

09.01.23

Today is fixed for order of discharge petition heard on 06.01.23 and production of the accused persons. The accused persons are produced from J/C. Ld. Advocates for the accused persons are present. Ld Spl. PP is also present. In presence of both sides the case record is taken up for charge hearing. Heard in full.

The accused/ petitioners submit that some suspected domains for carrying the illegal activities and the said domains are mostly targeted the users living in Germany, Ireland, Australia, USA, Canada and New Zealand. CS was filed and the Ld Court took cognizance against the accused persons of this case. Already the IO prayed to file supplementary charge sheet and Ld. Court allowed said prayer. Forensic Expert opinion/ report and the UDED report are yet to be collected by the investigating agency. After filing charge sheet the prosecution took voice sample of the petitioners. The report is yet to be collected. It was also submitted by the IO that money trail are yet to be unearth. There is no material documents against the accused. Hence, the petitioner has prayed for discharging the accused persons. Another petition, Apu Shaw has stated that there is no complaint against him. The applicant has been falsely implicated in connection with this case. Hence, he prays to discharge him from this case. Ld. Spl. PP raises strong objection stating that Gourav Jain and Sachin Tashniwal are the directors of the accused company. The allegation is very serious in nature. One Mr. Gujrot Singh lodged a complaint that an illegal international call centre is operating their business for giving technical support using the name of Microsoft India Pvt. Ltd. and diked innocent people globally. I perused the CS, CD and seizure lists. Series of documents/ electronic records are there in seizure lists. A victim list was also provided by the complainant company. It is also established from the data of victim list having email id, phone numbers that the accused persons used to call abroad in Germany, Ireland and other countries. The prosecution also places account details being account number 035505007614 of ICICI Bank in the name of Gourav Jain. I also perused the mail from another foreign victim Ollan Allen, Ms. Kristin Schulz of Germany. It is alleged that huge amount of

foreign currency has been deposited in the ICICI Bank account in the name of AG Infosolve Pvt. Ltd. After hearing from both sides and after perusing the observations of Hon'ble Court I find that there are series of documents and some reports are yet to come at the pretrial stage. It is not possible for this court to come into conclusion regarding innocence of the accused / petitioners. The materials placed at this stage by the prosecution must be shaken with evidence. I find prima facie materials against the accused/ petitioners.

Hence, it is,

ordered

that the prayer for discharging the accused/ petitioners is rejected on contest but without any order as to any cost.

Fix 13.01.23 for framing of charge.

D&C by me.

ACJM

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