1 and further transferred the amount of Rs. 1,37,000.00 to the account of Accused Jatin Anup Ladwal in Layer 2. | Exbt.69/ PW.20 |

PW-21: Shri. Ashish Choubey, Branch Manager, Ujjivan Small Finance Bank, Kanchrapara Branch:

| Sr. No. | A/C Number | AOF/ KYC | Relevance in Case | Exhibit No./PW |
|---------|------------------|-------------|--|-------------------|
| 01 | 1102110120071392 | Sunil Kumar | This instant Bank A/C No. 1102110120071392 IFSC Code-UJVN0001102 received an amount of | Exbt.72/ PW.21 |

| | | | | |
|--|--|--|--|--|
| | | | Rs.2,00,062.00 from the A/C of M/S Krishna Fashion as Layer 2 with respect to the A/C of the Victim. | |
|--|--|--|--|--|

PW-22: Shri. Vishwas Trivedi, Branch Manager, Federal Bank, Morbi Branch:

| Sr. No. | A/C Number | AOF/ KYC | Relevance in Case | Exhibit No./PW |
|---------|----------------|-------------------|---|-------------------|
| 01 | 23400100024244 | Sitaben Vijaybhai | This instant A/C received an amount of Rs. 5,00,029.00 from the A/C of M/S Krishna Fashion as Layer 2 with respect to the A/C of the Victim and further transferred an amount of Rs. 1,40,001.00 to the A/C of Accused Pathan Sumaiya Banu who received the said amount as Layer 3 with respect to the A/C of the Victim. | Exbt.78/ PW.22 |

PW-23: Shri. Rahul Dutt Kumar, Branch Manager, Bandhan Bank, Varaccha Branch:

| Sr. No. | A/C Number | AoF/ KYC | Relevance in Case | Exhibit No./PW |
|---------|----------------|---------------------|---|-------------------|
| 01 | 20100031760221 | M/S Krishna Fashion | This instant A/C received an amount of Rs. 1,70,00,00.00 from the A/C of the Victim in Layer 1. | Exbt.83/ PW.23 |

PW-24: Shri. Aditya Srivastava, Branch Manager, Bandhan Bank, Naya Raipur Branch:

| Sr. No. | A/C Number | AoF/ KYC | Relevance in Case | Exhibit No./PW |
|---------|----------------|-----------------------|---|-------------------|
| 01 | 20100031869400 | M/S Naitik Collection | This instant A/C received an amount of Rs. 1,08,00,00.00 from the A/C of the Victim in Layer 1 and further transferred an amount of Rs. 10,00,001.00 to the A/C of Accused Rupesh Yadav in Layer 2 with respect to the A/C of the Victim. | Exbt.88/ PW.24 |

PW-25: Smt. Bratati Majumder, Branch Manager, UCO Bank, Kalyani Branch:

| Sr. No. | A/C Number | AoF/ KYC | Relevance in Case | Exhibit No./PW |
|---------|----------------|-------------|---|-------------------|
| 01 | 04503211113195 | Sunil Kumar | The ATM card associated with this A/C was found in the possession of Accused Pathan Sumaiya Banu at Gujarat at the time of arrest wherein this A/C as well as the A/C Holder is related to Rajasthan and this A/C is a beneficiary with respect to the A/C of the Victim. | Exbt.92/ PW.25 |

23) In this case the victim is the defacto complainant namely Partha Kr. Mukhopadhyay (PW19). From his evidence it appears that he is a retired employee of Bidhan Ch. Krishi Vidyalaya. He is a man of 75 years and resides with his wife at B-10/158, 2nd Floor at Kalyani, District Nadia and his daughter resides in USA. Both the husband and wife being old and ailing reside together and there is no other person to look after them, the only

daughter being a resident of USA. Under such circumstances he became an easy prey of the fraudsters. One day i.e. on 19.10.24 he received a whatsapp call in his mobile phone no. 9433390233 from mobile phone having last four digit 1594 and the person identified himself as SI of Mumbai Police at Andheri PS and stated his name as Hemraj Koli. Thereafter, there was conversation between PW19 and that person through whatsapp chat. Now we have to determine what was the conversation between them. Such fact can be ascertained from the evidence of PW19 as well as the conversation through whatsapp itself. PW19 deposed more or less the entire conversation between him and that person. He told such facts while deposing before the court as PW19. Moreover he produced the whatsapp chat in printed form (Exhibit 64/2) as well as his mobile "Realme" along with the SIM kept inside (Mat Exhibit 25) before the court. He deposed that the print out copy of the whatsapp chat were also seized by IO from him and those are all contained in the mobile phone and he showed the contents by opening the mobile phone by using his password. He also stated that some of the messages sent by the miscreants were subsequently deleted by them. From his cross examination it appears that he has little knowledge of computer and the electronic devices. He did not take the data of the mobile phone as backup data in separate device. He firstly saved the whatsapp chats in his mobile phone and thereafter sent the same to his e-mail ID. Thereafter, he opened the mail in his desktop and printed the same from his printer attached to the said desktop. It also appears that before handing over his mobile phone to IO on 03.01.25, he took print out of whatsapp chat from his mobile phone. He also issued a certificate U/S 63(4)(c) of BSA relevant to such whatsapp chat (Exhibit- 64 collectively). The IO is Debarun Das (PW27) who deposed that on 03.01.25 complainant (PW 19) came to the PS with the print out of the exported whatsapp chat between PW19 and the fraudsters and handed over same to IO. From the mobile phone of PW 19 the said IO accessed his whatsapp chat by opening the same by scanning QR Code in "web.whatsapp.com" in their office laptop using internet resource of their PS. The whatsapp chat was opened. After that he took the screenshot of the whatsapp chat in two copies of total 124 pages each. Then the complainant again exported the chat in the presence of PW 27 and sent the same to his (PW19) mail. Thereafter, PW 27 logged in and accessed that mail from his official laptop using internet resource of their PS. He printed out such whatsapp chat from the mail of the complainant. All the documents including whatsapp chat screenshot print out copies (124 pages), whatsapp exported chat print out copies (17 pages) were produced by IO before the court. Thus it is evident that before handing over the mobile phone of victim to the I.O, the said victim took the entire whatsapp chat between himself and the caller. The IO then received the mobile phone from the victim and took print out of whatsapp chat communication in two ways, one regarding the whatsapp exported chat and the other regarding the screenshot of whatsapp chat. The mobile phone of the victim was opened in

the court by supplying his password and the live whatsapp chat where compared with those printout whatsapp chat i.e. the primary evidence and the secondary evidence were compared in the court and found to be similar.

