



Involving complex and intricate records which is required to be analysed to unearth crime or unique MO adopted by white-collar criminal. The result is obvious, the case dies its natural death and the criminal roams free as the IO given his lack of specialised knowledge & qualification fails to properly investigate the financial crime to its logical conclusion. On the other hand if we look at the western countries particularly USA, the law enforcement agencies like DEA, FBI, CIA has well marshaled its pool of special agents having forensic accounting backgrounds that are the backbone of the bureau's financial crimes and terrorist financing units and investigate with professional acumen, the complex financial crime like money laundering, internet crimes, financial institution fraud and economic crimes. Today, there are more than 300 FBI agents with accounting backgrounds. Thus, it is highly imperative on the part of law enforcement agencies in India that they follow suit and engage specialised forensic accountant on its call whose engagements relating to criminal matters typically arise in the aftermath of financial fraud.

The Indian Law which refers to Forensic Accounting:

1) The Companies Act, 1956:

- a) **Section 235 and 237:** There are provisions in Companies Act (Section 235 and 237) which empower the Central Government to inspect the books of accounts of a company, to direct special audit, to order investigation into the affairs of a company and to launch prosecution for violation of the Companies Act, 1956. Books of accounts and other documents of the companies are inspected by the officers of the Directorate of Inspection and Investigation and the Registrar of Companies. These inspections are designed to find out whether the companies conduct their affairs in accordance with the provisions of the Companies Act, 1956 to see whether any unfair practices prejudicial to the public interest are being resorted to by any company or a group of companies and to examine whether there is any mismanagement which may adversely affect any interest of the shareholders, creditors, employees and others. Whether inspection reports disclose any information that may be of interest to other Departments or agencies like the Ministry of Commerce and Industry, Central Board of Direct Taxes, Enforcement Directorate, State Government or Provident Fund Authorities, such information is passed on to them. If an inspection discloses a prima facie case of fraud or cheating, action is initiated under provisions of the Companies Act, 1956 or the same is referred to the Central Bureau of Investigation.
- b) **Provisions of Sick Industrial Companies Act incorporated into the Companies Act, 1956:** The Section 424A(5) of the Companies Act, 1956 empowers National Company Law Tribunal (NCLT) to examine or preliminary issue whether the company is a sick industrial company (s. 2(44AA)). Thus even before examining the viability of the scheme of revival proposed by the company, NCLT can check the genuineness of the reference made to it. Thus, inquiry by operating agency will only be to enable NCLT to decide the viability of the scheme and to assess whether the company has the ability to revive on its own. Further, Section 424B of the Companies Act, 1956 empowers the Tribunal to make such inquiry as it may deem fit for determining whether any industrial company has become sick industrial company. Further, the Tribunal may, if it deems necessary or expedient so to do for the expeditious disposal of an inquiry, require by order any operating agency to enquire into the scheme for revival and make a report with respect to such matter as may be specified in the order. Operating agency is group of experts consisting of persons having special knowledge in banking and industry in which sick industrial company is engaged and includes public financial institution, State level institution, scheduled bank or any other person as may be specified by general or special order as its agency by the Board. Thus, Forensic Accountant can be part of operating agency and investigate whether with reference made by the company is genuine or the accounts are manipulated or fabricated to suit the scheme of reference made to NCLT to declare it as sick company and thereby siphon public funds.

2) SEBI Act, 1992:

The share market is highly volatile and the brokers indulge into various unfair and fraudulent trade practices like synchronized share trading, manipulate and fabricate the books of accounts and cheat the gullible investors. Regulation 11-C of the SEBI Act, 1992 empowers the SEBI to direct any person to investigate the affairs of intermediaries or brokers associated with the securities market whose transactions in securities are being dealt with in a manner detrimental to the investors or the securities market. Thus fraudulent and unfair trade practices of the brokers or market intermediaries are investigated by the investigator appointed by SEBI which requires the broker or market intermediary to furnish information, books of accounts, registers, documents or records etc. which is analysed by the investigator to find out any manipulation, fraudulent practice or otherwise of the broker. Thus, Forensic Accountant can play a lead role in assisting the SEBI to unearth the complex share related frauds perpetrated by the brokers.

