IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 13.03.2024

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THE HONOURABLE MR. JUSTICE N. ANAND VENKATESH

Crl.O.P No.23821 of 2023

Arivoli ..Petitioner

vs.

State Rep. By
1. Deputy Commissioner of Police,
Central Crime Branch,
Vepery, Chennai 600 007

2. The Inspector of Police,
Central Crime Branch,
Chennai 600 007 ..Respondent

PRAYER: Criminal Original Petition filed under Section 482 of the Code of Criminal Procedure, to issue a direction that directing the 1st respondent to withdrawn the look out circular issued to the immigration officer, Chennai Airport against the petitioner and permit the petitioner to go abroad.

For Petitioner : Mr.Durai Kannan

For Respondents : Mr.A.Gopinath for R1
Government Advocate

ORDER

This Criminal Original petition has been filed for a direction to the 1st respondent to withdraw the look out circular issued by the immigration officer in order to enable the petitioner to travel abroad for business purpose.

2. When the matter was taken up for hearing today, the investigation officer has filed a status report. The relevant portions in the status report are extracted hereunder :-

(2) It is submitted that the complainant was enquired and her statement and further statement were recorded. Documents relevant to this case were collected and perused. It was ascertained that Al Chandrasekaran Stere Vooft Enterprises Trading Company in 2017 with A3 Dinesh Babu, Sreenivasan and Thariq Ahmed as partners. Rs.1,00,000/- was the capital invested by each partner and they introduced an investment plan where the invested client and the person who introduced the client would get 5% of the invested amount per month. In 2018, one A2 Frederics and Al Chandrasekaran both were carrying out operations through Hantec Global by depositing money for trades and withdrawing profits. They opened a brokerage company, Wohlstand Market, in A1 Chandrasekaran's name by August 2019.

(3) It is submitted that, in June 2019, the petitioner/accused, A6 Arivoli, joined the company to work on a commission basis, collected cash from his friends and relatives and gave it to Al Chandrasekaran for commission. In June 2021, A1 Chandrasekaran, A3 Dinesh Babu, A4 Gurubaran, Rajkumar, the petitioner/accused A6 Arivoli and A2 Frederics had a meeting to discuss about how to proceed in cryptocurrency. By July 2021 end, pre-ICO Initiat received by the partners, A5 M.D. Vinoth was recruited as the Finance Head Coin Offering) sale was preceded. Trency ate tokens equivalent to the amouad of

the company. In order to infuse some funds, Al Chandrasekaran introduced a scheme with Gold. If Rs 1.55,000/- was given by the client. Rs.15,000/- was the commission for the marketing leads and 20 grams of gold coin was given to the client. The accused A6/petitioner Arivoli procured April 2022, the WT token presale was started, and in June 2022, the WT token to the investors. In gold coins, and Rs. 75,000/cryptocurrency was allocated to the investors. In April 2022, the WT token resale was started, and in June 2022, the WT token underwent listing in three exchanges, Cryptocurrency tokens were partially allocated to the investors. It was found that more than 70 investors invested more than 100 crores to Chandrasekaran Majulavani, Arivoli and other team leaders.

(4) It is submitted that the marginally noted accused 41A CrPC notice and arrested on custody for non-cooperation in the the accused Al were submitted to Addl. Chief Metropolitan Magistrate Court, Egmore in B.No.2029/2022, dt.25.11 2022. He got bail from the Addl. Chief 23.11.2022 investigation. Metropolitan Magistrate Court, 23.01.2023. Eamore, and remanded to judicial The properties seized from in Crl.MP.No.2515/2023 on 23.01.2023.