24) After going through the evidence of PW19 and the documents regarding the whatsapp chat between the caller and PW19, it appears that the caller called from his mobile number 7319541594 to PW 19 through whatsapp. He made many voice calls as well as he made many whatsapp communication and sent many images to the complainant/victim i.e. PW19. He also sent different documents and different bank account numbers to PW19. He sent a photograph of himself claiming Hemraj Koli as SI of Mumbai Police at Andheri PS. He created pressure upon PW19 by stating that PW 19 was involved in huge amount of money laundering being an offender. PW19 became afraid as he did not do any such offence. However, the miscreants then sent him many documents of Supreme Court. EB and SEBI and threatened him that if PW19 follows their direction then they will help PW19, otherwise he would be arrested and be sent to the prison. PW19 being old an ailing and due to fear about his false implication in any money laundering case, was compelled to follow the direction of the caller. Then the caller told him to send his picture in every alternative hour through whatsapp and not to disclose the fact to anybody, otherwise he would be in trouble. PW19 with fear psychosis and being hypnotized was compelled to follow all the directions of the caller. As per their direction, PW19 told the caller the entire details of his three bank accounts of SBI and one bank account at Bandhan bank , all at Kalyani Branch. As per direction of the caller, PW19 encashed his FD at Bandhan Bank and sent the amount through RTGS to the account of caller which was supplied with IFSC code to PW19. The caller then sent PW19 the money receipt in the name of RBI & Supreme Court through whatsapp. PW19 had to go to the bank and to fill up the form of RTGS as per direction of the miscreants and thereafter to send the money through RTGS and in case of any delay even for one minute, he was scolded and threatened by the miscreants. He thereafter sent money to the miscreants through RTGS from the accounts of SBI out of fair. He sent a total amount of Rs. 1 crore to the miscreants since 21.10.24 to 01.11.24. They assured him to return back the said money as he was following their direction. They kept contact with him on 02.11.24 and 03.11.24 but on 04.11.24 the mobile phone of the miscreants was switched off. He waited on 04.11.24 and 05.11.24, but on 06.11.24 he became courageous to inform the matter to Manager of SBI and as per his advice, PW19 lodged complaint on 06.11.24 at Cyber Crime PS, Kalyani, Ranaghat PD. There are two types of communication between the complainant and the caller i.e. through whartsapp call and through whatsapp chat. The whatsapp call could not be produced before the court as the same could not be recorded. But if we meticulously go through the whatsapp chat communication, there is nothing to disbelieved

the evidence of PW19. Being perplexed, hypnotized and out of fear, the complainant transferred all his money to the bank accounts as per direction and as being supplied by the miscreants through whatsapp chat.

25) After receiving complaint and during the course of investigation the IO i.e. PW 27 came to know that both the numbers i.e. the offending mobile number of fraudsters as well as the mobile number of defacto complainant, belong to Airtel company. He proved the document dated 09.11.24 i.e. the reply of SOG Ranaghat PD dated 09.11.24 (Exhibit 115 collectively) mentioning that no data was found in pursuant to such of offending mobile number 7319541594. The easier way to detect the fraud ster could not be achieved. Accordingly requisition dated 08.11.24 (Exhibit 111 & 112) were sent to whatsapp Inc for sending the registration details and log in IP pertaining to the said whatsapp account of the fraudster. The reply was also received. From exhibit- 113 the last seen IP address of the offending mobile number could be detected as 202.79.29.198. Then the IO searched in google, "What is my IP". (The screenshot is marked as exhibit- 116). After opening the portal he put the said last seen IP address and found the result (Exhibit- 117). The result shows that the last location of IP address is in the country of Cambodia. It is the evidence of PW27 that their is no MLAT (Mutual Legal Assistance Treaty) between out country and Cambodia and accordingly they had to stop there.

26) Another way to apprehend the caller being the fraudster also became futile. The caller sent PW 19 his photograph through whtassapp claiming to be Hemraj Koli, SI of Mumbai Police at Andheri PS. PW 19 identified his photograph extracted from whatsapp chat (Exhibit 49). Prosecution has examined one Satish Sakharam Kawankar through VC (PW 16). The said person is posted as Police Inspector at Andheri PS since 27th December 2024. He deposed that on 05.01.25 his office received an email from Ranaghat PD along with the attachment of picture of one person namely Hemraj Koli in c/w Cyber Crime PS Case No. 61 of 2024 dated 06.11.24 with a request to provide any information as to whether a person named Himraj Koli is at all posted at Andheri PS, Mumbai. On thorough search in their system of entire police district they found that there was / is no police officer namely Himral Koli. He proved the requisition and reply as well as photograph of so called Hemraj Koli (Exhibit 48 & 49). In cross examination he was asked as to whether there is any note in his reply letter that he verified from 98 Police Station and entire State of Maharastra Police and in reply he told that there is no such note. However in his evidence in chief he deposed that after thorough search in their system of entire Police District, no such officer namely Hemjraj Koli was found at all. Thus from his entire evidence it is clear that the caller was a fake person and accordingly he could not be traced out.

27) The entire process by the caller for coercing money from PW 19 was made by the caller by applying fraud, Impersonation, cheating. The money receipt in the name of Govt. Authorities where not genuine. The photograph of SI Hemraj Koli was also not genuine. PW 19 in the last part of his examination in chief deposed that the miscreants informed him as to his (PW 19) account number 403101206666 opened through his aadhar card and alleged that PW 19 was doing money laundering in respect of that account, but they applied fraud as the said account does not belong to PW 19. So the police agency could understand that the alleged offence was being committed by the king pin of the fraudsters from Cambodia perpetrating fraud and it was a cyber crime having a racket. As the kingpin of the fraudster being the caller was committing the crime sitting at Cambodia and as there is no MLAT, between India and Cambodia, they could not apprehend the caller and had to stop there. Next they turned their face to the bank accounts where the money were transferred, in order to unearth the racket.

28) FIRST LAYER OF TRANSFER OF MONEY :

PW26 namely SI Subham Halder posted at Cyber Crime PS, Kalyani, Ranaghat PD, another IO of this case, during investigation could ascertain that a huge amount of money was transferred from the account of defacto complainant (PW 19) to different accounts. He deposed that :-

An amount of Rs. 37,00,000/- (Rupees Thirty Seven Lakhs tentatively) was transferred from the account of defacto complainant Partha Kumar Mukhopadhyay directly to the account of accused Shahrukh by way of cheating.

A huge amount of money was transferred from the account of victim Partha Kumar Mukhopadhyay to Neelima Fashin and ultimately a portion thereof was transferred to the account of accused Jatin Anup Ladwal by second layer of transfer by way of cheating. Like wise huge amount of money was transferred from the account of victim Partha Kumar Mukhopadhyay to the account of Naitik Collection, subsequently a portion thereof was transferred to the account of Rupesh Yadav and ultimately a portion thereof was transferred to the account of accused Sahil by third layer of transfer by way of cheating.

