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WHITE COLLAR CRIMES & INVESTIGATION – LEGAL IMPLICATIONS

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Introduction and overview of White Collar Crime in India

General concepts

- **Whether civil and criminal actions can proceed together**
- **FIR** – Ss. 154 (cognizable offences), 155 (non-cognizable offences), Cr. P.C.
- **Chargesheet** - S. 173, Cr.P.C.
- **Investigation**
- **Witness** - Ss.161 and 162, Cr.P.C. (examination by police)
- **Summons**
- **Bail & Anticipatory bail**
- **De facto complainant**
- **Whistle blower** - S. 177, Companies Act, 2013 (vigil mechanism)
- **Forensic analysis**
- **Attorney client privilege**
- **Foreign directors**
- **Deferred prosecution agreement**

Relevant Acts

- Constitution of India
- Indian Penal Code, 1860
- Criminal Procedure Code, 1908
- Companies Act, 2013
- Negotiable Instruments Act, 1881
- Prevention of Corruption Act, 1988
- Prevention of Money Laundering Act, 2002
- Fugitive Economic Offenders Act, 2018
- Information Technology Act, 2000
- Foreign Exchange Management Act, 1999
- Income Tax Act, 1961
- Indian Telegraph Act, 1885
- Indian Succession Act, 1925

Authorities empowered under the Relevant Acts

- Local Police
- The Registrar of Companies
- Central Bureau of Investigation
- Serious Fraud Investigation Office
- Enforcement Directorate
- Economic Offences Wing
- Directorate of Revenue Intelligence
- Customs
- Tax Authorities

Case Studies

Relating to:

- Irrigation and Finance
- SFIO - Practice and Procedure
- Employer/employee Relationships and Breach of Confidentiality
- Employer/employee Relationship, Usage and Breach of Intellectual Property
- Responsibilities of a Host Company
- Negligence and Pharmaceutical Companies
- Prevention of Money Laundering Act, 2002 and Copyright
- Lending and Recovery of Money by a leading European Bank

Case Studies (contd.)

- Visa Fraud
- Customs Fraud
- Arrest by the Enforcement Directorate
- Usage of Satellite Phones
- Forgery of a Will

Questions?



THANK YOU