

IN THE HIGH COURT OF JUDICATURE AT PATNA
Criminal Writ Jurisdiction Case No.1101 of 2023

Arising Out of PS. Case No.-330 Year-2023 Thana- GANDHIMAIDAN District- Patna

Ashok Kumar Jaiswal S/o Late Shivnath Prasad Jaiswal R/o- Shivaji Nagar,
Makhdumpur, P.O and PS. Digha, Dist. Patna

... .. Petitioner

Versus

1. The State of Bihar through the Director General of Police, Govt. Bihar, Patna
2. The Senior Superintendent of Police, Patna
3. The Superintendent of Police, Cyber Crime, Cyber Cell, Bihar, Patna
4. The Additional Superintendent of Police (Cyber Cell), Cyber Crime Investigation Unit Kotwali, PS. Patna
5. The Station House Officer, Gandhi Maidan Police Station, Patna
6. The Chairman Cum Managing Director, SBI, Madam Cama Road, Nariman Point, Mumbai-400021
7. The General Manager, State Bank Of India, Zonal Office/LHO, Patna
8. The Assistant General Manager, SBI, Gandhi Maidan, Main Branch, Patna
9. The Branch Manager, State Bank of India, Gandhi Maidan Main Branch, Patna

... .. Respondents

Appearance :

For the Petitioner/s	:	Ms. Roona, Advocate
For the Respondent/s	:	Mr. Deepak Kumar, AC to GP-4
For the Bank	:	Mr. Apurva Harsh, Advocate
		Mr. Uday Pratap, Advocate

CORAM: HONOURABLE MR. JUSTICE RAJEEV RANJAN PRASAD
ORAL ORDER

3 07-12-2023 Heard learned counsel for the petitioner, learned A.C. to learned G.P.-4 for the State and learned counsel for the State Bank of India.

2. This application has been filed seeking a direction to the investigating agency to properly investigate the case and submit a report. This is regarding fraudulent withdrawal of



money through the cheque in the name of the petitioner. Petitioner has lodged police case giving rise to Gandhi Maidan P.S. Case No. 330 of 2023 dated 02.05.2023 which is still under investigation.

3. Learned counsel for the petitioner submits that the CCTV footage of the Bank clearly shows that an unknown person got hold of the cheque which was dropped in the drop box by the petitioner and this has happened because of the negligent approach of the Bank. The said unknown person may be seen encashing the cheque. Reference has been made to the photocopies which have been enclosed as annexures to the counter affidavit of the Bank.

4. Learned counsel for the Bank submits that the Bank has forwarded this transaction of the petitioner to their fraud and risk department and after the perusal of the investigation report and other ancillary documents, so involved in the case, if the transaction is categorized as fraud, the Bank would return the amount so involved, subject to the outcome of the investigation. In case, investigation so proceeds and recovery is made, the Bank shall have the lien over the amount so recovered.

5. Learned counsel for the State submits that the investigating agency is taking appropriate steps in the matter.



The case has been found true against unknown persons. The Investigating Officer has been directed to locate the unidentified accused with the help of the bankers and the spy.

6. Having regard to the facts and circumstances of the case, this Court directs the Investigating Officer and the Deputy Superintendent of Police (Town), Patna to act in tandem with each other and take appropriate steps to verify the identification of that unknown person who may be seen in the CCTV footage of the Bank.

7. In the meantime, the Bank is also directed to act swiftly and take an appropriate decision towards refund of the money of the petitioner.

8. Let the entire exercise be completed within a period of four months from the date of receipt/production of a copy of this order.

9. This writ application stands disposed of accordingly.

(Rajeev Ranjan Prasad, J)

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