SPP Guiding Case No. 241: Supervision Case on Investigative Activities Concerning Huang Moumou et al.'s Provision of Programs and Tools for Intruding into and Illegally Controlling Computer Information Systems

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Unofficial English translation prepared for reference only. The official Chinese text prevails.

Decided at the 62nd meeting of the 14th Procuratorial Committee of the Supreme People's Procuratorate on November 10, 2025; issued on December 11, 2025.

Keywords

Investigation activity supervision / non-prosecution / reconsideration and review / release of sealing, seizure and freezing

Holding

Where, in a case in which the people's procuratorate has decided not to prosecute, the public security organ fails to release the sealing, seizure or freezing of the property involved in the case in accordance with the non-prosecution decision and the notice of release, the people's procuratorate shall lawfully put forward a supervisory correction opinion. Where the public security organ applies for reconsideration of the non-prosecution decision or requests review, this shall not affect the release of the sealing, seizure or freezing measures. It is necessary to strengthen follow-up supervision over the implementation of the release notice, give full play to the advantage of the procuratorial organs' integrated performance of duties, and promptly restore the normal state of the property involved in the case and the normal order of production and daily life.

Basic Facts

The non-prosecuted person, Huang Moumou, male, born in 1980, was the legal representative of a certain information technology limited company in Hunan Province. The basic circumstances of the other non-prosecuted persons are omitted.

Beginning in 2015, Huang Moumou and others established a certain information technology limited company to develop and operate mobile phone software, and bundled for sale programs suspected of illegally controlling computer information systems, with cumulative sales exceeding 900 million yuan.

On December 13, 2021, the Public Security Bureau of Hanshou County, Hunan Province filed the case for investigation against Huang Moumou and others on suspicion of the crime of providing programs and tools for intruding into and illegally controlling computer information systems, and sealed, seized and froze property involved in the case valued at more than 200 million yuan.

On July 18, 2022, the Hanshou County Public Security Bureau transferred the case to the People's Procuratorate of Hanshou County for review and prosecution. After twice returning the case for supplementary investigation, the Hanshou County People's Procuratorate, upon review, found that the evidence in the case, including the appraisal opinion on whether the mobile phone software involved had caused damage to the relevant computer information systems, contained contradictions that could not be eliminated, and that the facts and evidence proving that Huang Moumou and others constituted the crime of providing programs and tools for intruding into and illegally controlling computer information systems were unclear and insufficient, failing to meet the conditions for prosecution. On December 31, the Hanshou County People's Procuratorate lawfully made a decision not to prosecute, and while expressly requiring in the non-prosecution decision that the property involved in the case be handled in accordance with law,

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issued a notice to the Hanshou County Public Security Bureau to release the sealing, seizure and freezing, requiring the Hanshou County Public Security Bureau to promptly notify the Hanshou County People's Procuratorate of the handling results.

On January 10, 2023, the Hanshou County Public Security Bureau applied to the Hanshou County People's Procuratorate for reconsideration of the non-prosecution decision, and on February 6, the Hanshou County People's Procuratorate made a decision to uphold it; on February 13, the Hanshou County Public Security Bureau requested review by the People's Procuratorate of Changde City, and on March 14, the Changde City People's Procuratorate made a decision to uphold it.

Procuratorate Performance of Duties

Discovery of clues. After issuing the notice to release the sealing, seizure and freezing to the Hanshou County Public Security Bureau, the Hanshou County People's Procuratorate followed up on the implementation of the notice and discovered that the Hanshou County Public Security Bureau had not notified the Hanshou County People's Procuratorate of the release of the sealed, seized and frozen property involved in the case. At the same time, the Hanshou County People's Procuratorate received a written application from the non-prosecuted persons requesting that it supervise the Hanshou County Public Security Bureau to promptly release the sealing, seizure and freezing in accordance with law.

Investigation and verification. In order to carry out supervision accurately in accordance with law, the Hanshou County People's Procuratorate carried out the following investigation and verification work: first, it earnestly listened to the opinions of the enterprise involved in the case, the non-prosecuted persons and their defense lawyers, to understand the circumstances of the sealed, seized and frozen property involved in the case; second, it comprehensively verified the procedures, vouchers and other documents for the sealing, seizure and freezing of the property involved in the case; third, it dispatched personnel on multiple occasions to the Hanshou County Public Security Bureau to verify the handling of the property involved in the case, and required the Hanshou County Public Security Bureau to explain the reasons for failing to release the sealing, seizure and freezing promptly in accordance with law. On January 19, 2023, the Hanshou County Public Security Bureau replied in writing to the Hanshou County People's Procuratorate, contending that the case required further investigation, that the public security organ had applied for reconsideration of the non-prosecution decision, and that the property involved in the case did not yet meet the circumstances for release of the sealing, seizure and freezing.

