

IN THE COURT OF VI ADDL. CHIEF METROPOLITAN MAGISTRATE :
HYDERABAD

Present : Sri P. BHASKARA RAO,
VI Addl.Chief Metropolitan Magistrate
Hyderabad.

Dated this the 31st day of March, 2015

CC. 489 of 2010

Between:

State of A.P. through Inspector of Police,
Cyber Crimes P.S., CID, Hyderabad

.....complainant

And

Prabhakar Sampath, S/o. Marimuthu Sampath,
Age 24 years, Occ: Research Analyst in
M/s. Froster & Sullivan, 6th Floor, Karumuttu Centre,
Nandanam, Anna Salai, Chennai, R/o.H.No.35A,
Magazine road, St Thomas Mount, Chennai

.....Accused

This case is coming before me for final hearing in the presence of learned Spl. Public Prosecutor for the prosecution and M/s. P. Rana Praveer, counsel for accused and after having stood over for consideration till this day, the court delivered the following:

J U D G M E N T

The Inspector of Police, Cyber Crimes Police Station, C.I.D., Hyderabad laid charge sheet against accused in Cr.No.18/2008 to prosecute the accused for the offence under Sections 66 of Information Technology Act, 2000.

1. Case of the prosecution in brief is that, PW.1 Arcot K. Balraj, Chief Manager, Administrative affairs of M/s. SIS Infotech Private Limited situated in Lakshmi Cyber Centre, Road No.12, Banjara Hills, Hyderabad lodged Ex.P1 complaint on 23-12-2008 in Cyber Crimes P.S. CID, Hyderabad stating that the complainant company by name M/s. SIS Infotech Pvt. Ltd., is one of the largest market research firms head quartered in USA with substantial operations at Hyderabad having 300 employees in the office has been carrying in the business of research station and support to its parent company in the USA viz., M/s. Global Industry Analysts Inc.,

(GIA). In the process of their day to day operations, the company did research for its various clients of GIA and in the process, the company created substantial huge data and content which is hosted on its Adobe Content Server of M/s. Global Industry Analysts Inc., (GIA) and can be accessed only by registered users who have access with permissions. The data is in the form analysed documents called as "Research Reports" which carries high pecuniary value of which complainant company holds proprietary Copy Right.

2. It is alleged that the content, i.e. Research reports was hacked by somebody successfully by hacking their server www.strategyR.com and downloaded several e-Reports through some free public sites. PW.1 furnished possible information of the hacker having worked out from their server as Prabhakar.sampath@gmail.com and IP address is 61.95.152.145 and requested the police to take necessary action. Basing on the report, LW.11 M. Ganapathi Rao, Dy Superintendent of Police, Cyber Crimes P.S. Hyderabad registered the complaint as a case in Cr.18/2008 u/Sec.66 of Information Technology Act, 2000 and took up investigation. He secured PW.1, PW.2 examined them and recorded their detailed statements and came to know that accused hacked the content web server of complainant's company through IP address 61.95.152.145 provided by Bharathi Airtel Ltd., on that LW.11 DSP addressed a letter to its Manager to furnish the end user details of IP address i.e. 61.95.152.145, who on verification gave the information that the said IP address was allotted to M/s. Frost & Sullivan Private Limited 101, Santhome High Road, Foreshore Estate, Chennai, Tamilnadu State and gave the contact details of Mr. M. Kirbakaram email ID Kripakaran@frost.com Mobile No.978993031 on the information given by Bharthi Airtel, LW.11 DSP obtained search warrant from the court and conducted search at the residence of accused situated at house bearing

No.35A, Magazine Road, St. Thomas Mount, Chennai in the presence of mediators PW.7 and LW.9 Jakhir Hussain and seized one pen drive which contains six files in .pdf format viz.,