Like wise huge amount of money was transferred from the account of victim Partha Kumar Mukhopadhyay to the account of Shahrukh Textile, subsequently a portion thereof was transferred to the account of Faldu Ashoke by second layer of transfer by way of cheating.

The Udyam Registration Certificate (photocopy) was seized from the house of accused Imtiyaz. The said document was used by accused Shahrukh for opening his bank account namely Shahrukh Textile.

PW 2. Akash Debnath is the Deputy Branch Manager of SBI, Kalyani Branch. He proved Exhibit- 5. i.e. the Bank statement, from which it appears that it is the bank statement of PW 19 in respect of SBI AC No. 11151161952 (Senior Citizen). The said bank statement relates to the date since 01.10.24 to 04.11.24. From statement dated 21.10.24, it appears that the PPF money of PW19 amounting to Rs. 17 lakh was deposited by him in such account on that day and on the same day Rs. 17,00,047.20/- was transferred by him through RTGS to SBINR52024102156733867 (As it appears from the relevant entry dated 21.10.24, marked as Exhibit- 5/1). From the statement dated 24.10.24 and 25.10.24, it appears that proceeds of mutual funds of PW19 were deposited by him in his said account and from Exhibit- 5/2 (Relevant entry dated 25.10.24) it appears that Rs. 37,60,047.20/- was transferred by said PW19 to SBINR 52024102557819766. PW 23 is Rahul Dutt Kumar, Branch Manager of Bandhan Bank at Varachha ranch, Surat. From his evidence as well as from Exhibit- 83 collectively, it appears that Rs. 17,00,000/- was transferred on 21.10.24 by PW19 to the account of **M/S Krishna Fashion** bearing A/C No. 20100031760221 (Exhibit- 83/2). PW 9 Mangesh Motwani is the Branch Manager of IDFC Bank at Ullasnagar Branch, Maharashtra. From his evidence as well as from exhibit-32 collectively it appears that on 25.10.24 Rs. 37,60,000/- was transferred by PW19 to **Saharukh Textile** in respect of A/C No. 10189359753 (Exhibit- 32/1).

PW12 is Ankur Jadon who is Branch Manager of IDFC Bank at Rewari Branch, Hariyana. From his evidence as well as from exhibit – 38 it appears that an amount of Rs. 500000.00 was transferred from the account of **Rupesh Yadav** to the account of **Mr. Sahil**.

PW3 Rajesh Banerjee is the Branch Manager, Bandhan Bank, Kalyani Branch, Dist. Nadia from his evidence as well as exhibit-10, it appears that on 21.10.24 Rs. 2,20,000/- was transferred through cheque issued by PW19 and his wife jointly in favour of **M/S Piram Enterprise** (Exhibit-10/1) .

PW 20 Shibu Kant is the Branch Manager of PNB, Sector- 31, Faridabaad, Hariyana, from his evidence as well as from exhibit- 69, it appears that on 30.10.24 Rs. 4,70,000/- was transferred from the SBI account of Partha Kr. Mukhopadhyay (PW 19) and deposited in A/C No. 4769000100095171 (Exhibit- 69/1) i.e. in the account of **Neelima Fashion**.

PW24 Aditya Srivastava is the Branch Manager of Bandhan Bank at Noya Raipur Branch, Chattisgarh. From his evidence as well as from exhibit- 88, it appears that Rs. 10,80,000/- was transferred from the account of PW 19 to the account **M/S Naitik**

Collection on 23.10.24 (Exhibit- 88/1).

29) SECOND & THIRD LAYER OF TRANSFER :

PW11 is the Branch Manager of Axis Bank, Rewari Branch, Hariyana. From his evidence as well as from exhibit-36, it appears that **Rs. 10,00001/-** was transferred from the account of **M/S Naitik Collection to the account of accused Rupesh Jadav** (Exhibit-36/1). It further appears from the evidence of PW11 as well as from exhibit – 36/2 that **Rs. 5,00011.80/-** was transferred from the account of accused **Rupesh Jadav to the account of another accused Sahil**. PW12 is Ankur Jadon i.e. Branch Manager of IDFC Bank at Rewari Branch, Hariyana also depose before the court that on 23.10.24 such amount was transferred from the account of accused Rupesh Jadav to the account of accused Sahil (Exhibit-38/3). PW22 is Vishwas Trividi, Branch Manager of Federal Bank at Morbi Branch. From his evidence as well as exhibit 78/1, it appears that **Rs. 5,00029/-** was transferred from the account of **Krishna Fashion to the account of one Sitaben Vijaybhai Jadav**. From his evidence as well as from exhibit- 78/2, exhibit- 78/3 , exhibit- 78/4 & exhibit 78/5, it further appears that a total amount of **Rs. 1,40,001/-** was transferred from the account of said **Sitaben Vijaybhai Jadav to the account of accused Pathan Sumaiya Banu**.

PW23 is Rahul Dutt Kumar is Branch Manager of Bandhan Bank at Varachha Branch, Surat. From his evidence as well as from exhibit- 83/1, it appears that **Rs. 2,00,062/-** was transferred from the account of **M/S Krishna Fashion to the account of one Sunil Kumar** on 21.10.24.

PW24 is Aditya Srivastava, Branch Manager of Bandhan Bank at Nayarpur Branch, Chattishgarh. From his evidence as well as from the evidence of PW11 coupled with exhibit- 36, 36/1 & exhibit- 88/2, it appears that **Rs. 10,00,001/-** was transferred from the account of **Naitik Collection to the account of accused Rupesh Jadav**.

PW8 is Jayesh Kumar Rana i.e. Branch Manager of Axis Bank at Kalavad. From his evidence as well as from exhibit 30/1, it appears that on 25.10.24 **Rs. 9,75,000/-** was transferred from the account of **Saharukh Textiles IDFC First Bank Limited to the account of Neel Trading Co. Marketing Yeard**. PW8 proved all the documents including AOF, KYC, Bank Statemnt and other documents which were marked as exhibit- 30 collectively. From those document it appears that the business account of that **Neel Trading Co. Marketing Yeard was opened by accused Faldu Ashok**. PW9 is Manjesh Motwani i.e. Branch Manager of IDFC Bank at Ullasnagar Branch, Maharastra. From his evidence as well

as from exhibit- 32/2, the above transaction has also been corroborated.

PW14 is Vaibhav Tatkare is the Branch Relation Manager of A.U Small Finance Bank at Chakala Branch, Maharashtra. From his evidence as well as from exhibit- 44/1, it appears that on 30.10.24, **Rs. 1,37,000/-** was transferred from the account of **Neelima Fashion to the account of accused Jatin Anup Ladowal.**

PW13 is Atanu Sarkar, Portfolio Manager of Fino Payments Bank at Kolkata Regional Office. From his evidence as well as exhibit- 41/1, it appears that **Rs. 4,99,996/-** was transferred from the account of **Saharukh Textiles to the account of accused Rohit Singh** on 25.10.24.

