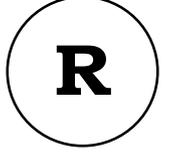


IN THE HIGH COURT OF KARNATAKA AT BENGALURU

DATED THIS THE 28TH DAY OF JULY, 2023



BEFORE

THE HON'BLE MR. JUSTICE M. NAGAPRASANNA

CRIMINAL PETITION No.1985 OF 2023

BETWEEN:

SRI SIVA RAMA KRISHNA
CHENNUBOINA
@ CHENNUBOINA SIVA RAMA KRISHNA
S/O C.H.BRAHMAIAH
AGED ABOUT 27 YEARS
R/AT NO.2079, 3RD FLOOR
4TH CROSS, JUDICIAL LAYOUT
NEXT TO UNDER PASS
JAKKUR POST
YALAHANKA, BENGALURU – 560 065.

ALSO AT:

DOOR NUMBER 26-34-34/6,
8TH LANE, A.T.AGARAHARAM,
GUNTUR – 522 004
ANDHRA PRADESH – 522 004.

... PETITIONER

(BY SRI GIRISH B.BALADARE, ADVOCATE)

AND:

1 . MR.SASI NARKIS BABU V.,
INFORMATION SECURITY OFFICER

MAJOR
AERONAUTICAL DEVELOPMENT AGENCY (ADA)
(MINISTRY OF DEFENCE, GOVT. OF INDIA)
P.B.NO.1718, VIMANAPURA POST,
BENGALURU – 560 017.

2 . CYBER CRIME POLICE STATION
C.I.D., NO.1, CARLTON HOUSE
PALACE ROAD,
BENGALURU – 560 001
DULY REPRESENTED BY
SPECIAL PUBLIC PROSECUTOR
HIGH COURT BUILDING
BENGALURU – 560 001.

... RESPONDENTS

(BY SRI H.SHANTHI BHUSHAN, DSGI, FOR R-1;
SRI MAHESH SHETTY, HCGP FOR R-2)

THIS CRIMINAL PETITION IS FILED UNDER SECTION 482 OF CR.P.C., PRAYING TO QUASH THE FIR REGISTERED BY CYBER CRIME POLICE STATION C.I.D., BENGALURU IN CR.NO.12/2021 FOR THE OFFENCE P/U/S 66, 66(F), 84(C) OF IT ACT 2008 AND 380 OF IPC, AS PER ANNEXURE A AND THE SAME IS PENDING BEFORE HONBLE 1ST ADDL.C.M.M. COURT AT BENGALURU.

THIS CRIMINAL PETITION HAVING BEEN HEARD AND RESERVED FOR ORDERS ON 28.06.2023, COMING ON FOR PRONOUNCEMENT THIS DAY, THE COURT MADE THE FOLLOWING:-

ORDER

The petitioner is before this Court calling in question registration of crime in Crime No.12 of 2021 for offences punishable under Sections 66, 66(F), 84(C) of the Information Technology Act, 2008 ('the Act' for short) and Section 380 of the IPC and pending before the 1st Additional Chief Metropolitan Magistrate at Bengaluru.

2. Facts adumbrated, as borne out from the pleadings, are as follows:-

The petitioner claims to be a qualified degree holder in the discipline of Bachelor of Technology with specialization in Aerospace Engineering from Manipal University. The petitioner was appointed as an intern in a project in the Indian Institute of Science, Bengaluru. The project was "Drag Reduction by heat transfer through convection" and it was in the Department of Aerospace Engineering at the Indian Institute of Science. While so working as an intern, the petitioner claims to have undergone a thorough in-plant training and project work at HAL, ARDC in its design complex. The petitioner further works as a Research Assistant at Manipal

Academy of Higher Education and has produced certain experience certificates for all the aforesaid works that he has performed. After working as an intern, owing to a notification issued by the National Aero Space Laboratory notifying the post of Senior Technical Officer Grade-III and finding himself eligible, the petitioner applies and he is selected for conduct of an interview. The interview was slated to be held on 23-03-2022. Four days prior to the date of interview, the petitioner comes to be apprehended on 19-03-2022 on a crime that had been registered long ago on 17-09-2021 for offences punishable as afore-quoted. On being taken into custody, the petitioner knocks at the doors of this Court in the subject writ petition calling in question the very registration of crime against him in Crime No.12 of 2021.

