

21.06.2022
Sl. No.77
srm

W.P.A. No. 9523 of 2021

Asma Sardar & Anr.

Versus

The State of West Bengal & Ors.

Mr. Biswarup Biswas,
Mr. Gora Chand Samanta

...for the Petitioners.

Mr. Anirban Ray, Id. GP
Mr. Debasish Ghosh,
Mr. Anupam Das Adhikari

...for the State-respondents.

A First Information Report has already been registered being Canning PS Case No.146/21 dated April 22, 2021 under Sections 420/406/120B of Indian Penal Code. It appears that there was an online transaction with Snapdeal, when the petitioners purchased a phone. It also appears that the petitioners paid Rs.32,000/- through PhonePe Mobile App. The petitioners returned the phone, but the payment made by the petitioners of Rs.32,000/- was wrongly transferred to the account of one Sahidul Islam maintained with the State Bank of India. Further allegation of the petitioners is that an amount of Rs.2,00,000/- was fraudulently deducted from the bank account of the petitioners in two stages, by a person, who claimed to be the manager of Snapdeal Company.

The Officer-in-Charge, Cyber Crime Police Station, Baruipur Police District was thereafter approached by the petitioners and the investigation is going on. The Cyber Crime Police Station, Baruipur Police District is assisting the Canning Police Station in this case. It appears that Rs.32,000/- along with some interest was frozen by the Bank authorities on the direction of the police. The police authorities were willing to return the frozen amount to the petitioners through the learned Additional Chief Judicial Magistrate, Alipore. A prayer to that effect was made before the learned Magistrate for issuing necessary orders to the bank authorities for transfer of the amount to the petitioners' account. It is submitted that such prayer was not accepted by the learned Magistrate. However, it appears that the alleged cyber crime involves misappropriation of Rs.2,00,000/- from the bank account of the petitioners. Investigation should have been done with much more seriousness than what appears to the Court.

Under such circumstances, the writ petition is disposed of with a direction upon the investigating agency to ensure that the investigation is concluded in a free, fair and impartial manner, within a period of three months from date. The Superintendent of Police, Baruipur Police District shall monitor the investigation. In case the investigating agency requires further assistance and

infrastructural support from any other agency, the investigating agency shall be at liberty to seek such help.

The writ petition is, thus, disposed of.

There will be no order as to costs.

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

(Shampa Sarkar, J.)