30) Thus from the first, second and third layer of transfer of money from the account of victim i.e. PW19 to the account of accused persons, it appears that the accused persons got benefited from the money of the victim, which was extracted by the fraudsters by applying fraud upon the victim in the name of digital arrest. Since beginning till date, even in their examination U/S 313 Cr.P.C, there is no plea from the side of the accused persons that the money was entrusted in their bank accounts without their knowledge. With the threat of digital arrest, the fraudsters extorted huge amount of money from the victim i.e. PW19 and portion thereof transferred to other accused persons and accordingly all of them were benefited out of that money by way of fraud. Thus there appears a clear criminal conspiracy amongst all the accused persons for the alleged offence since beginning. There is neither any plea of the accused persons during their cross examination nor during their examination U/S 313 Cr.P.C(corresponding to sec. 351 of BNSS) regarding any explanation of those monetary transactions by which they were benefited, despite having knowledge of the same. In consequence thereof it is clear that the accused persons failed to discharge their burden in view of section 106 of The Evidence Act (corresponding to sec 109 of BSA).

In **Balaram Prasad Agarwal vs. State of Bihar & Ors AIR1997 SC 1830**, Hon'ble Court was pleased to observe that,

“(10) Section 106 is an exception to S.101. Section 101 lays down the general rule about the burden of proof.

‘Whoever desires any Court to give judgment as to any legal right or liability dependent on the existence of facts which he asserts, must prove that those facts exist’.

Illustration (a) says-

‘A desires a Court to give judgment that B shall be punished for a crime which A says B has committed. A must prove that B has committed the crime’.

(11) This lays down the general rule that in a criminal case the burden of proof is on the

prosecution and S.106 is certainly not intended to relieve it of that duty. On the contrary, it is designed to meet certain exceptional cases in which it would be impossible, or at any rate disproportionately difficult, for the prosecution to establish facts which are 'especially' within the knowledge of the accused and which he could prove without difficulty or inconvenience."

"In the case of Collector of Customs, Madras & Ors- vs - D. Bhoormull AIR 1974 SC 850 another Bench of two Learned Judges of this Court while considering the offence under Sea Customs Act, 1878 earmarked the scope of section 106 of the Evidence Act in the following terms in paragraphs 31 and 32 of the Report:

31. The other cardinal principle having an important bearing on the incidence of burden of proof is that sufficiency and weight of the evidence is to be considered – to use the words of Lord Mansfield in *Blatch v. Archar* (1774) 1 Cowp 63 at p.65 'according to the proof which it was in the power of one side to prove, and in the power of the other to have contradicted. Since it is exceedingly difficult, if not absolutely impossible for the prosecution to prove facts which are especially within the knowledge of the opponent or the accused, it is not obliged to prove them as part of its primary burden."

31) So far contention from the defence side is concerned, It is true that there is no concept of digital arrest in the eye of law. Sec.43 of BNSS, 2023 provides the procedure of arrest. Sec. 43(1) of the said Act provides that, in making an arrest the Police Officer or other person making the same shall actually touch or confine the body of the person to be arrested, unless there be a submission to the custody by word or action. I do also agree with the view of Ld. Defence Counsel that there is no concept of "digital arrest" in the eye of law. But this is an online scam. The scammer/ perpetrator duped the complainant/victim and extorted his hard earned money under the guise of digital arrest by cyber fraud and the innocent victim had no knowledge that the law does not recognize any such fake digital arrest and due to fear, he was bound to follow the directions of the fraudsters. From the evidence of PW-19 who is complainant/victim, it appears that in his cross-examination, he disclosed his source of money as the money saved by him during his entire service tenure. The judgement passed in **Basalingappa v Mudibasappa** (as referred by Learned Defence Counsel) is not applicable in the facts and circumstances of the present case being a cyber fraud case and the former being a case under N.I. Act. When there is ample evidence that victim's hard-earned money was duped, then question of how he obtained that amount is beyond the perspective of present case. In **SBI v Rizvi Exports Ltd.** (as referred by Learned Defence Counsel) the dispute was between the bank and the loanees and accordingly the bank was interested party.

However, in the present case, the accused persons were found to be the account holders of the banks and the accused persons are found to have extorted money in furtherance of their common intention, from the victim by way of cyber fraud and channelised the proceed through those bank accounts. There is no reason to disbelieve the computer generated statements issued by those banks to the Police in respect with those bank accounts of the accused persons and the certificates under the BBE Act.

32) Now coming to another contention of defence it appears that, though it is not the defence case through out trial, during argument ld. Defence counsel argued that the accused persons are financially poor and illiterate, due to which, it may be that, they are deceived to hand over the possession of their bank accounts to the perpetrators, without any knowledge that the accounts would be controlled by the perpetrators for their illegal interest and accordingly the accused persons are falsely implicated in this case.

Cyber crimes are ever-inflating in nature wherein both new variants of offences come up frequently as well as the methodologies of committing said crimes are being expanded by the perpetrators. Once the money is unlawfully extorted by said perpetrators from the bank accounts of the victims, may be it is then deposited in the bank accounts of third parties. However, these third parties are either innocent or have conspired with the actual perpetrator, thereby allowing them to use their bank accounts in exchange for some percentage of share in the proceeds of the crime. Although very demanding, it is the work of the Investigating agencies and the Courts to realise and discover whether the third parties are co-perpetrators in the crime or mere innocent and helpless citizens. When we talk about the innocent category of third parties, we refer to the situation where the bank holders are generally below the poverty line and genuinely financially poor and illiterate, due to which they are deceived to hand over the possession of their bank accounts to the perpetrators, without any knowledge or reasonable belief that their accounts will be misused for illegal purposes, they comply.