3. Heard Sri Girish B.Baladare, learned counsel appearing for the petitioner, Sri H.Shanthi Bhushan, learned Deputy Solicitor General of India appearing for respondent No.1 and Sri Mahesh Shetty, learned High Court Government Pleader appearing for respondent No.2.

4. The learned counsel appearing for the petitioner would vehemently contend that a crime comes to be registered on 17-09-2021 only for offence punishable under Section 66 of the Act. He would submit that there is gross delay in dragging the petitioner into the web of aforesaid crime as it is registered in the year 2021 and the respondents on the strength of the said registration, for the first time, sought remand of the petitioner for police custody on 19-03-2022. He would further contend that the petitioner has done nothing that would bring him into the web of crime and permitting further investigation against a bright student like the petitioner would become an abuse of the process of law. He would seek quashment of registration of the crime against him.

5. On the other hand, the learned Deputy Solicitor General of India Sri Shanthi Bhushan would vehemently refute the submissions to contend that when the petitioner was an intern in the Indian Institute of Science certain projects were sanctioned to be executed by the Aeronautical Development Agency, Ministry of Defence, Government of India. He was allowed to work as an intern in the preparation of code for the Light Combat Aircrafts used during war

time. What the petitioner would do is get to know the entire source code and has published the same for sale on the **Dark Web**. Initially it was not known as to who was involved in the entire process. It took about 18 months for the Department to know that the petitioner is involved in all these activities. Therefore, he would contend that the petitioner has compromised the security of the nation. Investigation is still on, as to the involvement of any other person in such horrendous acts. He would seek dismissal of the petition. For a perusal of the Court he has also produced certain communications in sealed cover as they are communications within the Defence.

6. I have given my anxious consideration to the submissions made by the respective learned counsel and have perused the material on record.

7. The afore-narrated facts are not in dispute. The petitioner begins to work as an intern in the HAL Aircraft Research and Design Centre, Design Complex from 09.12.2015 to 05.01.2016 and undergoes in-plant training, on a no pay, no fee basis. Again he

works as an intern in the Department of Aero Space Engineering of the Indian Institute of Science, Bengaluru from 20-05-2016 to 28-06-2016 for about one month. Later, the petitioner from 23-01-2017 up to 20-02-2017 has undergone training in the project "Stress Analysis of Gun Installation for a Typical Fighter Aircraft". The experience certificates for the aforesaid period at three of the places, are appended to the petition, which are quoted for the purpose of quick reference:

*"DEPARTMENT OF AEROSPACE ENGINEERING
INDIAN INSTITUTE OF SCIENCE, BANGALORE 260 012*

...

*V.SURENDRA NATH
PRINCIPAL RESEARCH SCIENTIST*

*AE/WT-16/50
26-06-2016*

Experience Certificate

This is to certify that Mr. Chennuboina Siva Rama Krishna, a 6th Semester student of B.E (Aeronautical), (Registration No.130933032), Manipal Institute of Technology, Manipal, has successfully completed student internship in the Open Circuit Wind Tunnel, Department of Aerospace Engineering, Indian Institute of Science, Bangalore from 20-05-2016 to 28-06-2016.

During this period he worked on the following Project

"Drag Reduction by Heat Transfer through convection"

During this tenure he was found to be hardworking, committed and sincere in his duties with good work ethics. His

abilities to work as a team member as well as independently are excellent. His conduct during this period was observed to be good.

Best wishes for his future assignments.

Sd/- (V.SURENDRA NATH)"

...

HAL AIRCRAFT RESEARCH & DESIGN CENTRE (ARDC)
DESIGN COMPLEX, HINDUSTAN AERONAUTICS LTD.
Marathahalli Post, Bangalore-560037
D/ARDC/HR/PR/Proj/30/16 05-01-2016.