- 1) Anticoagulatns.pdf,
- 2) Bulk_Paclitaxel.pdf,
- 3) CNS_Therapeutics.pdf,
- 4) Human_Vaccines.pdf,
- 5) Microplate_instrumentation_Supplies.pdf,
- 6) Therapeutic_Aphersis.pdf

which are downloaded by accused from the website i.e. WWW.StrategyR.com of the complainant company by using the computer system installed at his office i.e. M/s. Frost & Sullivan Pvt. Ltd., Chennai. Later, LW.11 DSP arrested the accused on 29-12-2008 at 2.00 PM and recorded his confessional statement and on his information he seized one computer system S605 which was allotted to the accused in his company which contains the said six downloaded documents in the system. Later, LW.11 DSP examined PW.3 to PW.5, Lw.6 Kirthi Thimmanagoudar who are working in M/s. Frost & Sullivan Pvt. Ltd., LW.11 DSP forwarded material objects i.e. Pen drive and CPU to APFSL, Hyderabad for analysis and report. PW.9 Inspector of Police, Cyber Crimes P.S. CID, Hyderabad collected the FSL report from PW.8 Computer Forensic Expert, APFSL, Hyderabad who analysed the material objects and issued opinion stating that pen drive contains six files viz.,

- 1.Anticoagulants.pdf,
- 2.Bulk_Paclitaxel.pdf,
- 3.CNS_therapeutics.pdf,
- 4.Human_Vaccines.pdf,
- 5.Micrplate_Instrumentation_supplies.pdf,
- 6.Therapeutic_Aphersis.pdf

and hard disk of CPU contains six files and data pertaining to IP address and after completion of entire investigation, PW.9 Inspector of Police, Cyber

Crimes, CID filed Charge sheet against the accused u/Sec.66 of Information Technology Act, 2000 for hacking content server of complainants company.

4. The case was taken on file for the offences punishable u/Sec.66 of Information Technology Act, 2000 against accused.

5. After appearance of the accused, copies of all the documents on which the prosecution proposed to place reliance were furnished to him under Section 207 Cr.P.C. Accused was examined under Section 239 Cr.P.C. He denied the accusations. Charges u/Sec.66 of Information and Technology Act were framed, read over and explained to the accused. He pleaded not guilty and claimed to be tried.

6. In order to prove the guilt, prosecution cited (12) witnesses but examined only (10) witnesses. PW.1 Chief Manager in complainant company viz., M/s. SIS Infotech Private Ltd., who lodged Ex.P1 report to police. PW.2 Manager, I.T. Department, M/s. SIS Infotech Private Ltd., who stated as to how their company has been working for the past 20 years in the computer research field and stated as to how their valuable Intellectual and Copyright Property was hacked by the accused and downloaded valuable reports etc., facts in his evidence Ex.P2 to Ex.P14 marked. PW.3 Vice President in M/s. Frost and Sullivan Pvt. Ltd., in which accused was working as Research Analyst, he stated that in the year, 2008, his company's MIS Manager reported to him that accused downloaded some objectionable material and later Cyber Crimes police came to their office, conducted enquiry and seized computer system used by accused. PW.4 Sr. I.T. Manager in M/s. Frost & Sullivan company also corroborated the evidence of PW.3 and further stated that they have got internet service connection from Bharti Airtel Network and computer system S605 was allotted to accused. He further stated that police came and seized the said computer system from their office. PW.5

Senior H.R. Manager in M/s. Frost & Sullivan company she also corroborated the evidence of PW.3 that accused was working in their company as per the service agreement for two years. Further stated that CID police came to their company and asked certain documents furnished by accused and accordingly she handed over the same. PW.6 Nodal Officer in Bharthi Airtel Limited stated that LW.7 Amit Bhatia was Executive in Technical Department, Chennai who used to retrieve the data, IP details received Ex.P15 requisition from CID police to furnish IP address and User ID of IP address 61.95.152.145 registered in the name of M. Kirbakaram email ID Kripakaran@frost.com Mobile No.978993031 as per the information available on record and same was furnished to the CID police through email under Ex.P16. PW.7 Mediator stated that on 29-12-2009 at the request of DSP CID (LW.11) he acted as mediator, went to the house of accused situated ad Magazine Road, St. Thomas Mount, Chennai where police searched and seized one pen drive and on interrogation by police, the accused confessed the offence that while sitting in his office, he committed hacking, from there accused led them to his office i.e. from M/s. Frost and Sullivan company where police seized one computer system. In his evidence Ex.P17 Panchanama and MO.1 pen drive and MO.2 CPU are marked. PW.8 Scientific Officer stated that he received MO.1 and MO.2 from police and examined them and stated that MO.1 contains (6) reports and MO.2 CPU contains (6) .pdf files and he has given those (6) files in hard copy and also the file properties as Annexure-II of these (6) files containing the data pertaining to IP addresses 128.242.110.18 and 61.95.152.145 which was retrieved from unallocated clusters of the hard disk in the Item No.2 which was given in hard copy Annexure-III and finally gave his report marked as Ex.P18, in his evidence, Ex.P21 to Ex.P24 are marked. PW.9 Inspector of Police, Cyber Crimes, CID, he stated that LW.11 M. Ganapati Rao, DSP registered the case and conducted most of the investigation and forwarded

