

25.04.2022
Court No.13
Item No.9
sp

WPA 8611 of 2020

With

CAN 1 of 2021

With

CAN 3 of 2022

Local Cube Private Limited & Anr.

Vs.

The State of West Bengal & Ors.

Mr. Suddhasatva Banerjee,
Mr. Ashis Kumar Mukherjee,
Mr. Saurabh Prasad,
Mr. Sourojit Dasgupta

... For the Petitioners.

Mr. Subhabrata Datta,
Mr. Debashis Sarkar

... For the State.

The petitioners seek defreezing of a bank account that was frozen in course of investigation into the Cyber Crime Police Station Case No. 04/2020 dated July 22, 2020. Charge sheet has been filed on March 31, 2022 by the Investigating Officer before the CJM, Alipore.

It is submitted by Mr. Suddhasatva Banerjee, learned counsel for the petitioners that since the charge sheet has been filed, the bank account is no longer needed by the police or the prosecution and hence the bank account must be unfrozen.

This Court is of the view that the Magistrate under Chapter -34 of the Cr. P.C. is best equipped and/or in a position to determine as to whether the account and/or its particulars shall be required in course of prosecution or not.

In that view of the matter, this Court directs the CJM, Alipore, to consider an application to be made by the

petitioners under the appropriate Sections of Chapter-34 of the Cr. P.C. for unfreezing his bank account within a period of seven days from date.

Upon receipt of the said application, the CJM, Alipore, shall dispose of the same in accordance with the provisions of the Cr. P.C., within a period of 30 days from date.

With the aforesaid directions, the writ petition and the connected applications are disposed of.

There shall be no order as to costs.

All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)