33) The other category of third parties refer to the one who have a common intention of deceiving the victims and work alongside the actual perpetrator, by letting them use their bank accounts to dispose of the proceeds of the cyber crime, and can be held liable for the offence of theft, and common intention (under section 34 of the Indian Penal Code now u/s. 3 (5) BNS) which lays down the principle of constructive liability. If the prior consultation and common intention to rob an individual of their hard-earned money can be established in the Court of law, then even if the person doesn't actively participate in committing the main offence, he can be held liable under section 34 of IPC. However, if it cannot be established in the Court that the third party has procured the proceeds of the cyber crime simply because of

their financial backwardness, illiteracy and ignorance, the common intention and prior conspiracy might as well be presumed as such a large sum of monetary funds had been deposited in the account of the third party and they had not taken the initiative and informed the Police or the Bank Officials. If the same had been done to a prudent innocent man, he would have immediately informed the respective officials or people in charge like the Police. As already mentioned, this cyber crime involves the offence of theft committed by the perpetrator when he extorted money from the bank account of the victim wherein his consent was taken by the perpetrator under the misconception of fact as provided under section 90 of the IPC (now u/s. 28 BNS). Since the money transferred from the bank account of the victim was by the offence of theft, the money therefore is “stolen property” as mentioned under Section 410 of the IPC [now u/s. 317(1) BNS]. Since the third party willingly allows the perpetrator to deposit the “stolen property” in their bank accounts, he can be held liable under section 411 IPC [now u/s. 317(2) BNS] and for assisting in the concealment of the said stolen property under section 414 of the IPC [now u/s. 317(5) BNS]. If the said person has been involved in more than one such arrangements, he can be held liable for habitually dealing in “stolen property” under section 413 of the IPC [now u/s. 317(4) BNS].

34) The prosecution has successfully proved that the accused persons are co-perpetrators in the crime. They even did not inform the bank authority, far to speak of police authority, that a large sum of monetary funds had been deposited in their account. More over, there is also no plea of the accused person as to such claim, either by way of cross-examination or in their examination u/s 313 Cr.P.C. (now u/s. 351 BNSS). On the contrary, they also channelised a portion of such fund to others with their active knowledge about such fund. They could not discharge their burden u/s 106 of Evidence Act (now u/s. 109 of BSA).

35) In this case, the accused persons had not given any explanation of the use of the aadhaar data and copies of business used for the purpose of making fraudulent bank accounts and duping the hard-earned money of victims. They could not even explain what they were doing with the seized articles. They also could not explain as to why the huge sum of money of PW 19 were channelized in various layers of bank accounts and money has been withdrawn.

36) Although the caller communicating with PW19, being in Cambodia, as well as also some of the accused persons, could not be apprehended, the other accused persons who were apprehended and faced trial are all found to be the members of the racket of fraudsters being in conspiracy with each other committing the alleged offence as aforesaid by way of Cyber Fraud, causing unlawful gain to themselves and unlawful loss to the victim of his hard

earned money saved during his entire service period. Not only that, from the evidence of PW19 coupled with the evidence of PW 28, it is crystal clear that, the accused persons are also liable for such types of crime with some other victims, having a world wide racket and a huge number of victims are duped by them by way of cyber crime under the guise of digital arrest. They are habitually dealing with stolen property viz stolen money and electronic data. The prosecution has been able to prove an online scam under the guise of “digital arrest” that defrauded the victims of their hard-earned money. The scammers are proved to be in conspiracy with each other, intimidated the victim and falsely accused him of illegal activity alleged to have involved in money-laundering case. They later demanded money and put him under pressure for making the payment of near about one crore for wrongful gain of the accused persons, causing wrongful loss to the victim. Since the beginning of the crime, the perpetrators had an intention to cheat the victim through the medium of cyber-space and they posed as law enforcement officials and initiated contact with the victim via WhatsApp call and message. The victim was under psychological manipulation being under fear and threats and was bound to comply with their demands. The victim was tricked into believing that he was in legal trouble and was forced to comply with the scammer’s demands to avoid a perceived arrest or consequence. Under the guise of settlement of the allegations (false), the victim was coerced into transferring large sum of money through online transaction and the scammers tried to vanish, leaving the victim to face financial loss and potential identity theft. But the prosecution has been successful in finding atleast some of them roping them into the offence.

37) ROLE OF ACCUSED PERSONS :

From the evidence and materials on record, the individual responsibility of the accused persons as well as the conspiracy of the accused persons for commission of the offence have been proved. The fraudster communicated with the victim / complainant through whatsapp chat creating panic in the mind of the victim, hypnotizing him by way of practicing fraud, impersonation and by creating fake documents, cheated the complainant in conspiracy with the other accused persons of this case. It has been proved that the said caller operating from Cambodia committed the crime in conspiracy with the accused persons of this case and he could not be traced and apprehended, as there is no MLAT between India and Cambodia. However, the prosecution has been able to prove that as directed by said caller, the complainant / victim was bound to transfer his money to the bank accounts of the accused persons of this case who are beneficiaries, having wrongful gain of themselves and causing wrongful loss to the victim. During investigation it could be established that all the accused persons having mens rea to commit this crime, made preparation, attempt and ultimately they had completed the commission of the crime. P.W.28 deposed that the bank

accounts where the amount were debited from the account of the complainant, are involved in 108 other cases all over India. He produced the document downloading the data from NCCR Portal of Govt. of India and deposed that the same is still now available in the website and anybody can access it. The document is marked as Exhibit No.133. On perusal of such document, the claim of P.W.28 is proved to be genuine and correct. The telecom data and the bank data produced in evidence are suggestive of the fact that the accused persons opened those bank accounts in their names by submitting KYC documents and filling up the form under their signature to receive the stolen money from the complainant by applying fraud and that the bank accounts are involved in many other cyber crimes of same nature. The accused persons having knowledge about the transactions in their bank accounts had the opportunity to explain about the same. Despite such scope they remained totally silent and did not explain it during the cross examination of different PWS as well as examination of the accused persons u/s 313 Cr.P.C(corresponding to sec.351 of BNSS). Thus the accused persons failed to discharge their burden u/s 106 Evidence Act (corresponding to sec109 of BSA). The prosecution has been able to prove the involvement of the accused persons into the offence for which charge has been framed against them.

INVOLVEMENT OF ACCUSED SHARUKH SHAIKH :

The caller giving his identity as Sub-Inspector of Mumbai Police, set trap of digital arrest and provided the account details of Saharuk Sk vide A/C No.0221104000197823, IFC Code IBKL0000221 through whatsapp chat (Exhibit 132 collectively). It has already been proved that an amount of Rs.37,60,000/- has been credited to the account of Saharukh SK from a total fraud of Rs.1 crore. Authenticated statement has been collected from the bank where accused Saharukh's account is held, in which the fraudulent transaction has been reflected (Exhibit No.32/1). Authenticated Account Opening form with KYC documents and statement were also collected from the bank (Exhibit no.32 collectively) which transpires that the account is in the name of Saharukh Sk. The account was created by using fake invoice in the name of Saharukh Textile dated 18.06.2024, invoice no.0367. The accused also created Udyam Registration Certificate of MSME by using his details and showing A/C No.0221104000197823 (Exhibit no.32 collectively). From the CDR of Saharukh, the other accused persons namely Imtiyaj and Sahid link was found. Sixteen (16) other NCRP complaints out of 108 exists against the account (A/C No. 10189359753) of accused Shahrukh (Ext. 133). The Udyam Certificate stands in the name of Saharukh and the mobile phone number 9168565255 is in the name of Imtiyaj (Exhibit No.124/1). The said SIM card was recovered and seized by P.W.27 from the accused Imtiyaj Ansari as it appears from the seizure list dated 29.11.2024. The copy of said Uddyam Registration Certificate in the name of Shahrukh was also recovered from the accused Imtiyaz Issa Ansari as it appears from the

seizure list dated 29.11.2024 (Ext. 19). He transferred fraud amount of Rs.9,75,000 to another accused Faldu Ashok. He failed to discharge onus by giving explanation despite having knowledge of those transfers of money collected duping the complainant.