CERTIFICATE

*This is to certify that Chennuboina Siva Rama Krishna who is a student of B.Tech (Aeronautical), Manipal Institute of Technology, Manipal has undergone **In-Plant Training** at HAL ARDC, Design Complex, Bangalore from 9-12-2015 to 5-01-2016 on "**No pay no fee basis**". He has been punctual, sincere and committed trainee. His conduct has been Excellent.*

His keen observations and efficient learning skills have been manifested in the project report. He was quick to understand and absorb the workings of each of departments of ARDC to which the student was assigned to.

The student brings in a lot of energy and enthusiasm in the work, he is structured in his approached and methodical in resolving a problem. He is resourceful and adaptive to working environment.

I wish him the very best for future and recommend for the position he intends to occupy.

*Sd/- (Nidhi Ajay Mishra),
Senior Manager (HR)
ARDC, Design Complex"*

...

HAL AIRCRAFT RESEARCH & DESIGN CENTRE (ARDC)
DESIGN COMPLEX, HINDUSTAN AERONAUTICS LTD.

Marathahalli Post, Bangalore-560037
D/ARDC/HR/PR/Proj/1676/17 20-02-2017

CERTIFICATE

*This is to certify that Chennuboina Siva Rama Krishna who is a student of B.Tech (Aeronautical), Manipal Institute of Technology, Manipal has undergone **Project work** at HAL ARDC, Design Complex, Bangalore from 23.01.2017 to 20-02-2017 on "**No pay no fee basis**". The title of the Project work is "**Stress Analysis of Gun Installatioin for a Typical Fighter Aircraft**". He has been punctual, sincere and committed trainee. His conduct has been Excellent.*

The student brings in a lot of energy and enthusiasm in the work, he is structured in his approach and methodical in resolving a problem. He is resourceful and adaptive to working environment.

*Sd/- (P.Jaiprakash)
Manager (HR)
ARDC, Design Complex."*

(Emphasis added)

The petitioner also appends an experience certificate of Manipal Academy of Higher Education, where the petitioner claims to have worked as Research Assistant.

8. It appears that certain project from the Aeronautical Development Agency of the Ministry of Defence, Government of India were entrusted to the Indian Institute of Science viz., **"Experimental Investigation of Lateral Instability**

Characteristics of AMCA at Moderate to High Angles of Attack-Phase-I". The project was sanctioned and was sought to be executed in the Department of Aero Space Engineering, Indian Institute of Science. This was in the year 2012. It was an on-going project. The project also sought a non-disclosure agreement from the hands of the Indian Institute of Science, which was signed and executed as it was concerning defence of the nation. Another project comes to be allotted to the Indian Institute of Science on 17-11-2015 viz., "Design and Fabrication and Measurement of Dynamic Derivatives on 1:20 scale AMCA model using Forced Oscillating rig and Rotary Derivative Rig". This project was undertaken by the Indian Institute of Science and completed on 10-01-2017. It is during the said period the petitioner was working as an intern in the very Department. Somewhere in the year 2021 it comes to the notice of the Ministry of Defence that there has been some foul play by persons working in the Aeronautical Development Agency and have leaked the data related to the organization. It is then the Aeronautical Development Agency complains to the jurisdictional Police in the Cyber Crime Division on 17-09-2021. The complaint reads as follows:

"AERONAUTICAL DEVELOPMENT AGENCY
(Ministry of Defence, Govt. of India)
P.B.No.1718, Vimanapura Post, Bangalore-560 017

To

17 Sep.2021

Station House Officer,
Cyber Crime Police Station,
Cyber Crime Division, CID,
Bangalore-560 001.

Sir,

It has come to our notice that some unknown person(s), without our permission and authorization have accessed information/data which are related to our organization (Aeronautical Development Agency, Ministry of Defence (Govt. of India), P.B.No.1718,Vimanapura Post, Bangalore -560017) and published in different domains during the period from July 2020 to February 2021.

I have been authorized to file a complaint in this regard before the LEA.

It is requested to kindly register the case, investigate the matter and identify the person(s) making our technical data available for sale on internet and initiate appropriate actions against offender(s).

Thanking you."

