



**ODISHA POLICE  
ECONOMIC OFFENCES WING  
CID, CRIME BRANCH, ODISHA, BHUBANESWAR.**

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**EOW CIRCULAR NO. 02/2017**

Despite issuance of EOW Circular No.01/2013 relating to the procedure of investigation of cases in respect of unauthorised collection of public deposits and cheating by different Financial Establishments including Real Estate Firms in the guise of payment of high rate of interest, providing plots/flats etc. to the investors, it is observed that Investigating Officers/Supervising Officers are not adhering to the same. As such, the quality of investigation is compromised.

In order to ensure uniformity in the investigation and to facilitate collection of quality evidence, the following instructions are hereby issued which must be scrupulously followed by Investigating/Supervising Officers during investigation of cases registered against individuals and Financial Establishments.

1. While, registering the cases or submitting final form after due investigation, the IOs/SOs shall keep in mind regarding the applicability of Sec. 467/468/471 IPC as well as Sec.6 of OPID Act, 2011.
2. Verification as to registration of the Financial Establishments with Registrar of Companies/Registrar of Cooperative Societies shall be made.
3. In case the Financial Establishment is registered with Registrar of Companies/Registrar of Cooperative Societies, documents like certification of incorporation, memorandum and articles of association, name and address of the Directors/Promoters/Partners etc. should be brought into record.
4. Verification with Reserve Bank of India regarding the authority of mobilising public deposits as NBFC and Stock Exchange Board of India regarding authority of issuance of share certificates/debentures by the Financial Establishments may be scrupulously followed.
5. Bank accounts of the Financial Establishments as well as personal accounts of Board of Directors should be ascertained during investigation. Also, the statements of such bank accounts shall be obtained and intimation to freeze those accounts be sent to concerned banks.
6. The statements of accounts should be scrutinised with the assistance of bankers/Chartered Accountants to ascertain the money trail/diversion of fund by the Financial Establishments.
7. Properties created by the Financial Establishments out of the public deposits may be identified to submit proposals to the Govt. for issuance of ad-interim attachment order u/s 3 of OPID Act, 2011.

8. Original money receipts/certificates/bonds issued by the Financial Establishments towards acceptance of public deposits shall be seized to prove that those are fake and forged one. However, it is observed that IOs are seizing the xerox copies of aforementioned documents for which those documents are not exhibited in the Designated Courts during trial and in the process the ingredients of Sec.467/468/471 IPC are not proved.
9. Brochures, leaflets and advertisements relating to different schemes/ deposits should be seized and reflected in the CDs, so as to put cheating, forgery and offences under Prize Chits & Money Circulation Schemes (Banning) Act, 1978.
10. List containing the names and addresses of the investors, who have not been refunded back the amount as promised by Financial Establishments may be prepared to arrive at the amount defalcation/defaulted in payment.
11. Since the penal provisions under OPID Act, 2011 is triable by Designated Courts under OPID Act (located at Cuttack/Balasore/Berhampur/ Sambalpur), IOs/SOs should take steps to transmit the case records of lower courts to the OPID Courts immediately after inclusion of the sections under OPID Act.
12. While submitting charge sheet, it should be ensured that the alleged company as a corporate entity is cited as an accused represented by its MD/Director. Besides, the Directors/Partners who play vital role in mobilising public deposits should also be charge sheeted.
13. The role of the employees of such companies/Financial Establishments such as Branch Manager, Accountant, etc. may be thoroughly examined to find out their involvement in the commission of offence.

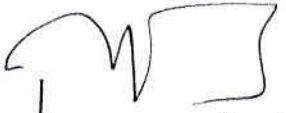
Sd/-  
(Dr. R P Sharma)  
Director General of Police,  
Odisha, Cuttack

Memo No. 4329<sup>(44)</sup>/EOW

dated 20/09/2017

Copy to

- All District SsP including SsRP Rourkela/Cuttack/DCsP Bhubaneswar & Cuttack.
  - All Range IsGP/DIsGP
  - IGP Railway, Cuttack
- for information and necessary action please.

  
19.9.17  
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