INVOLVEMENT OF ACCUSED SAHID ALI SK. :

From the order no. 28 dated 15.05.2025 it appears that, the mobile phone along with SIM , recovered from accused Sahid Ali (Mat Ext. 17) ,was opened in open Court, after putting password as per prayer of Ld. P.P. in charge and the relevant whatsapp chat in whatsapp business account of accused Sahid in the name of Sahid 2 was also opened and the contents goes to show that said Accused Sahid used to save the datas relating to different E-mail IDs, phone numbers, various documents including KYC and different bank statements connecting with this case. The account details of Accused Shahrukh was also found saved in the phone of Accused Sahid. Thus his involvement and conspiracy with the other accused persons is well proved.

INVOLVEMENT OF ACCUSED IMTIYAZ MOHAMMAD ISSA ANSARI :

The said accused Imtiyaj Md. Isa Ansari is a part of racket planning for wrongful gain (to the complainant) in association with other accused persons including Saharukh Sk and Sahid Ali @ Sonu collected the accounts for commission of the crime and the caller fraudster controlled the team staying at Cambodia along with a number of similar type of components for commission of the cyber crime, as it appears from the direct evidence coupled with circumstances. Several bank accounts of other persons and companies have been recovered from the possession of Imtiyaj. A Cheque book was also recovered from Imtiyaz Ali containing cheques from SL No. 486923 to 486950 standing in his name in respect of Indusind Bank account no.259202838833. Several bank accounts of many other persons and companies were recovered from the possession of accused Sahid Ali. Several bank accounts of other persons and companies were seized from the possession of Sahid Ali. Two debit cards, three cheque books, one passbook with other items were also recovered from his possession (Exhibit.20). A cheque book of Indusind Bank vide account no.259209838833 was seized from accused Sahid Ali and that account is in the name of accused Imtiyaj. Thus it is found from the evidence on record that bank document of Saharuk and Imtiyaj were recovered from the possession of accused Sahid Ali.

INVOLVEMENT OF ACCUSED FALDU ASHOKE :

It is proved from the evidence on record that the account of accused Faldu Ashoke is a current account in the name of Neel Trading Company (Constitution of Bank Partnership) in Axis Bank and the account number is 923020049667534. It is also evident that said

accused opened the said account by linking his mobile number 9925470610 (Mat Ext. 24). The said account number is 923020049667534 in the name of Neel Trading Company opened by the accused Faldu Ashoke by providing KYC and the form duly signed by him (Mat Ext. 30). It is proved that in such account, a total amount of Rs.1,78,79,108/- was transferred which he received in between 07.10.2024 to 18.11.2024 (near about only two months in a single account) from different accounts. The maximum portion of Rs. 1,78,79,108/- has been withdrawn through several Self Cheques where signature of Ashoke Faldu was mandatory which indicates that he was aware about the monetary transactions not connected with any of his business, but only from illegal activities. The accused could not show any document which could reflect that the total amount was invested in business or deposited to any accounts. The accused failed to discharge his onus. This creates the doubt that all the amounts are received through cheating or fraudulent transactions. Thus the said accused received Rs. 9,75,000/- from accused Shahrukh who received the money from the complainant by way of fraud. Accordingly, the conspiracy and involvement of accused Faldu Ashoke is proved to be established in the present crime.

INVOLVEMENT OF ACCUSED ROHIT SINGH :

Rs. 5,00,000 was transferred from the account of Shahrukh (1st layer account) and deposited in the account of accused Rohit Singh (A/C No. 20351496919). The evidence of PW-1 and PW-13 as well as exhibit-1, 41/2 goes to prove such fact. The evidence and documents on record is sufficient to establish that the said accused opened the said account in his name.

Two (2) NCRP Complaints out of 108, exists against the account as it appears from exhibit-133. In view of evidence of PW-13 it appears that the said Bank Account is in the name of accused Rohit and the connected phone no. 9416745317 in that account also stands in the name of accused Rohit. There appears subsequent monetary transactions in respect of the account of Rohit which goes to show that he had knowledge about the transaction of fraud amount from Shahrukh. But he also failed to provide any explanation on that score.

INVOLVEMENT OF ACCUSED RUPESH YADAV:

So far accused Rupesh Yadav is concerned, it appears that Rs. 5,80,000/- was transferred to his account no. 924010040687988 from the account of Naitik Collection who received the fraud money from the complainant. Such fact has been proved by evidence adduced from the side of the prosecution (PW-11, Ext. 36, 36/1 and 36/2). His phone number connected to such account is 9992591227 (Mat Ext. 7) which shows such phone number in his name. The account was opened by him by supplying KYC and filling up the form under his signature as it appears from Ext. 36 collectively. He thereafter transferred the portion of fraud money to accused Sahil. Thus he is proved to be one of the conspirator, beneficiary of

the fraud money and part of the racket.

INVOLVEMENT OF ACCUSED SAHIL SINGH :

So far accused Sahil is concerned, his transaction is found to be under third layer. It is established from evidence on record that accused Rupesh Yadav transferred Rs. 5,00,000/- to him (Ext. 38/3). From Ext. 38, it appears that accused Sahil opened the said account no. 10199351901 in his name by supplying KYC and filling up the form under his signature. He linked his mobile no. 8901677306 and from Mat Ext. 7, it appears that such mobile number stands in the name of accused Sahil. It has already been proved that Rupesh received portion of fraud amount from M/S Naitik Collection who received the same from complainant. Subsequently such mobile number of accused Sahil was changed by the account holder to 9466880396. However the email id was the same (Ext. 38/1 and Ext. 38/2).PW-12 is the relevant witness on that score. Such witness gave clear idea in his cross examination to the effect that although if the account is opened through on line, it could be operative when the customer will physically come and contact with the branch. Such evidence clears the matter that the accused persons went to Bank personally having knowledge as to their such bank accounts. Thus the involvement of the present accused of Sahil into the alleged offence is well established.

