

Cyber crimes: Conviction rate remains constant zero

Not only police officers but also the judicial officers need to be given better training about the internet and computers, opine experts

• SINDHU J MANSUKHANI/ Mumbai

That cyber crime in Mumbai has been increasing unabated for the past one year is a known fact, with Chief Minister Devendra Fadnavis having taken cognisance of the fact and promised speedy solutions. However, what has unfortunately remained constant is the conviction rate of these crimes.

The law and order and judicial machinery in Mumbai has not been able to secure even one conviction in cyber crime – which is a worrying fact, considering that between January 1 and March 31 this year,

167 cases of cyber crime were registered by the Mumbai police, an increase of 113 cases as compared to the same period last year. Whereas, from 2013 and 2014, the number of cyber crime cases went up by 435. In such a scenario, senior police officers and cyber crime lawyers have opined that not only police officers but also the judicial officers such as the public prosecutors and judges need to be given better training about the internet and computers. Additional Commissioner of Police (Crime) K M M Prasanna said that as compared to general cases, the appreciation of evidence during a trial in cases related to

cyber crime is very different.

"In cyber crime, not only the collection of evidence, but also the process to prove that something is the authentic evidence in relation with a case is extremely difficult. If for example a pen drive of a particular company is the evidence in a case, it has to be recorded and described as the evidence in such a way that only that particular pen

drive would be identified as evidence. This, to ensure that no other pen drive of that particular brand be presented as evidence. This is an almost impossible task and even after somehow achieving this, most of the evidence is rejected during the trial," Prasanna said.

In addition, the IT Act requires an officer of the level of

police inspector and above to probe cyber crime cases. However, the officers in Mumbai police at this level are very senior now – leading to a decrease in inclination to constantly keep learning more about cyber crime. "For a youngster it is easy to learn everything about computers, internet and the World Wide Web. But for someone who has been trained in an era

where computers did not exist, grasping these things at such speed is not possible," Prasanna said. Cyber crime lawyer, N S Nappinai, agreeing with the police's view, said that while there has been a lot of improvement in judges' understanding of cyber crime through workshops, public prosecutors need to improve their knowledge. In addition, she also said that victims need to be given the right to choose their own lawyer.

"It is the victim's right to have his or her own lawyer, someone who is an expert at cyber crime. The Supreme Court allows only public prosecutors to take the lead in a case and for the victim's personal lawyer to only assist, which in a way deprives the victim to have the best prosecution," Nappinai said. Mumbai police has also written to the State government in a proposal to set up special and fast track courts for cyber crime, Prasanna said.

Statistics of cyber crime cases registered with the Cyber Crime Investigation Cell and the Cyber Crime Police station in Mumbai:

	2009	2010	2011	2012	2013	2014	2015
Total Cases	30	37	44	30	32	56	19
Registered							
Detected cases	23	26	24	10	14	13	02
Undetected cases	06	09	13	10	10	33	15
Chargesheets	23	28	19	10	09	09	00
Filed							
Pending cases	00	01	08	02	14	37	17

*Note: Statistics do not include some categories of cases where the accused persons have died or the complaint has been taken back.