the material objects seized by him to APFSL, he collected the same and filed charge sheet after completion of entire investigation, in his evidence, Ex.P19 to Esx.P20 are marked. Lastly, PW.10 Kirthi Thimmanagoudar stated that she previously worked in M/s. Frost & Sullivan Pvt. Ltd., as Research Manager and during her period, accused was also worked as Research Associate or Analyst in Health Care Industries for European Region. Subsequently, in the year, 2008, CID police came to their office and examined her. On the side of prosecution, Ex.P1 to Ex.P24 and MO.1 and MO.2 are marked.

7. On completion of evidence of prosecution, accused was examined under section 313 Cr.P.C. Accused denied the incriminating material appearing against him in the evidence of the prosecution witnesses. He did not chose to examine any defence witnesses.

8. Heard arguments on either side. Learned Special Public Prosecutor for CID and learned counsel for accused also filed written arguments.

9. Now the points for determination are

- 1) Whether accused hacked the content server of complainants company M/s. SIS Infotech Pvt. Ltd., and downloaded e-Reports illegally on 3-12-2008?
- 2) Whether prosecution proved the guilt against accused for the offence u/Sec.66 of Information and Technology Act, 2000 beyond reasonable doubt?

POINTS 1 AND 2:

10. The undisputed facts are that the complainants company viz. M/s. SIS Infotech Pvt. Ltd., which is a division of Global Industry Analysts Inc., (GIA) one of the largest market Research Firm head quartered at USA

with substantial operations at Hyderabad and entered in the market research about 20 years back and producing market Research Reports which are in digital encrypted form with Digital Rights Management which are also called as “e-Reports” which are stored in their Adobe content server. They offer their products for sale through their website www.strategyR.com directly to the registered users only. The persons who desires to purchase their products have to register in their website and the e-Reports will be sold on payment of requisite amount.

11. It is also an undisputed fact that the accused Mr. Prabhakar Sampath, was working in M/s. Frost & Sullivan Pvt. Ltd., situated at Chennai as a Research Analyst, which is carrying similar operations like that of complainant’s company.

12. The charge against accused is that, he hacked their content server and downloaded following six e-Reports viz., 1. Anticoagulants.pdf, 2. Bulk_Paclitaxel.pdf, 3. CNS_therapeutics.pdf, 4. Human_Vaccines.pdf, 5..Microplate_Instrumentation_Supplies.pdf, 6. Therapeutic_Apheresis.pdf and it came to the knowledge of PW.2 who is working as Chief Manager-IT and compliance for M/s. SIS Infotech Pvt. Ltd., and who is incharge and responsible person to manage the servers and the content security websites including www.strategyR.com. He stated in his evidence that on 3-12-2008 at 9.25 PM their sales team received an email notification of purchase and one e-Report titled as “Microplate instrumentation and supplies (MCB-3525). This transaction was made by the accused in a fictitious name “Ram Reddy” an email delivered link of the e-report has been marked to the email address ‘prabhakar.sampath@gmail.com’. The said report was downloaded from the location with IP address 61.95.152.145, which was revealed through their Adobe content server.