INVOLVEMENT OF ACCUSED PATHAN SUMAIYABANU:

Pathan Sumaiyabanu is another accused who is proved to have received Rs. 1,40,000/- from Sitaben Vijay Bhai who received the same from Krishna Fashion and the later received the fraud amount from the complainant. Ext. 34 goes to show that Pathan Sumaiya Banu opened the said account in her name by supplying KYC document and filling up the form under her signature. The phone number linked to such account is 8153072446 in the name of said accused which is corroborated from Mat Ext. 7. Thus the present accused is also a part of the racket having conspiracy with other accused persons and received the fraud amount causing wrongful gain to herself and wrongful loss to the victim.

INVOLVEMENT OF ACCUSED JATIN ANUP LADWAL :

So far accused Jatin Anup Ladwal is concerned, it is evident that he received fraud amount of Rs. 1,37,000/- from the account of Neelima Fashion (supplied by the fraud sters) who received fraud amount of Rs. 4,70,000/- from the victim account. PW-14 and Ext. 44 shows the present accused Jatin Anup Ladwal being part of the racket. From Ext. 44 collectively, it appears that said accused opened the bank account no. 2401252162825531 by supplying his KYC and filling up the form under his signature. Despite knowledge, he also kept himself mum by not explaining about the fraudulent transfer. Thus his involvement in

the present case with the conspiracy with other co-accused persons in the cyber fraud is also established.

38) Considering the facts and circumstances of this case coupled with the evidence and materials on record and in view of my discussion made herein above, I am inclined to hold that the Prosecution has been able to prove the charge against all the nine accused persons for offence punishable u/s. 316(2)/ 317(4)/ 318(4)/ 319(2)/ 336(3)/ 338/ 340(2)/ 351(2)/ 3(5)/ 61(2) of BNS & Sec. 66C/66D of the I.T. Act.

In result the case of the prosecution succeeds .

Hence, it is,

ORDERED

that the accused persons namely 1. Jatin Anup Ladwal, 2. Rohit Singh, 3. Rupesh Yadav, 4. Sahil Singh, 5. Pathan Sumaiyabanu, 6. Sahid Ali Sk., 7. Sharukh Shaikh, 8. Faldu Ashoke and 9. Imtiyaz Mohammad Issa Ansari are found guilty for offence punishable U/S. 316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act and are convicted thereunder.

They are now required to be examined on the point of sentence in terms of provision U/S 235 (2) of Cr.P.C. [now u/s. 258(2) BNSS].

They be produced before this court on 18.07.2025 at 3.00 p.m. for hearing on the point of sentence and also for passing order of appropriate sentence.

Dictated & Corrected
by me

Sd/-S.Sarkar
Additional Sessions Judge
Kalyani, Nadia
(Sri Suberthi Sarkar)
JO Code-WB00687
17.07.2025

Sd/-S.Sarkar
Additional Sessions Judge
Kalyani, Nadia
(Sri Suberthi Sarkar)
JO Code-WB00687
17.07.2025

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE,
KALYANI, NADIA.

PRESENT : SRI SUBERTHI SARKAR (JO CODE- WB00687)
ADDITIONAL DISTRICT & SESSIONS JUDGE, KALYANI, NADIA

Date of Judgment : **17.07.2025**

Sessions Cases No. 51 of 2025

S.T. No. 04 (02) 2025

Registration No. 51 of 2025

CNR No. WBND0C-000197-2025

S E N T E N C E

Dated: the 18th day of July 2025.

The convicts namely **1. Jatin Anup Ladwal, 2. Rohit Singh, 3. Rupesh Yadav, 4. Sahil Singh, 5. Pathan Sumaiyabanu, 6. Sahid Ali Sk., 7. Sharukh Shaikh, 8. Faldu Ashoke and 9. Imtiyaz Mohammad Issa Ansari** are produced before this court in terms of the previous order **dt. 17.07.2025** and they are placed on dock. The convicts are examined on the point of sentence.

On being asked the convict namely **Jatin Anup Ladwal** submits that he is 22 years of age and being unmarried resides with his parents and he is by profession a shoe maker.

On being asked the convict namely **Rohit Singh** submits that he is 20 years of age and is a student and being unmarried resides with his family members.

On being asked the convict namely **Rupesh Yadav** submits that he is 23 years of age and is married person having no issue. He submits that he is an employee of a warehouse.

On being asked the convict namely **Sahil Singh** submits that he is 27 years of age, unmarried and is a cultivator.

On being asked the convict namely **Pathan Sumaiyabanu** submits that she is 31 years of age and she resides with her husband with three minor children.

On being asked the convict namely **Sahid Ali Sk.** submits that he is 25 years of age, unmarried having their family business.

On being asked the convict namely **Sharukh Shaikh** submits that he is 29 years of age and employee of a factory and he is unmarried.

On being asked the convict namely **Faldu Ashoke** submits that he is 35 years of age, unmarried and reside with other family members having business.

On being asked the convict namely **Imtiyaz Mohammad Issa Ansari** submits that he is 40 years of age and reside with his wife and three minor sons and he is a auto driver by profession.

All the convicts pray for humanitarian consideration as regards their punishment.

Ld. P.P. takes me through the gravity of the offence and submits that no leniency should be shown towards those unscrupulous and dishonest persons. According to Ld. PP, the convicts deserve maximum punishment prescribed under law for practicing fraud, impersonation and cheating upon the victim and extorting for one crore rupees by way of cyber crime. The convicts in furtherance of their common intention are also involved in large number of cases extorting money using cyber space and habitually dealing with the stolen property and some of perpetrators sitting at Foreign Countries have started to channelise the Indian money to Foreign Countries and such organized crime is nothing but economic terrorism effecting the society at large.

Ld. Counsel for the convicts drawing my attention to the age and family background of the convicts submits that lenient view may be adopted in sentencing the convicts.

The court has arrived at a decision that all the convicts as aforesaid are found guilty of offence punishable u/s.316(2)/317(4)/318(4)/319(2)/336(3)/338/340(2)/351(2)/3(5)/61(2) of BNS & Sec. 66C/66D of the I.T. Act. Awarding of sentence is a general rule. It is the duty of the court to impose sentence when a person is placed for trial for an offence and is found guilty. Awarding of sentence is consequential and incidental to conviction.

Section 316(2) BNS. Punishment For Criminal Breach Of Trust: Whoever commits criminal breach of trust shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Section 317(4) BNS. Habitually Dealing In Stolen Property: Whoever habitually receives or deals in property which he knows or has reason to believe to be stolen property, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 318(4) BNS. Cheating And Dishonestly Inducing Delivery Of Property: Whoever cheats and thereby dishonestly induces the person cheated to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 319(2) BNS. Cheating By Personation Punishment: Whoever cheats by personation shall be punished with imprisonment of either description for a term which may extend to five years, or with fine, or with both.