Supervision opinions. After review, the Hanshou County People's Procuratorate held that the Criminal Procedure Law and the Rules of Criminal Procedure for the People's Procuratorates expressly provide that, in a case in which the people's procuratorate decides not to prosecute, it shall notify the decision-making or enforcement organ to release the sealing, seizure and freezing of the property involved in the case. The Provisions on the Application of Sealing and Freezing Measures by Public Security Organs in Handling Criminal Cases expressly provide that, in a case in which the people's procuratorate decides not to prosecute and releases the sealing and freezing of the property involved in the case, the public security organ shall, within three days from the date of receipt of the people's procuratorate's non-prosecution decision and the notice of release of the sealed and frozen property, release the sealing and freezing of property that is unsuitable for transfer and was not transferred with the case. The above provisions do not distinguish the statutory grounds for non-prosecution, make no special provision for non-prosecution due to insufficient evidence, and make no special provision for the reconsideration and review procedures, and shall be strictly implemented in accordance with law.

On January 20, 2023, the Hanshou County People's Procuratorate issued a Notice of Correction of Violations to the Hanshou County Public Security Bureau, but the Hanshou County Public Security Bureau still failed to correct. In accordance with the relevant provisions of the Rules of Criminal Procedure for the People's Procuratorates, the Hanshou County People's Procuratorate reported to the People's Procuratorate of Changde City. After review, the Changde City People's Procuratorate found the correction opinion of the

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Hanshou County People's Procuratorate to be correct, and promptly reported the relevant situation to the Public Security Bureau of Changde City, requiring it to urge the Hanshou County Public Security Bureau to make corrections.

Supervision results. Through the integrated supervision by the two levels of procuratorates in Changde City, from February 15 to 20, 2023, the Hanshou County Public Security Bureau lawfully released all of the sealing, seizure and freezing measures over the 21 sealed real estate properties, the seized vehicles and other property, and the frozen bank account funds of 132 million yuan.

Guiding Significance

(1) For a case in which the people's procuratorate has decided not to prosecute, where the public security organ fails to release the sealing, seizure or freezing of the property involved in the case in accordance with the non-prosecution decision and the notice of release, the people's procuratorate shall lawfully put forward a supervisory correction opinion. A non-prosecution decision is a final judicial decision made by the procuratorial organ in accordance with statutory procedures, and takes legal effect as soon as it is announced. At the same time as making a non-prosecution decision, the procuratorial organ shall, in accordance with law, promptly release, or notify the public security organ to release, the sealing, seizure and freezing of the property involved in the case. The public security organ shall, in accordance with the Provisions on the Application of Sealing and Freezing Measures by Public Security Organs in Handling Criminal Cases and other provisions, within three days from the date of receipt of the people's procuratorate's non-prosecution decision and the notice of release of the sealed and frozen property, release the sealing and freezing of property that is unsuitable for transfer and was not transferred with the case. Where the public security organ applies for reconsideration of the non-prosecution decision or requests review, this shall not affect the release of the sealing, seizure or freezing measures; where it fails to release them in a timely manner on the ground of reconsideration or review, the procuratorial organ shall lawfully put forward a supervisory correction opinion.

(2) Where the people's procuratorate notifies the public security organ to release the sealing, seizure or freezing after making a non-prosecution decision, it shall strengthen follow-up supervision, give full play to the advantage of integrated performance of duties, and promptly restore the normal state of the property involved in the case and the normal order of production and daily life. After issuing a notice to release the sealing, seizure or freezing to the public security organ, the procuratorial organ shall promptly follow up on the implementation of the release notice. Where the public security organ fails to promptly notify of the release, or a party files a supervision application, the procuratorial organ shall earnestly verify the handling of the property involved in the case and lawfully put forward opinions to the public security organ on supervisory correction and on urging release. In the course of follow-up and urging, it shall give full play to the advantage of the vertical integration of the procuratorial organs at higher and lower levels, promptly report to the procuratorial organ at a higher level on the implementation of the supervision opinions, urge the public security organ to lawfully release the sealing, seizure and freezing of the property involved in the case, promote the restoration of normal production and life order, and lawfully protect the lawful property rights and interests of the parties and the relevant market entities.

Relevant Legal Provisions

Article 285 of the Criminal Law of the People's Republic of China.

Articles 175 and 177 of the Criminal Procedure Law of the People's Republic of China (2018 Amendment).

Articles 374, 552, 553 and 554 of the Rules of Criminal Procedure for the People's Procuratorates (SPP Interpretation No. 4 of 2019).

Article 37 of the Provisions of the Supreme People's Court, the Supreme People's Procuratorate, the Ministry of Public Security and Others on the Application of Sealing and Freezing Measures by Public

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Security Organs in Handling Criminal Cases (Gong Tong Zi No. 30 of 2013).

Article 20 of the Several Provisions on the Management of Property Involved in Cases by Public Security Organs (Gong Tong Zi No. 21 of 2015).

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