13. PW.2 further stated that on the same day at 9.38 PM their sales team received second e-mail notification for purchase of six e-Reports viz., 1. Anticoagulants.pdf, 2. Bulk_Paclitaxel.pdf, 3. CNS_therapeutics.pdf, 4. Human_Vaccines.pdf, 5. Microplate_Instrumentation_Supplies.pdf, 6. Therapeutic_Apheresis.pdf the total invoice value of the above transaction is 21,200 US dollars. Since, this transaction is a single high value purchase and there was no such high purchase order in earlier, their sales team suspected some foul play and they verified payment transaction details and came to know that the purchase was not made through regular payment process as such, they felt that something was wrong and they immediately alerted him to verify the registration details of the person downloading the said reports. PW.2 being incharge of server and website traced the IP address 61.95.152.145 from which the server was hacked and the user ID was also created just before hacking.

14. PW.2 further stated that on the same day at 9.48 PM their sales team received a third e-mail purchase notification for (8) reports whose value of invoice is 32,500 US dollars. Since, they have taken security measures, the accused could not download those (8) reports in the said transaction. On 4-12-2008 at 5.58 PM again the accused was trying to get access into their critical data of their server by obtaining user ID and password of one of their employees (Sundaram@strategyR.com) tried to access Research Program Preview (RPP), as a security measure we changed the password, hence, the accused failed in his attempt of further hacking and on search of internet website about the details of IP address which was traced to Bharthi Airtel Ltd., who allotted the said IP address 61.95.152.145 to M/s. Frost & Sullivan Pvt. Ltd., Chennai.

15. PW.2 further deposed that the details available in the website matched with the registered details submitted by accused Prabhakar

Sampath of their website and then they made search for the profile of the employees in M/s. Frost & Sullivan Pvt. Ltd., and came to know that the accused was working in M/s. Frost & Sullivan Pvt. Ltd., Later, they have also obtained resume of accused from Naukri.com and confirmed that the accused Prabhakar Sampath who is working in M/s. Froster & Sullivan Pvt. Ltd., only hacked their content. For the illegal activity he had assumed identity as “Ram Reddy” who is CEO of complainant’s company. Since, the reports are highly valuable, PW.1 Chief Manager worried about the illegal activities of the accused, lodged Ex.P1 report to ADGP, CID for taking necessary action. PW.2 also addressed a letter Ex.P2 to police narrating the entire episode by enclosing the relevant Annexures, showing illegal act of hacking. Ex.P5 is the Annexur-3 consisting of (4) sheets showing the first transaction was made on 3-12-2008 at 9.25 PM. Ex.P6 is Annexure-4 consisting of (6) sheets which shows the purchase of (6) e-Reports without payment. Ex.P7 is invoice with e-report downloading links containing (6) sheets. Ex.P8 which is an important document i.e. Annexure-5 contain the details of accused with fictitious name and address and which is partially correct and partially incorrect. Ex.P9 is Annexure-6 is another (6) reports generated by accused while he was trying to illegally access their Research Program Preview (RPP). Ex.P10 is Annexure-8 which contains the IP address, ownership of IP address and IP address which was allotted to the company called M/s. Frost & Sullivan Pvt. Ltd., Ex.P11 is Annexure-9 resume of accused submitted to M/s. Frost & Sullivan Pvt. Ltd., proves that he is working in that company as Research Analyst. Ex.P12 is also another important piece of document which shows that accused illegally hacked Research Program Preview (RPP) by using their CEO user ID as ‘Ram Reddy’. Ex.P13 is another copy of the complaint probably marked inadvertently since it was already marked as Ex.P1 through PW.1. Ex.P14 is also another important piece of document i.e Annexure-12 Server Log Report with date

and time shows that accused accessed server of the complainant company. The other exhibit marked in the evidence of PW.2 is Ex.P3 is Annexure-I showing the ownership of complainant's website www.strategyR.com. Ex.P4 is Annexure-2 shows duties and responsibilities of Pw.2 for which there was not dispute, at all.

