

S/L 37
09.06.2022
Court. No. 19
GB

WPA 2281 of 2022

Dr. Bijan Kr. Bhattacharya
VS
The State of West Bengal & Ors.

*Mr. Daanish Haque,
Mr. Zeeshan Haque,
Mr. Siddhartha Deb Roy,
Md. Zohaib Rauf,
Mr. Abdul Zahid.*

...for the Petitioner.

*Mr. Debasish Ghosh,
Mr. A. Ray,
Mr. Raja Saha.*

...for the State.

The investigation which is the subject matter of the writ petition has been initiated by the Officer-in-Charge, Purba Jadavpur Police Station, pursuant to a complaint lodged by the petitioner with regard to some fraudulent transaction from his account. The allegation is that around Rs.3,00,000/- has been siphoned off from the account of petitioner, which is maintained with the State Bank of India, Jadavpur Stadium Branch bearing SB Account No.10598353802.

It appears that on the basis of the complaint of the petitioner, an FIR was registered and Purba Jadavpur Police Station Case No.58 dated August 10, 2021 under Sections 419/420/120B of the Indian Penal Code was registered. One SI, Md. Shahnawaz Khan was the I.O. of the said case.

The petitioner is an octogenarian doctor. It appears that the investigation has progressed rather slowly.

The Court does not find that although there was a siphoning of money by use of the net banking facility, the Cyber Police Station, had taken any action to detect the money trail.

Mr. Ghosh, learned advocate has produced a report on behalf of the State, from which it appears that the bank account details and the transaction details were intimated to the anti bank-fraud section, DD, Lalbazar of the Kolkata Police. During the course of investigation it was found that Reliance Payment Solution Limited could give some clue with regard to the fraudulent transaction and hence, the said company was approached through the General Manager. Further, Section notice under Section 91 of the CrPc was also sent to the Manager of the Reliance Retail, Mumbai. The bank fraud section of the detective department, Lalbazar was also contacted by the investigating officer for every assistance and guidance.

Under such circumstances, this Court is of the view that the Officer-in-Charge of Purba Jadavpur Police Station shall conduct the enquiry. The Officer-in-Charge, Cyber Crime Police Station, Lalbazar and an experienced officer of the Detective Department, Lalbazar shall assist in such investigation. The entire investigation shall be monitored by the Joint Commissioner of Police, Crime, Kolkata. The Court is of the view that bank frauds are rampant and common man is suffering huge losses. An octogenarian doctor, who has lost substantial amount of money, should not suffer for the delay.

The writ petition is disposed of with a direction upon the authorities as mentioned hereinabove to complete the investigation and reach the same to its appropriate conclusion in accordance with law, within a period of three months from date of communication of this order. The remedy of the petitioner to approach the bank for reimbursement of the money, is kept open.

Accordingly, the writ petition is disposed of.

However, there will be no order as to costs.

All the parties are directed to act on the basis of the server copy of this order.

(Shampa Sarkar, J.)