

ASSIGNMENT – 9

Question: Consider a case study of cyber-crime, where the attacker has performed on line credit card fraud. Prepare a report and also list the laws that will be implemented on attacker.

Solution:

The Case of Suhas Katti is notable for the fact that the conviction was achieved successfully within a relatively quick time of 7 months from the filing of the FIR, making it one of the notable cyberlaw cases in India. Considering that similar cases have been pending in other states for a much longer time, the efficient handling of the case which happened to be the first case of the Chennai Cyber Crime Cell going to trial deserves a special mention. The case is related to the posting of obscene, defamatory and annoying message about a divorced woman in the Yahoo message group. E-mails were also forwarded to the victim for information by the accused through a false e-mail account opened by him in the name of the victim. The posting of the message resulted in annoying phone calls to the lady in the belief that she was soliciting.

Based on a complaint made by the victim in February 2004, the Police traced the accused to Mumbai and arrested him within the next few days. The accused was a known family friend of the victim and was reportedly interested in marrying her. She, however, married another person. This marriage later ended in divorce, and the accused started contacting her once again. On her reluctance to marry him, the accused took up harassment through the Internet.

On 24-3-2004, a Charge Sheet was filed, u/s 67 of the IT Act 2000, 469 and 509 IPC before The Hon'ble Addl. CMM Egmore by citing 18 witnesses and 34 documents and material objects. The same was taken on file in C.C.NO.4680/2004. On the prosecution side, 12 witnesses were examined, and entire documents were marked as Exhibits.

The Defense argued, in this cyber-crime case, that the offending emails would have been given either by the ex-husband of the complainant or the complainant herself to implicate the accused as accused alleged to have turned down the request of the complainant to marry her.

Further, the defense counsel argued that some of the documentary evidence was not sustainable under Section 65 B of the Indian Evidence Act. However, the court relied upon the expert witnesses, and other evidence produced before it, including the witnesses of the

Cyber Cafe owners, and came to the conclusion that the crime was proved.

Laws that will implemented on Attacker

Ld. Additional Chief Metropolitan Magistrate, Egmore, delivered the judgement on 5-11-04 as follows: "The accused is found guilty of offences under section 469, 509 IPC and 67 of the IT Act 2000, and the accused is convicted and sentenced for the offence to undergo RI for 2 years, under 469 IPC, and to pay a fine of Rs.500/- and for the offence u/s 509 IPC sentenced to undergo 1 year simple imprisonment and to pay a fine of Rs.500/- and for the offence u/s 67 of the IT Act 2000 to undergo RI for 2 years and to pay a fine of Rs.4000/-. All sentences to run concurrently."

The accused paid the fine amount, and he was lodged at Central Prison, Chennai. This is considered as the first case convicted under section 67 of the Information Technology Act 2000 in India.