16. Prosecution also examined PW.3, PW.4, PW.5 and PW.10 who are the employees in M/s. Frost & Sullivan Pvt. Ltd., substance of their evidence is that till Cyber Crimes police came to their office, they did not notice the fraud. They also confirmed that police seized one CPU attached to the computer system S605 from their office. PW.6 Nodal officer working in Bharthi Airtel Ltd., stated that they received Ex.P15 requisition from CID police about the subscriber/customer details of IP address 61.95.152.145 and accordingly they issued Ex.P16 information that the said IP address was allotted to M/s. Frost & Sullivan Pvt. Ltd., Chennai, admittedly, in which accused was working as Research Analyst.

17. PW.7 mediator before whom accused made confession, admitting the offence and in his presence DSP CID seized proofs of offence for MO.1 pen drive from the house of accused and MO.2 HP Compaq CPU from the office of accused viz., M/s. Frost & Sullivan Pvt. Ltd., in which the incriminating material i.e. downloads of e-Reports are found. The mediator also fully supported the prosecution case. He denied the suggestion that he has simply signed the panchanama at the request of police at Chennai in St. Thomas Mount P.S. He also denied that he is a stock mediator and nothing was recovered by police from the possession of accused in his presence. Simply, because he is unable to say the police jeep number his evidence cannot be disbelieved on this flimsy ground.

18. PW.8 Scientific Officer who examined the tools of offence MO.1 and MO.2 in APFSL found the incriminating material i.e. six e-Reports in

MO.1 Pen drive and he also found the six e-Reports in .pdf format in MO.2 and he also gave hard copies of the relevant content retrieved from MO.1 and MO.2. The file properties of above six files retrieved from MO.1 given in hard copy marked as Annexure-I, in court it was marked as Ex.P21. MO.2 hard disk contain six .pdf files given in hard copy marked as Annexure-II, in court it was marked as Ex.P22. the data pertaining to

- i) IP Address 128.242.110.18
- ii) IP address 61.95.152.145
- iii) mail ID Prabhakar.sampath@gmail.com

retrieved from unallocated clusters of hard disk in MO.2 is given in hard copy marked as Annexure-III, in court, it was marked as Ex.P23. Relevant data retrieved from MO.1 and MO.2 along with list of files given in a CD-R marked as Annexure-IV, in court it was marked as Ex.P24. Except, delay of one month in examining the material objects and delay in sending report nothing was elicited in the cross-examination of expert PW.8. Since, there is no hard and fast rule to submit the reports by the expert within a specified time limit anywhere in the Information Technology Act, the delay caused by the expert in giving the report is not material. The other discrepancy with regard to the slight difference in the time in creation of .pdf files is also not material it will be happened while fixing the time in the system. Scientific evidence will not admit wrong, hence, evidence of Scientific Expert PW.8 cannot be brushed aside on the said discrepancies. PW.9 Inspector of Police who collected material objects and filed charge sheet. Actual investigating officer, M. Ganapathi Rao, DSP retired from service, went to abroad, therefore, prosecution could not examine the main investigating officer and it was argued as fatal to the case of the prosecution by the accused, cannot be accepted. It is settled law that, when there are no contradictions or material omissions, non-examination of investigating officer is not at all fatal to the case of the prosecution. In this case, there is no single contradiction

or any material omission, was elicited by accused, therefore, non-examination of main investigating officer who retired from service and went to abroad is not at all fatal to the case of the prosecution.

19. Now, coming to the other defence plea taken by accused, that there is no communication in between PW.1 and PW.2 and marking of two complaints is appears to be an inadvertent mistake which will not cause any prejudice to the accused. The other plea that, for not impleading M/s. Frost & Sullivan Pvt. Ltd., in which accused was working as Research Analyst is also not material since the company did not commit hacking. The accused while working in M/s. Frost & Sullivan Pvt. Ltd., only committed hacking. The other contention of accused is that, he is not aware of job of Research Analyst and he cannot download e-Reports from highly secured servers is not tenable since accused is also working as Research Analyst in M/s. Frost & Sullivan Pvt. Ltd., which is carrying similar operations like that of complainant company and as per his resume Ex.P11 he studied B.Tech/B.E. (Biochemistry/Biotechnology) and can able to intrude and attack the web server with his knowledge and experience.

