Form J(2) **IN THE HIGH COURT AT CALCUTTA**

Criminal Appellate Jurisdiction

Appellate Side

Present :
The Hon'ble Justice Bibek Chaudhuri

CRR 754 of 2022

Ajay Kumar Chatterjee
-Vs.-
The State of West Bengal & Anr

For the Petitioner	**:**	**Mr. Sabir Ahmed** **Mr. Mujibor Ali Naskar**
For the State	**:**	**Mr. Ranabir Roy Chowdhury** **Mr. Sandip Chakraborty**
Heard & Judgment on	**:**	**20.06.2022**

<u>Bibek Chaudhuri, J.</u>

This is an application under Section 482 of the Code of Criminal Procedure challenging legality, validity and propriety of order dated 29th November, 2021 passed by learned Additional Sessions Judge, 1st Court, Balurghat, Dakshin Dinajpur in Criminal Revision No. 11 of 2021, there confirming the order dated 8th July 2021 passed by learned Chief Judicial Magistrate, Balurghat, Dakshin Dinajpur in Misc. case No. 112 of 2021, rejecting the application filed by the petitioner to de-freeze the debit facility of the bank account of the petitioner.

One Manik Chandra Basak lodged a written complaint before the Inspector-in-charge, Cyber Crime, P.S. Balurghat stating, inter alia, that on 25th March, 2021 some company informed him over phone that a wareless tower would be set up on his land, and for this purpose he would be paid a sum of Rs. fifteen lakhs. Subsequently, the caller of the phone repeatedly asked him his name and also requested him to send the deed in respect of his land, record of rights, bank account no. etc. The complainant passed all such information to the caller. Subsequently, the caller asked the complainant to pay huge amount of money in different bank account. After depositing such money, he could ascertain that he was defrauded, deceived and cheated by one Mithun Mahato, Anuja Das, Basudeb Charami, Sumita Buiswas, Pallabi Bhardwaj, PARC Solution etc. Parts of money, which he paid, were deposited in the accounts in the above named persons. On the basis of the said complaint, Cyber Police Station Balurghat started information of the case and during investigation it was found that a sum of Rs. 14,500/- of such tainted money was deposited in the account of Anuja Das. Subsequent to such deposit, Anuja Das transferred a sum of Rs. 65,000/- in favour of the petitioner. When such fact revealed, the investigating officer directed the concerned bank to freeze the debit facility of the account of the petitioner.

The petitioner moved an application for defreezing the account. The said application turned down by the learned Chief Judicial Magistrate, Balurghat vide order dated 8th July, 2021. The petitioner challenged the said order in revision being Criminal Revision No. 11 of 2021. The said revision came up for hearing before the learned Additional Sessions Judge, 1st Court, Balurghat but also dismissed the said revision and affirmed the order of learned Chief Judicial Magistrate, Balurghat. The petitioner has challenged the said order by filing the instant criminal revision petition.

It is submitted by Mr. Sabir Ahmed, learned advocate appearing for the petitioner that he is not a party to the alleged transaction between the defacto complainant and the accused persons. He is not also an accused of the instant case. His bank account was freezed befcause of the fact that a sum of Rs. 65,000/- was transferred by one of the accused, namely, Anuja Das to his business account.

The petitioner has filed the copies of invoices, money receipts, receipt of payment of CGST and SGST to show that the petitioner sold out some GSM wareless phone to Sehrish Software Technology (Private) Limited. Anuja Das made a statement that the said Sehrish Software Technology is her client and she paid a sum of Rs. 65,000/- on behalf of Sehrish Software Technology in the account of the petitioner. Therefore, according to Mr. Ahmed there is no reason to freeze the debit facility in the account of the petitioner but is in now way connected with the offence.

Learned PP-in-charge on the other hand submits that the case is being investigated by the Cyber Crime Police Station.

It is ascertained that accused Anuja Das received some amount in her bank account from one Mithun Mahato. From the said account, a sum of Rs. 65,000/- were transferred to the company of the petitioner. The petitioner is agreeable to secure the said sum of Rs. 65,000/- provided he may be allowed to operate the debit facility of the said account.

The instant revisional application is disposed of directing the petitioner to secure a sum of Rs. 65,000/- in his account and also not to make any further business transaction with Mrs. Sherish Software Technology (P) Ltd till the conclusion of the investigation of the case and subject to the above condition the petitioner is permitted to enjoy the debit facility in respect of his bank account.

In view of the above order, the impugned order dated 29th November, 2021 passed in Criminal Revision No. 11 of 2021 is set aside.

There shall be no order as to costs.

(Bibek Chaudhuri, J.)