(Emphasis added)

The complaint then becomes a crime in Crime No.12 of 2021 initially for offence punishable under Section 66 of the Act. Investigation is commenced by the jurisdictional Police of the Cyber Crime Division, and the investigation leads to the filing of a remand application, before the concerned Court seeking remand of the

petitioner to Police custody on 19-03-2022. The remand sought is on the following grounds:

"Brief facts of the case are some unknown person(s) without permission and authorization, have accessed information/data which are related to Aeronautical Development Agency, Ministry of Defence (Government of India), P.B.No.1718, Vimanapura Post, Bangalore-560 17 and published in different domains during the period from July 2020 to February 2021. Hence, the complainant requested to investigate the matter and identify the persons making organization data available for sale on internet and initiate appropriate actions against offender(s). Hence, the FIR.

On the basis of this complaint, a case in CID, CCPS Cr.No.12/2021 U/s 66 of I.T. Act, 2008, case has been registered and the FIR submitted to Hon'ble 1st ACMM Court, Bangalore City and superior officers and the investigation was taken up. During the course of investigation Section 66(F), 84(C) of IT Act, 2008 and 380 IPC sections has been included with the permission of the Hon'ble Court.

During the course of investigation, Mr. Shiva Rama Krishna Chennuboina S/o C.H. Brahmaiah, was enquired and prima facie was found and individual was arrested on 19-03-2022 at 13.00 hrs. at Cyber Crime Police Station, CID Headquarters, No.1 Carlton House, Palace Road, Bangalore-560001 and did the formalities of the arrest and recorded his voluntary statement.

Two laptops, two external hard disk, one pen Drive and a mobile were seized during the panchanama on 19-03-2022 and placed under CCPS P.F. No.01/2022 dated 19-03-2022.

During the course of interrogation it is revealed that the accused person has uploaded **data related to Aeronautical Development Agency, Ministry of Defence (Government of India)** in different domains of deep path for sale. Therefore, the

*individual is needed to interrogate **more on national interest** and also to collect the following information/evidential materials from the accused.*

- *Prima facie of the case shows there is digital evidence against the accused person.*
- *Confidential materials posted on the deep path to be identified.*
- *Seized electronic devices to be forensically examined.*
- *Deep path URL to be identified and to verify the present activity.*
- *A mahazar to be conducted at Indian Institute of Science (IISc) and to obtain digital evidence.*
- *Need to verify Crypto currency wallet details.*
- *Encryption keys (Private & Public) to be collected and analysed.*
- *Other accused persons involved in the case have to be identified and traced.*
- *Accused Bank details need to be obtained from the banks and need to verify thoroughly.*
- *The Accused person to be interrogated thoroughly to know about commission of any other similar offences.*
- *If the accused person is released on bail, he may tamper the evidence.*
- *If the accused person is released on bail, it is likely that accused person may abscond as he belongs to other State (Guntur District, Andhra Pradesh).*

*In the circumstances explained above, it is humbly prayed before Hon'ble Court to remand the **accused person Shiva Rama Krishna Chennuboinato Police custody for 10 days from 19-03-2022 to 28-03-2022 on the national interest.**"*

(Emphasis added)

It is noted that the complainant had requested to investigate the matter and identify persons making available the data of the organization on the internet and initiate appropriate action. It

records that investigation was conducted and during the course of investigation it was *prima facie* found that the petitioner was involved in all the acts. Two of his laptops, two external hard discs, one pen drive and the mobile of the petitioner were seized on 19-03-2022 and custodial interrogation was sought by the Police. It is then, the petitioner lost his chance of interview of Senior Technical Officer-1 Grade-III in the National Aero Space Laboratories. Interrogation then continues and all leads, lead to the petitioner's act of stealing the data and publishing them on dark web for the purpose of sale of such data. Certain documents are placed for perusal of the Court by the learned Deputy Solicitor General of India. Recording all those communications which are classified documents would cause serious prejudice to the case of the petitioner and the case of the Ministry of Defence against the petitioner. Investigation is still on.

