

फार्म नं. 1

प्रथम सूचना प्रतिवेदन (धारा 154 द. प्रक्रिया संहिता के अन्तर्गत)
FIRST INFORMATION REPORT (Under Sec. 154 Cr.P.C.)

वि.पु.स्था.सी.-II
S.P.E.C.-II

बुक नं.

Book No.

1082

क्रम सं.

Serial No.

04

1. जिला : थाना : वर्ष : प्र.सू.प्र.क्र. दिनांक :
District PS: Year FIR No. Date
New Delhi CBI/AC-I 2018 RC AC1 2018 A0011 28.05.2018
2. (1) विधान : IPC धाराएं : 120 B & 204
Act Sections
(2) विधान : PC Act, 1988 धाराएं : 7, 12, & 13(2) r/w 13(1) (d)
Act Sections
(3) विधान : IT Act, 2000 धाराएं : 66
Act Sections
(4) अन्य विधान एवं धाराएं :
Other Acts & Sections
3. (क) प्रतीत अपराध : Criminal conspiracy, attempt to give and
(a) Suspected Offence receive bribe, misuse of official position and
destroying evidences.
- (ख) दिन : दिनांक समय
(b) Day Date Time
During 2010 to 2014
- (ग) थाने पर सूचना प्राप्त होने का दिनांक
(c) Information received at PS Date
CBI, AC-I, New Delhi 28.05.2018
कायमी अपराध : दिनांक समय
Entry No. Date Time
11 28.05.2018 06:30 PM
4. सूचना का प्रकार : लिखित/मौखिक
Type of Information Written/Oral
Oral
5. घटना का स्थान
Place of Occurrence
Delhi and other parts of India
- (क) थाने से दिशा व दूरी :
(a) Direction & Distance from PS

बीट नं. / Beat No.

(ख) पता: N.A.
(b) Address

(ग) घटनास्थल अन्य थाना क्षेत्राधिकार में है तो थाना - N.A.
(c) In case, outside the limit of this Police Station, then

पुलिस थाना का नाम Name of PS N.A.
जिला District N.A.

6. अभियोगी / सूचनाकर्ता : Source Information
Complainant / Informant

(क) नाम ---
(a) Name

(ख) पिता / पति का नाम ---
(b) Father's / Husband's Name

(ग) जन्म तिथि --- (घ) राष्ट्रियता :
(c) Date of Birth (d) Nationality

(ङ) पासपोर्ट नं. जारी दिनांक जारी होने का स्थान
(e) Passport No Date of Issue Place of Issue

(च) व्यवसाय ---
(f) Profession

(छ) पता - ---
(g) Address

7. ज्ञात / संदेही / अज्ञात / आरोपी का पूर्ण विवरण :
Details of known / suspected / unknown accused with full particulars
(यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
(Attached separate sheet, if necessary)

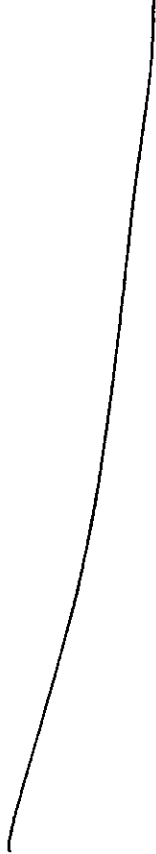
- (1) As per Annexure-"A" attached herewith.
(2)
(3)



Annexure - 'A'

Details of known/suspected/unknown accused with full particulars:-

- (1) Shri Sanjay Gupta, R/o G-190, Preet Vihar, New Delhi - 110092.
- (2) Shri Aman Kokrady, R/o 25 Waterwoods, Whitefields, Bangalore - 66.
- (3) Shri Ajay Narottam Shah, R/o Faculty Flat No. 3, National Institute of Public Finance and Policy, 18/2, Satsang Vihar Marg, New Delhi.
- (4) M/s OPG Securities Pvt. Ltd., OPG House, 4/10, Asaf Ali Road, Delhi.
- (5) Unknown officers/officials of Securities and Exchange Board of India (SEBI) & National Stock Exchange (NSE), Mumbai.
- (6) Other unknown persons.



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8. अभियोगी / सूचनाकर्ता द्वारा सूचना दिए जाने में विलंब का कारण :
Reasons for delay in reporting by the complainant / informant

No Delay.