20. The other contention of accused that, there is no evidence placed by the prosecution that the accused sold away those e-Reports and did not receive any amount as such, complainant company did not sustain any wrongful loss also cannot be accepted. As per Sec.66 of Information Technology Act, 2000, unauthorized access alone constitutes a criminal offence, even if a hacker attempts nothing further, therefore, the plea of the accused is not legally sustainable.

21. The other general plea which are commonly raised in the Cyber Crime cases that there is every possibility of creating fictitious ID in the name of accused by somebody for which accused cannot be blamed but in

this case prosecution proved that with the help of information obtained from the content web server they noticed the illegal activity was carried from the IP address 61.95.152.145 which was traced to Internet Service Provider viz., Bharthi Airtel Ltd., who in turn provided the details of the subscriber/customer viz., M/s. Frost & Sullivan Pvt. Ltd., in which the accused was working as 'Research Analyst'. Prosecution further placed material that with the information they raided the house of the accused and apprehended him and on interrogation, he confessed the offence and on information given by him, they seized one pen drive containing the incriminating material i.e. e-Reports which were copied from the system, in his office and accused further led the raid party to his office M/s. Frost & Sullivan Pvt. Ltd., where they detected the incriminating material i.e. e-Reports which were downloaded through the system S605, so, it is clinchingly established before the court that the accused only carried the illegal activity of hacking. In the confession panchanama also, accused disclosed that he assumed the identity as "Ram Reddy". Prosecution also placed server logs, found hacking was made at the relevant point of time from the said IP address through which accused carried the illegal operation which is also fully tallied and matching, so, accused who is a clever programmer only hacked the protected Adobe server by intruding into the computer system, therefore, absolutely, there is no substance in the plea raised by the accused.

22. The learned counsel for accused while cross-examining PW.1 and PW.2 elicited some of the insignificant discrepancies with regard to delay in lodging the report by PW.1, was explained by him in his evidence that after consultation with the Chief-Executive of their company they lodged report which is common in these type of company matters to take

permission from higher authorities, hence, in these type of cases, delay will not become material like in hurt cases or other bodily offences. Most of the cross-examination of PW.2 was made with regard to his qualification and knowledge in the computer and his duties in the company which are all not material and relevant to the defence set up by the accused. All the suggestions given to PW.2 that as M/s. Frost and Sullivan Pvt. Ltd., is their competitive company, hence, they filed this case making the accused as a scapegoat and also to get reward from his company, are categorically denied by him and these suggestions are also not believable, since complainant's company is highly reputed and a global industry, they will not indulge these type of cheap tricks, therefore, I hold that there is no substance in the contention of the accused.

23. The decision relied by accused in **2006 (1) ALD (CrL.) 96 (AP) [Syed Asifuddin and others V. State of A.P. and another]** was rendered in respect of Sec.65 of Information and Technology Act, 2000 but not under Sec.66 of Information and Technology Act 2000. The facts of the said case is with regard to the tampering with some computer source code but the facts of the present case is with regard to hacking of server, hence, the above said decision is not at all helpful to the accused.

24. Investigation made by Cyber Crimes P.S. CID which was specially established and dedicated to deal with Cyber Crimes cannot be doubted. The investigation conducted in this case has to be appreciated for placing entire material before the court to arrive at a just and conclusion, hence, false implication of the accused who carried the illegal activity at a far off distance i.e. from Chennai with whom the complainant had no any disputes, cannot be believed. Accused is also not an ex-employee of complainant's company, hence, they have no necessity to implicate the accused.

25. From the foregoing discussion, taking into consideration of evidence of PW.1 to PW.10 who all supported the prosecution case coupled with Ex.P1 to Ex.P24 and MO.1 and MO.2, I hold that prosecution in this case proved the guilt against accused u/Sec.66 of Information Technology Act, 2000 beyond reasonable doubt, therefore, the accused in this case is liable for conviction u/Sec.66 of Information Technology Act, 2000 for hacking.

Dictated to the Stenographer GR-II, transcribed and typed by her, corrected and pronounced by me in the open court on this the 31st day of March, 2015.

