BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
(Criminal Jurisdiction)

Thursday, the Fifteenth day of December Two Thousand Sixteen

PRESENT

The Hon`ble Mr Justice S.VAIDYANATHAN

CRL OP(MD) No.19750 of 2016

1 A.R.LAKSHMANAN
2 V.SANKARAN ... PETITIONER/ACCUSED NO.1,2

Vs

STATE REPRESENTED BY ,
THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH,
TANJAVUR DISTRICT
CRIME NO.20 OF 2015 ... RESPONDENT/COMPLAINANT

S.CHANDRASEKARAN ... PETITIONER/INTERVENER/
DEFACTO COMPLAINANT

For Petitioner : M/S.R.JOHN SATHYAN Advocate

For Respondent : MR.A.RAMER, Additional Public Prosecutor

For Intervenor : M/S.A.THIYAGARAJAN, Advocate

PETITION FOR ANTICIPATORY BAIL Under Sec. 438 Cr.P.C.

ORDER : The Court Made the following order :-

Apprehending arrest at the hands of the respondent police for the alleged offence punishable under Section 420 IPC in Crime No.20 of 2015 on the file of the respondent police, the petitioners have come forward with this petition, seeking anticipatory bail.

2. Heard the learned counsel for the petitioners and the learned Additional Public Prosecutor appearing for the respondent police.

3. The case of the prosecution is that by using the Current Account No.037150310875019 and OD Account No.037700050900004 of the defacto complainant, fraudulent transactions were done by the accused persons, who had got sufficient knowledge about the defacto complainant's user name and password in respect of his Internet Banking transaction. Suspecting the connivance of these petitioners, who are Bank Officials, into the alleged transaction, they were called for enquiry by the respondent police.

4. Learned counsel for the petitioners would submit that the 1st petitioner is the erstwhile Manager of the Kumbakonam Branch, Tamil Nadu Mercantile Bank Limited (presently working as Senior Manager in Tuticorin) and the 2nd petitioner is the present Senior Manager of Kumbakonam Branch and that they have been falsely implicated in this case with an intent to defame their names.

5. This type of offence is generally called as "Nigerian 419 Scam". Let us have a glance on its origin in nutshell. The criminals, who indulge in such activities, are generally regarded as Nigerian Scammers and 419 refers to Article 419 of their country's (Nigeria) Criminal Code, concerning fraud. The scammers used to send mass letters, messages and emails with the sole intention to defraud foolish and greedy recipients, who easily fall into their tricks. The said offence is also named as an advance-fee fraud, in which the victim is convinced to advance money to a stranger with the false promise that a much larger sum of money will be returned to him or her. Of course, no money would disbursed to the victim and those, who are victimized in the advance fee fraud, would likely be further targeted for additional payments, claiming that a second or third advance is absolutely required to part with the promised money. The modern version of the scam usually takes place via Email correspondence and the so-called criminals will also make up a plausible story to explain as to why a fee is needed in advance. The Email may claim that a few hundred dollars are needed as an "application fee" to get back the large sum already won and another common claim is that the wire transfer of such a large sum of money involves fees that must be paid in advance.

6. Persons normally lose their properties and money on account of their greediness and when they realize their mistake, by that time, they would have lost their entire property. They would themselves be ashamed of their foolishness in parting with money to unknown persons and would not inform about their inescapable / cornered position to anybody, especially to their relatives and friends, instead they would start shouting at the persons, who come to their rescue on coming to know of their pathetic situation. According to a report, losses from individual scams range from $200 to $12 million, based on what the perpetrator enacts. People must be vigilant in not falling prey to such criminals and they should not send money or give credit card details, online account details or copies of personal documents to anyone. Avoiding arrangement with a stranger, who asks for up-front payment via money order, wire transfer, international funds transfer, pre-loaded card or electronic currency is another way of self-protection .

7. Mother Teresa once told "I fear just one thing: Money! Greed was what motivated Judas to sell Jesus". In this world, no one can expect loyalty from people, who would do anything for money and instead of loving people and using money, people often love money and use people. It should always be remembered that there are no get-rich-quick schemes, if it sounds too good to be true it probably is.

8. Learned Additional Public Prosecutor has submitted that the case has been transferred to the file of Cyber Crime, Chennai and therefore, this petition may be closed on the ground of lack of jurisdiction.

9. In view of the above submission made by the learned Additional Public Prosecutor, this Court is of the view that no further orders are required to be passed in this petition for want of jurisdiction. Accordingly, this Criminal Original Petition is closed. Consequently, connected miscellaneous petition is also closed.

sd/-
15/12/2016

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Sub-Assistant Registrar (C.S.)
Madurai Bench of Madras High Court,
Madurai - 625 023.

TO

1 THE INSPECTOR OF POLICE
DISTRICT CRIME BRANCH, TANJAVUR DISTRICT

2 THE ADDITIONAL PUBLIC PROSECTUOR,
MADURAI BENCH OF MADRAS HIGH COURT, MADURAI.

+1 CC TO M/S.A.THIYAGARAJAN, ADVOCATE IN SR.NO.81095
+1 CC TO M/S.R.JOHN SATHYAN, ADVOCATE IN SR.NO.81102

CSL/GSV-SV/SAR-III/11.01.2017 : 3P/5C

ORDER
IN
CRL OP(MD) No.19750 of 2016
Date :15/12/2016