(5) It is submitted that the marginally noted accused persons A2 on 18.04.2023 and remanded to judicial custody. The properties seized from Frederics, A3 S. Dinesh Babu, A4 A2 and A4 were submitted to Addi Chief Metropolitan Magistrate Court, Gurubaran Metropolitan Magistrate Court, Egmore, in Crl.MP.No. 11390/2023 Egmore in B.No.807/2023, dt.03.05.2023.

and A5 Vinod M.D were arrested 24.03.2023, Crl.MP.No.21979/2023 on 15.07.2023, Crl.MP.No.20898/2023 on 15.06.2023 They got bail from the Addl. Chief on respectively.

(6) Notice under 41A Cr.P.C served to A6 Arivoli and appeared before the Investigation Officer on 21.04.202 ved to 27.04.2023 and stated that he was one of the members who collected andsiment from the public and handed over the cash to accused Al C indrasekaran for Forex trading and Cryptocurrency investment. The accused A6/petitioner collected Rs.27.13 Crores from investors, invested in Forex Trading and received payouts to the total of Rs.23.6 Crores. Then, to invest in Cryptocurrency, he collected Rs.33.6 crores which was never returned to investors.

(7) It is submitted that a Look Out Notice Circular was issued to all the accused involved in the Crime for the purpose of investigation and to avoid fleeing abroad. LOC request sent in C.No.767/DCP/CCC/CAMP/2022-5 to the petitioner/accused A6 on 26.05.2023 and issued by the Bureau o Immigration, Govt of India under Suspect No. 2345759 and LOGNo.2023415395. LOC requests for accused A2 to A5 were sent on 26.05.2023, and LOC was issued by the Bureau of Immigration, Govt of India under LOC No.2345755, LOC No.2345756, LOC No.2345757 and LOC No.2345758, respectively.

(8) It is submitted on 31.07.2023, the petitioner/accused A6 Arivoli was stopped by the airport authority in Chennai International Airport while he was intending to depart to Colombo by Air India Airlines, detained and handed over to the authorized police personnel from Cyber Crime Police Station, Central Crime Branch, Chennai. At that time, the petitioner/A6 was brought to the station and released after being informed that he was not allowed to travel out of India until the investigation of this case was completed.

(9) It is submitted that in this case, 5 accused have been arrested so far, and one accused was enquired through notice under 41A Cr.P.C. We have been receiving petitions/complaints from victims continuously. Till now, 70 petitioners have reported the offence against the said accused persons, and the total amount involved is Rs. 182 crores approximately in total. Few victims received a partial amount back in the way of payouts. The number of victims and the amount involved was increasing and yet be calculated the exact loss of the victims.

In view of the above factual circumstances and considering the serious nature of the case, LOC must be active to continue the fair investigation. If allowed, there is a possibility that the petitioner/accused A6 will not return to India and may evade criminal proceedings in this case. Hence, it is prayed that, in the interest of justice, the petition of the petitioner may kindly be dismissed and thus render justice.

3. Heard Mr.Durai Kannan, learned counsel for the petitioner and Mr.A.Gopinath, learned Government Advocate for 1st respondent.

4. In the considered view of this Court, the investigation is at a very crucial stage and presently there are nearly 70 complaints running to the tune of Rs.182 Crores. The number of victims is increasing by the day and hence, there is a chance of flight risk insofar as the petitioner is concerned. The petitioner claims that he is also a victim in this case. For the present, this Court cannot give any findings in this regard. Hence, for the present this Court is not inclined to issue any directions.

5. The petitioner has to necessarily co-operate for the investigation and on completion of investigation, it is left open to the petitioner to revive his claim.

6. This Criminal Original petition is disposed of accordingly.

13.03.2024

Index : Yes/No
Internet : Yes/No
Speaking Order/Non-Speaking Order
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To

State Rep. By

1. Deputy Commissioner of Police,
   Central Crime Branch,
   Vepery, Chennai 600 007

2. The Inspector of Police,
   Central Crime Branch,
   Chennai 600 007
3. The Public Prosecutor,
   High Court of Madras,
   Madras.

N. ANAND VENKATESH,. J.

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Crl.O.P No.23821 of 2023

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