Section 336(3) BNS. Forgery For Purpose of Cheating: Whoever commits forgery, intending that the document or electronic record forged shall be used for the purpose of cheating, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine.

Section 338 BNS. Forgery of valuable security, will, etc.: Whoever forges a document which purports to be a valuable security or a will, or an authority to adopt a son, or which purports to give authority to any person to make or transfer any valuable security, or to receive the principal, interest or dividends thereon, or to receive or deliver any money, movable property, or valuable security, or any document purporting to be an acquittance or receipt acknowledging the payment of money, or an acquittance or receipt for the delivery of any movable property or valuable security, shall be punished with imprisonment for life, or with imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine.

Section 340(2) BNS. Using As Genuine A Forged Document or Electronic Record: Whoever fraudulently or dishonestly uses as genuine any document or electronic

record which he knows or has reason to believe to be a forged document or electronic record, shall be punished in the same manner as if he had forged such document or electronic record.

Section 351(2) BNS. Criminal Intimidation Punishment: Whoever commits the offence of criminal intimidation shall be punished with imprisonment of either description for a term which may extend to two years, or with fine, or with both.

Section 61(2) BNS. Criminal Conspiracy Punishment: Whoever is a party to a criminal conspiracy,- (a) to commit an offence punishable with death, imprisonment for life or rigorous imprisonment for a term of two years or upwards, shall, where no express provision is made in this Sanhita for the punishment of such a conspiracy, be punished in the same manner as if he had abetted such offence; (b) other than a criminal conspiracy to commit an offence punishable as aforesaid shall be punished with imprisonment of either description for a term not exceeding six months, or with fine or with both.

Section 3(5) BNS. General Explanations- Acts Done By Several Persons In Furtherance Of Common Intention: When a criminal act is done by several persons in furtherance of the common intention of all, each of such persons is liable for that act in the same manner as if it were done by him alone.

Section 66C IT Act. Punishment For Identity Theft: Whoever, fraudulently or dishonestly make use of the electronic signature, password or any other unique identification feature of any other person, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to rupees one lakh.

Section 66D IT Act. Punishment For Cheating By Personation By Using Computer Resource: Whoever, by means of any communication device or computer resource cheats by personation, shall be punished with imprisonment of either description for a term which may extend to three years and shall also be liable to fine which may extend to one lakh rupees.

The chief end of law of crime is to give warning to all evil doers and to the like minded with them. The Courts have an obligation while awarding punishment. A proper and adequate sentence is nothing but an amalgamation of many factors such as nature of offence, circumstances, extenuating or aggravating home life, emotion and mental condition of the convict under which he/she has committed the offence and also other concomitant factors. Keeping in view of the nature of the crime and the attending circumstances, I am of view that the convicts do not deserve the benefit of the provisions of the Probation of Offender's Act or u/s 360 of Cr.P.C. (now u/s. 401 BNSS).

Considering the above principle regarding sentence, I find that all the convicts in furtherance of common intention of all and being member of criminal conspiracy committed the aforesaid offence. Under the disguise of digital arrest, they cheated the complainant by applying fraud, impersonation, using fake documents, criminal breach of trust and extorted a huge sum of money near about one crore causing wrongful gain to themselves and wrongful loss to the old and ailing complainant and made him penniless. They are also proved to be habitually dealing with the stolen property extorting huge sum of money from other people and they being fraudsters forming a racket have made a dent in the present economy of our country.

The grounds mentioned by the Ld. Defence Counsels, are not be considered as mitigating factors, in my view, and thus any kind of mercy would be absolutely misplaced. The convicts took the help of unlawful and deceitful means to fulfill their greed.

I think that proper justice is served if all the convicts are sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- I/d to suffer S.I. for one month for committing offence punishable u/s 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d.

to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month, which I accordingly do.

Accordingly,

ORDERED

that each of the convicts namely **1. Jatin Anup Ladwal, 2. Rohit Singh, 3. Rupesh Yadav, 4. Sahil Singh, 5. Pathan Sumaiyabanu, 6. Sahid Ali Sk., 7. Sharukh Shaikh, 8. Faldu Ashoke and 9. Imtiyaz Mohammad Issa Ansari** are sentenced to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 316(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- I/d to suffer S.I. for one month for committing offence punishable u/s 61(2) BNS, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence u/s. 318(4)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for three years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 319(2)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for five years and to pay fine of Rs. 10,000/- for committing the offence punishable u/s. 336(3)/3(5) BNS i.d. to S.I. for six months, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 351(2)/3(5) BNS i.d. to S.I. for one month, to suffer R.I. for life and to pay fine of Rs. 50,000/- for committing the offence punishable u/s. 317(4)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for life and to

pay fine of Rs. 50,000/- for committing the offence punishable u/s. 338/340(2)/3(5) BNS i.d. to S.I. for one year, to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66C IT Act i.d. to S.I. for one month and to suffer R.I. for one year and to pay fine of Rs. 1,000/- for committing the offence punishable u/s. 66D IT Act i.d. to S.I. for one month.

The period of detention undergone by them to be set off against the sentence of imprisonment in view of sec. 428 of Cr.P.C.(now u/s. 468 BNSS).

The sentences shall run concurrently for all the convicts.

The fine amount, if realized, shall be paid to the victim Partha Kumar Mukhopadhyay.

The matter is also referred to the District Legal Services Authority, for consideration of compensation that may be payable to the said victim.

The convicts are informed that they have the right to prefer appeal before the Hon'ble High Court, Calcutta against the judgment of this Court. Their right to prefer appeal with legal aid has duly been communicated to them and they expressed their willingness to take legal aid for preferring appeal.

Let a certified copy of the judgment and sentence be forwarded to the Secretary, High Court Legal Services Committee, Calcutta to prefer appeal against the judgment as per direction issued in C.R.A. 64 of 2014 Baidyanath Mardi vs State of West Bengal decided on 20th July 2017.

A copy of this judgment be supplied to all the convicts at once, free of cost according to Sec. 363(1) of the Cr.PC. [now u/s. 404(1) BNSS] and the certified copy of judgment be handed over to them on proper application.

Let a copy of this judgment and order be sent to District Magistrate, Nadia as provided U/S. 365 of the Cr.P.C. (now u/s. 406 BNSS).

Let the seized alat be disposed of after the statutory period of appeal, after the statutory period of appeal, after maintaining all necessary legal formalities, and if appeal is filed then after its disposal.

It is not a fit case to suspend the sentence and grant bail to all the convicts u/s. 389(3), Cr. P.C. (now u/s. 430 BNSS). Issue Jail warrant against all the convicts to serve out the sentence.

Dictated & Corrected
by me

Sd/-S.Sarkar
Additional Sessions Judge
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(Sri Suberthi Sarkar)
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