Lkg At Criminal Law Tchrs Res

John M. Burkoff



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Social Sciences Index, 1978 Criminal Law Today, Student Value Edition Frank Schmalleger, 2014-04-07 **Criminal Law Today, Student Value Edition** Frank Schmalleger, Daniel Hall, 2016-01-04 For courses in Criminal Law Bringing criminal law to life Criminal Law Today 6 e brings criminal law to life by relating it to real stories from today s headlines The text s approach is strongly influenced by the belief that the law has always been and remains a vital policy making tool As a topic for study and discussion the nature and life of the law is more important today than ever before The text highlights the challenges that face the law as it continues to adapt to the needs of a complex and rapidly changing society and features a balanced text casebook approach that provides a lively introduction to criminal law Effective in text learning tools give students the resources they need to master the material presented in the text To give your students the most accurate picture of criminal law today the material on law and crime is updated throughout the Sixth Edition New cases and stories drawn from recent real life events are included to draw readers into the material and help them contextualize how theory translates into practice Criminal Law Today 6 e is also available via REVEL TM an interactive learning environment that enables students to read practice and study in one continuous experience Learn more *Criminal Law Today* Frank Schmalleger, Daniel Hall, 2016-01-05 For courses in Criminal Law Bringing criminal law to life Criminal Law Today 6 e brings criminal law to life by relating it to real stories from today s headlines The text s approach is strongly influenced by the belief that the law has always been and remains a vital policy making tool As a topic for study and discussion the nature and life of the law is more important today than ever before The text highlights the challenges that face the law as it continues to adapt to the needs of a complex and rapidly changing society and features a balanced text casebook approach that provides a lively introduction to criminal law Effective in text learning tools give students the resources they need to master the material presented in the text To give your students the most accurate picture of criminal law today the material on law and crime is updated throughout the Sixth Edition New cases and stories drawn from recent real life events are included to draw readers into the material and help them contextualize how theory translates into practice Criminal Law Today 6 e is also available via REVEL TM an interactive learning environment that enables students to read practice and study in one continuous experience Learn more **Intro to Criminal Law** G. Parker, 1987 *Outlines of Criminal Law and Procedure* Emlin McClain, 1883 *Criminal Law Today* Frank Schmalleger, Ph.D., Daniel E. Hall, 2014-01-17 **Criminal Law** Emanuel Steven, A Treatise on Criminal Law and Criminal Procedure Charles Erehart Chadman, 1976 A Treatise on Criminal Law Francis Wharton, 1912 Learning Criminal Law Joel Yang Wong, 2002 **Criminal Law** Russell Heaton, 1996 Basic Concepts of Criminal Law George P. Fletcher, 1998-09-03 In the United States today criminal justice can vary from state to state as various states alter the Modern Penal Code to suit their own local preferences and concerns In Eastern Europe the post Communist countries are quickly adopting new criminal codes to reflect their specific national concerns as

they gain autonomy from what was once a centralized Soviet policy As commonalities among countries and states disintegrate how are we to view the basic concepts of criminal law as a whole Eminent legal scholar George Fletcher acknowledges that criminal law is becoming increasingly localized with every country and state adopting their own conception of punishable behavior determining their own definitions of offenses Yet by taking a step back from the details and linguistic variations of the criminal codes Fletcher is able to perceive an underlying unity among diverse systems of criminal justice Challenging common assumptions he discovers a unity that emerges not on the surface of statutory rules and case law but in the underlying debates that inform them Basic Concepts of Criminal Law identifies a set of twelve distinctions that shape and guide the controversies that inevitably break out in every system of criminal justice Devoting a chapter to each of these twelve concepts Fletcher maps out what he considers to be the deep structure of all systems of criminal law Understanding these distinctions will not only enable students to appreciate the universal fundamental ideas of criminal law but will enable them to understand the significance of local details and variations This accessible illustration of the unity of diverse systems of criminal justice will provoke and inform students and scholars of law and the philosophy of law as well as lawyers seeking a better understanding of the law they practice *Criminal Law* Ellen S. Podgor, 2009 This book is a leader in providing materials that match the skills and values theme emphasized in the MacCrate and Carnegie Reports The forthcoming second edition will still include over fifty problems that allow the law professor to explore the practical impact of the theoretical concepts underlying criminal law The new edition expands this orientation with several new problems a new case study that examines issues from Jena Six as well as new materials that recognize recent federal sentencing guideline changes The book will retain its international and comparative notes with the addition of a problem that considers the increased influence of international matters In keeping with the original theme of having a casebook with recent decisions several new cases are inserted with a few older ones removed The authors plan to introduce with this casebook a website that will offer podcasts syllabi Powerpoints and other teaching materials In short a text that is compact student friendly flexible both practical and theoretical and hi tech all in one novel package including a teachers manual with answers to every problem *Glannon Guide to Criminal Law* Laurie L. Levenson, 2021-10-21 Law school classroom lectures can leave you with a lot of questions Glannon Guides can help you better understand your classroom lecture with straightforward explanations of tough concepts with hypos that help you understand their application The Glannon Guide is your proven partner throughout the semester when you need a supplement to or substitute for classroom lecture Here s why you need to use Glannon Guides to help you better understand what is being taught in the classroom It mirrors the classroom experience by teaching through explanation interspersed with hypotheticals to illustrate application Both correct and incorrect answers are explained you learn why a solution does or does not work Glannon Guides provide straightforward explanations of complex legal concepts often in a humorous style that makes material stick *Acing Criminal Law* John M. Burkoff, 2009

Outlines of Criminal Law Courtney Stanhope Kenny,1904 **Criminal law conspectus** Florenz D. Regalado,2017

Understanding Criminal Law Roger Geary,2002 Understanding Criminal Law clarifies a subject which students often find somewhat difficult and confusing This difficulty stems partly from the rapid changes which criminal law undergoes through frequent statutory amendments and judicial decisions but more importantly from the sheer complexity of the subject matter This book provides a clear and concise text for those studying traditional black letter substantive criminal law The author takes a logical and straightforward approach specifically designed to enable the reader to quickly master the basic principles and ensure examination success Emphasis is given to major case law relevant statutory provisions and writings of academic commentators In selected areas the book evaluates the law and suggests possible reforms this evaluative aspect is intended to stimulate the reader to think more critically about the subject without engendering confusion about basic principles Although designed primarily for full time undergraduate LLB students the book should also prove useful for those studying criminal law on part time courses as well as those on Diploma in Law courses and students of A and AS Level Law It is also ideal for the study of criminal law on modular courses and joint degrees **Criminal Law** Judy Hails Kaci,1997

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