VI ADDL.CHIEF METROPOLITAN MAGISTRATE
HYDERABAD

26. The accused was questioned with regard to quantum of sentence (recorded in a separate sheet).

The accused stated that he is unmarried and his parents are alive, now he is working in Cap Gemini as Senior Consultant at Bangalore and if he is sentenced to jail, he will lose his job and prepared to pay some fine and prayed the court to let him off by imposing some amount of fine, but, the material on record discloses, that the accused had downloaded e-Reports, carry a high pecuniary value which cannot be estimated assumed in terms of money. The material on record further reveal that Research Reports are generated after painstaking study by highly qualified and experienced team on various topics by spending lot of time and expense, therefore, in these type of offences lenient punishment like fine is not justified or otherwise the very object of the act will be defeated and ultimately it will affect the economy of the State, hence, the accused in this case, does not deserve lenient view and he shall be punished properly.

27. In the result, the accused is found guilty for the offence u/Sec.66 of Information Technology Act 2000 and accordingly he is convicted u/Sec.248(2) Cr.P.C. and sentenced to suffer R.I. for a period of two years and shall pay a fine of Rs.10,000/- in default of payment of fine the accused shall undergo S.I. for a period of six months. Remand period undergone by the accused if any, shall be set off u/Sec.428 Cr.P.C. MO.1 and MO.2 shall be destroyed after appeal time is over.

Dictated to the Stenographer GR-II, transcribed and typed by her, corrected and pronounced by me in the open court on this the 31st day of March, 2015.

VI ADDL.CHIEF METROPOLITAN MAGISTRATE
HYDERABAD

APPENDIX OF EVIDENCE
WITNESSES EXAMINED

FOR PROSECUTION :

PW.1 Arcot Balraj, complainant
PW.2 Majeri Narayanan Raju, Manager, SIS Infotech
PW.3 Eswaran Shylesh, Director, M/s. Frost & Sullivan company
PW.4 R.T. Kripakaran, Regional Manager, M/s. Frost & Sullivan company
PW.5 Aparna Srinivasan, H.R. Manager, Frost & Sullivan company
PW.6 S. Muralidhar, Nodal Officer, Bharti Airtel
PW.7 P. Naga Venkateshwara Rao, Panch Witness
PW.8 B.V.S. Siva Prasad, Computer Forensic Expert
PW.9 B. Ravi Kumar Reddy, Inspector of Police/IO
PW.10 Kirthi Thimmanagoudar, Research Manager, M/s. Frost & Sullivan Company

FOR DEFENCE: Nil

EXHIBITS MARKED

FOR PROSECUTION :

Ex.P1 Report
Ex.P2 Letter addressed to police by PW.2
Ex.P3 Annexure-I showing ownership of website
Ex.P4 Annexure-2 (2 sheets), shows PW.2 Managing servers
Ex.P5 Annexure-3 (4 sheets) 1st transaction on 3-12-2008 at 9.25 PM
Ex.P6 Annexure-4 (6 sheets) shows purchase of (6) e-Reports
Ex.P7 invoice along with e-Report downloading (6) sheets
Ex.P8 Annexure-5 details by accused with fictitious particulars
Ex.P9 email generated by accused (Annexure-6)
Ex.P10 Annexure-8 contains IP address particulars

Ex.P11 Annexure-9 resume of accused
Ex.P12 Annexure-10 shows accused hacking RPP
Ex.P13 Annexure-11 copy of complaint by Chief Manager, Administration
Ex.P14 Annexure-12, Log report of server
Ex.P15 email requisition by CID police to Bharthi Airtel
Ex.P16 Reply from Bharthi Airtel to CID Cyber Crimes
Ex.P17 Panchanama
Ex.P18 Report of PW.8
Ex.P19 FIR
Ex.P20 Letter of advice
Ex.P21 Annexure-I
Ex.P22 Annexure-II
Ex.P23 Annexure-III relevant data retrieved from Item No.2
Ex.P24 Annexure-IV (CD-soft copy)

FOR DEFENCE:

NIL

MOs MARKED

MO.1 Transcend 4 GB Pen drive
MO.2 HP Compaq CPU

VI ADDL.CHIEF METROPOLITAN MAGISTRATE
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*RL**