9. अपहृत / सम्बद्ध सम्पत्ति का पूर्ण विवरण : (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
Particulars of properties Stolen (Attach separate sheet, if necessary)

N. A.

10. अपहृत / सम्बद्ध सम्पत्ति का कुल मूल्य :
Total value of property stolen

N. A.

11. मर्ग / अकाल मृत्यु सूचना क्रमांक :
Inquest Report / U.D. case No. if any

N. A.

12. प्रथम सूचना विवरण :- (यदि आवश्यक हो तो अलग से पन्ना संलग्न करें)
First Information contents (Attach separate sheet, if required)

Information is attached herewith as Annexure-"B"



Information

Source Information received that during 2010 to 2014, Shri Sanjay Gupta owner and promoter of M/s OPG Securities Pvt Ltd. abused the server architecture of National Stock Exchange (NSE) in criminal conspiracy with unknown officials of NSE. In furtherance of the said criminal conspiracy Sanjay Gupta with the help of his brother-in-law Shri Aman Kokrady and other unknown persons, managed the data centre staff of NSE who passed the information regarding switching on time of NSE exchange servers. Further unknown officials of NSE gave OPG Securities Pvt Ltd access to servers which were technologically latest and least crowded at that particular period. This helped OPG Securities Pvt Ltd. in being mostly the first one to login on the Exchange Server of the NSE.

2. Co-location is a setup wherein the broker's computer is located in the same area in which server of the Stock Exchange is located. This particular setup of server gives a 10 : 1 (approx.) speed advantage in comparison to other brokers. Further, that till 2014 information was disseminated by exchange server to the brokers attached with co-location facility through "tick by tick" (TBT) based system architecture. In this architecture data was disseminated in a sequential manner whereby the stock broker who connected first to the server of Stock Exchange received ticks i.e. market feed, before the stock broker who connected later.

3. Source further informed that Sanjay Gupta had unfair access to Co-location facility of NSE between 2010 to 2014 that enabled his company OPG Security Pvt. Ltd. to login first to the secondary server and get the data before everyone else which allowed a split-second faster access to the data feed of NSE. Even a split-second faster access is considered to result in huge gains for any stock trader.

4. Source revealed that initially NSE did not have the system of starting its TBT servers (tick by tick server) at a fixed time everyday. Source revealed that Sanjay Gupta with the help from unknown persons, managed the data centre staffs of National Stock Exchange (NSE) who passed the information regarding switching on time of NSE exchange servers.



5. Source further informed that during October 2012, NSE improved the system of imbalance load factor among different TBT Co-location servers and introduced load balancer among the various TBT Co-location servers. Load balancer ensured that the load is evenly distributed among the TBT servers. In addition there were backup servers available in NSE for providing connection to the servers of the brokers only in case primary servers had some technical glitch or failure. While servers of all other brokers were connected to the primary servers of NSE, Sanjay Gupta once again dishonestly and fraudulently managed the data centre staff of NSE who started to let OPG Security Pvt. Ltd. connected to the backup servers especially. Backup servers were with zero load and therefore had provided far better and fast access to the market feed to the OPG Security Pvt. Ltd. of Sanjay Gupta in comparison to other brokers. Thus, the favour shown by unknown officials of NSE to OPG Securities Pvt. Ltd. by providing market feed first in comparison to other brokers resulted in wrongful gain to OPG Securities Pvt. Ltd. and wrongful loss to other brokers/investors.

6. Source information further revealed that on receiving the complaints of exploitation of TBT architecture by OPG Securities Pvt Ltd., SEBI conducted enquiry and according to its Technical Advisory Committee (TAC) report, OPG Securities gained materially by exploiting the TBT architecture of NSE. TAC report also revealed that OPG Securities had consistently logged in first on selected TBT servers on most of the trading days during the period 2010 to 2014 and also had access to servers that had better hardware. Deloitte Touche Thmatsu, which did a forensic review of the NSE's Co-location facility, found that OPG Securities was the first in most cases during trading sessions.

7. Source information also revealed that in order to ensure the favourable report from SEBI in the on-going enquiry being carried out by SEBI against the role of OPG Securities Pvt Ltd in the misuse of TBT architecture of NSE, Sanjay Gupta dishonestly and fraudulently influenced the official of SEBI for which bribe money was exchanged between Sanjay Gupta and some unknown officials of SEBI. Source information has further revealed that bribe amount was paid to unknown officials of NSE and SEBI by accused persons which shows criminal misconduct on part of unknown public servants for showing undue favour to OPG Securities Pvt. Ltd.

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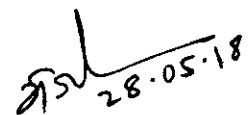
8. Further source information revealed that Shri Sanjay Gupta knowingly and deliberately directed his employees to delete some important mails, text messages, logs, etc. related to Co-location controversy with the intention of destroying electronic evidence against him and his company.

9. Source further revealed that one Ajay Narottam Shah had been instrumental in exploitation of NSE TBT architecture. Source revealed that he had collected NSE trade data in the name of carrying out research and subsequently, passed it to private persons who in turn developed an algo software named 'Chanakya'. Chanakya software, thereafter, were sold to selected brokers including OPG Securities who in turn had been alleged to be benefitted by exploiting the TBT architecture of NSE by the help from Chanakya Software.

10. Source also revealed that OPG Securities has been illegally trading in Dubai, Ghana, Singapore, Hongkong and China and Sanjay Gupta controls many entities in Dubai. Sanjay Gupta and Aman Kokrady (brother-in-law of Sanjay Gupta) have raised funds from abroad.

