

WWW.LIVELAW.IN
IN THE HIGH COURT OF JUDICATURE AT PATNA
CRIMINAL MISCELLANEOUS No.38807 of 2020

Arising Out of PS. Case No.-163 Year-2020 Thana- WARISLIGANJ District- Nawada

SHIV KUMAR S/o Late Sanjay Pandit R/o Village- Baghi Chakwae, P.S.-
Warisaliganj, District- Nawada

... .. Petitioner

Versus

1. The State of Bihar
2. Financial Intelligence Unit (FIU), LIC Building, Cannought Place, New Delhi. New Delhi
3. The Reserve Bank of India, Patna Bihar
4. The Economic Offences Unit (EOU) Bihar
5. Instagram India
6. Facebook India
7. Twitter India
8. Youtube India
9. WhatsApp India
10. Messenger India
11. Meta India
12. Google India. India.

... .. Opposite Parties

Appearance :

For the Petitioner	:	Mr. Pramod Kumar Verma, Advocate
For the Union of India	:	Dr. K.N. Singh, Addl. Solicitor General Mr. Manoj Kumar Singh, Advocate
For the R.B.I.	:	Mr. K.K. Jha, Senior Advocate
For the State	:	Mr. Ajay, G.A.-5 Mr. Shailendra Kumar, APP Mr. Amit Prakash, Advocate
For the Intervenor	:	Mr. Bhaskar Shankar, Advocate Mrs. Prakritita Sharma, Advocate

CORAM: HONOURABLE MR. JUSTICE SANDEEP KUMAR
ORAL ORDER

11 11-01-2022 Heard Mr. K.N. Singh, learned Additional Solicitor
General of India assisted by Mr. Manoj Kumar Singh, learned
C.G.C. for the Union of India, Mr. Kaushal Kumar Jha, learned



Senior Counsel assisted by Mr. Amit Prakash, learned counsel for the Reserve Bank of India, Mr. Ajay, G.A.-5 assisted by Mr. Shailendra Kumar, learned APP for the State along with Senior Superintendent of Police, Muzaffarpur, Mr. Bhaskar Shankar and Ms. Prakritita Sharma, learned counsel for the Intervenor, Mr. Suresh Prasad Singh, learned counsel for the Punjab National Bank (for short "P.N.B.") with Mr. Sanjay Sinha, A.G.M. of the Punjab National Bank and Mr. Shailesh Thakur, Additional Director of Financial Intelligence Unit.

Pursuant to the order dated 10.01.2022, the Senior Superintendent of Police, Muzaffarpur and Mr. Sanjay Sinha, A.G.M., P.N.B. have appeared along with their respective lawyers and assisted the Court with regard to Muzaffarpur Sadar P.S. Case No. 567 of 2021 dated 18.08.2021.

This Court has been informed by the Senior Superintendent of Police, Muzaffarpur that around Rs.5 crores has been siphoned off from the P.N.B. and the investigation was going on and some accused persons including one official of P.N.B. have been arrested and he has sought cooperation from the P.N.B. officials and for that he has written letters to them.

Mr. Sinha, A.G.M., P.N.B. through his advocate Mr. Suresh Prasad Singh, has submitted that Anti Fraud



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Department and the Cyber Cell of the P.N.B. is enquiring into the matter and still the enquiry is going on. It was pointed out earlier by the Senior Superintendent of Police, Muzaffarpur, that due to some fault in the '*App*' of P.N.B. this kind of fraud has been perpetuated all over the country.

The P.N.B. is directed to inform this Court regarding the steps taken for making necessary changes in their '*App*' after getting complaint from Muzaffarpur and other places.

Learned counsel for the P.N.B. has sought some time to take instruction and come back to the Court with regard to the same.

Learned counsel for the Bank was also asked as to whether they have returned the money of the persons who have been cheated. On that, the officer of the Bank has stated that it has not been done and stated that he will seek instructions as to within what time the money which has been siphoned off will be returned to the victims of fraud.

Considering the aforesaid, the person In-charge of Cyber Security as well as the persons maintaining the '*App*' of the P.N.B. are directed to appear in person before this Court through virtual mode on 13.01.2022 and they will inform the



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Court as to what steps have been taken to remove the deficiencies/defects in the '*App*' of the P.N.B.

The Court has gone through the note of the Financial Intelligence Unit and the note of the Reserve Bank of India which have been submitted before this Court pursuant to the directions passed earlier. The note of Reserve Bank of India is not able to properly explain the concerns raised in the note of Financial Intelligence Unit and in fact it is creating more confusion than explaining the steps taken by the Reserve Bank of India.

In these circumstances, a responsible officer well conversant with the facts should also appear on 13.01.2022 on behalf of the Reserve Bank of India along with its lawyer.

It appears that Telecom companies are *prima facie* violating the guidelines of the TRAI and they are not registering F.I.R. with regard to the fraud committed by using their SIM and they have come up with a novel way of filing complaint in the office of the D.G.P. and getting an acknowledgment of the same and as per them this is the procedure followed by the Telecom companies.

Telecom companies are acting under the license granted by the Government and they cannot try to outreach the



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terms of the license.

In these circumstances, the Circle Heads of Bihar of all Telecom Companies i.e. Bharti Airtel, Vodafone Idea, B.S.N.L. and Reliance JIO Limited are directed to join the proceeding virtually on the date fixed i.e. 13.01.2022 and they should also file an affidavit as to how they are abiding the guidelines of the TRAI.

Put up this case on 13.01.2022 for further hearing.

(Sandeep Kumar, J)

Pawan/Saif

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