9. The submission of the learned counsel for the petitioner that there has been delay as the crime is registered on 17-09-2021 and the petitioner is apprehended only in March 2022 and therefore, the proceedings should be quashed on that ground is, on

the face of it, unacceptable, as the investigation in the nature of the kind that is necessary in the facts of the case at hand cannot be concluded overnight, as they involve several intricate facts to be gone into. If on the plea of the petitioner the present proceedings are quashed against him, it would amount to putting a premium on the activities of the petitioner who has acted in a manner that would compromise security of the nation, as the petitioner has leaked the data of the Light Combat Aircraft under the Tejas programme development by the Aeronautical Development Agency. The data that is leaked is of Aeronautical Technology which is used for Advanced Medium Combat Aircraft, all of which form defence documents of the Ministry of Defence. The Investigating Officer, after the arrest of the petitioner as on 18-04-2022 collected several documents in which the petitioner was involved and has leaked the said data. They form part of the statement of objections and are quoted for the purpose of quick reference hereunder:

"19. The ADA has provided further supporting documents to investigating Officer on 18-04-2022:

- (a) non-disclosure agreement between ADA & IISc Bangalore in 2012 attested by Dr. A.K.Gosh, outstanding Scientist & Scientist H Project Director AMCA.*

- (b) *Project named "Experimental Investigation of Lateral Instability characteristics of AMCA at Moderate high Angels of Attack Phase-I given to Indian Institute of Science (IISc), Bangalore dated on 23-07-2012.*
- (c) *Project named "Design & Fabrication and Measurement of Dynamic Derivatives on 1:20 AMCA model using forced Oscillation Rig and Rotary Derivatives Rig given to Indian Institute of Science (IISc), Bangalore on 17-11-2015.*
- (d) *Intimation on supply of design data to IISc for the project."*

Therefore, the petitioner has leaked into dark web highly sensitive data which would have the effect of destabilizing defence of the nation. Any person indulging in any crime that would destabilize nation's defence of any kind, even to its triviality, cannot be countenanced. The petitioner wanting to project himself to be innocent, in the teeth of the aforesaid facts, can only be a figment of his imagination. It is a matter to be investigated into and the investigation is yet to complete. The submission of the learned counsel for the petitioner may seem to be shrouded with triviality, but in effect, cascades or snowballs into threatening the defence of the nation. The petitioner has leaked defence secrets with regard to installation of characteristics of moderate to high angles of attack

concerning aircrafts, its design, fabrication, measurement and dynamic derivatives, into the dark web, all for enriching himself.

10. It is in public domain that there are 3 classifications of web/internet, one is the "**worldwide web**", which requires a search from an operating search engine, this is on the periphery. A little deeper is the "**deep web**", both of which, the surface web i.e., the worldwide web and the deep web are identifiable through their internet protocol address (IP address). Deeper to these two is the "**dark web**", which requires special software solutions and in some cases, software dependant information technology knowledge. **Dark web** is a sophisticated anonymous internet network used by both criminals and other individuals for manifold reasons, necessity to regulate the usage of dark web has become the need of the hour, as it provides anonymity, as the geo location is hidden. Such usage of dark web for defence secrets to be uploaded has devastating effect on national security. The occurrence of massive data theft and auction on the dark web has been a worrisome concern to all the nations, including ours. Therefore, it is necessary to investigate into the root of the data

thieving, uploading it on the dark web, for illegal financial gains and bring to book, persons involved in such acts of uploading sensitive data of defence of the nation, on to the dark web and deal them with iron hands.

11. The learned Deputy Solicitor General of India and the learned High Court Government Pleader on instructions, in unison would submit that, the investigation is nearing completion and final report would be placed before the concerned Court. Those submissions are placed on record. In such cases, the investigation is to be taken up on war footing and complete it in a time frame, so that illegality would not perpetuate. More than 2 years have passed by, the matter is still at the stage of investigation. Though in certain cases time to investigate on deeper issues would be necessary, but bearing that in mind as well, it should be the endeavour of the prosecution to conclude the investigation as expeditiously as possible and file their final report. Four months time, in the opinion of the Court, would be adequate.

12. In the light of the aforesaid facts, no interference is called for on the projection of innocence of the petitioner. Finding no merit in the petition, the petition stands dismissed.

Consequently, I.A.No.1 of 2023 also stands disposed.

**Sd/-
JUDGE**

bkp
CT:MJ