11. Therefore, above source information reveals offences punishable under section 120B & 204 of IPC and sec. 66 of IT Act 2000 along with section 7, 12 & 13(2) r/w 13(1)(d) of PC Act 1988 against Sanjay Gupta, Aman Kokrady, Ajay Narottam Shah, M/s OPG Securities Pvt. Ltd., unknown officials of SEBI & NSE and other unknown persons for entering into criminal conspiracy for attempt to give and receive bribe, abuse of official position, unfair access of TBT servers of NSE for wrongful gain, for manipulating the sever of NSE and for destroying the electronic evidences.

12. Therefore, a regular case vide RC No. RC AC1 2018 A0011 dated 28.05.2018 is registered and entrusted to Sh. Avnish Kumar, Inspector, CBI/AC-1/New Delhi for investigation and report.

 28.05.18

(RAJIV RANJAN, IPS)
Supdt. of Police
CBI, AC-I, New Delhi

RAJIV RANJAN, IPS
Superintendent of Police
Anti Corruption Unit-(I)
CBI : SPE : New Delhi

13. कार्यवाही जो की गई : चूंकि उपरोक्त विवरण क्रमांक 2 में उल्लिखित धारा(ओं) के अंतर्गत घटने वाले अपराध को उद्घाटित करता है

Action taken : Since the above information reveals commission of offence(s) u/s as mentioned at Item No. 2

- (1) मामला पंजीकृत किया गया एवं जांच प्रारंभ हुआ अथवा
Registered the case and took up the investigation or

Regular Case Registered

- | | | | |
|--|-----------------------------|--|---|
| (2) निर्देशित (जांच अधिकारी का नाम)
Directed (Name of IO) | रैंक
Rank | नं.
No. | जांच हेतु लिया गया
Took up for investigation |
| Shri Avnish Kumar | Inspector | | Yes |
| | CBI, AC-I, New Delhi | | |
| (3) कारण से जांच के नामंजूर
Refused investigation due to | N.A. | अथवा
or | |
| (4) पुलिस थाना को स्थानांतरित किया गया
Transferred to PS | जिला
District | क्षेत्राधिकार के आधार पर
on point of jurisdiction | |
| | N.A. | | |

अभियोगी / सूचनाकर्ता को प्र.सू. पत्र पढ़ाकर / पढ़कर सुनाया गया, जिन्होंने सही-सही अभिलिखित होना स्वीकार किया। इसकी एक प्रति अभियोगी / सूचनाकर्ता को निःशुल्क प्रदान की गई।
FIR read over to the complainant/informant, admitted to be correctly recorded and a copy given to the complainant/informant, free of cost.

पढ़ कर सुनाया व सही स्वीकृत होना पाया।
R.O.A.C.

14. अभियोगी / सूचनाकर्ता के हस्ताक्षर
Signature/Thumb impression
of the complainant/informant

धाना अधिकारी के हस्ताक्षर
Signature of Officer in-charge
Police Station

नाम / Name
(पद) / Rank

(Rajiv Ranjan, IPS)
Supdt. of Police
CBI, AC-I New Delhi

RSV 28.05.18

15. न्यायालय को भेजने का दिनांक एवं समय
Date and time of despatch to the court

RAJIV RANJAN, IPS
Superintendent of Police
Anti Corruption Unit-(I)
CBI : SPE : New Delhi

(प्रभारी अधिकारी के हस्ताक्षर तारीख सहित)
Signature of recording Officer with date

प्रथम सूचना रिपोर्ट का आइटम 7 लगाएं

Attachment to item 7 of First Information Report

संदिग्ध व्यक्ति की शारीरिक विशेषताएं, विरूपता तथा अन्य विवरण :-

Physical features, deformities and other details of the suspect/accused : (If known / seen)

क्र.सं. Sl. No.	*लिंग (Sex)	*जन्म की तारीख / वर्ष Date/Year of Birth	*शारीरिक गठन (Built)	*ऊंचाई से. मी. में (Height) (in Cms)	*वर्ण (Complexion)	*पहचान चिह्न (Identification Mark/s)
1	2	3	4	5	6	7

विरूपता/विलक्षणता (Deformities/ peculiarities)	दांत (Teeth)	बाल (Hair)	आँख (Eye)	आदतें (Habits)	पहनावा (Dress Habit/s)
8	9	10	11	12	13

भाषा / बोली (Language/Dialect)	स्थान / Place of				
	जले का निशान (Burn Mark)	श्वेत कुष्ठ (Leucoderma)	तिल (Mole)	जखम चिह्न (Scar)	गोदना (Tattoo)
14	15	16	17	18	19

अभियोगी / सूचनाकर्ता, द्वारा संदिग्ध / अभियुक्त के बारे में एक या अधिक विवरण दिए जाने पर ही इसमें प्रविष्टि की जाए।

These fields will be entered only if complainant/informant gives any one or more particulars about the suspect/accused.