

02-05-2023
ct no. 13
sl. 317
sp

WPA 9822 of 2019

Krisanu Bhunia

-Versus-

The State of West Bengal & Ors.

Mr. Sujit Kr. Rath,
Mr. Sukumar Sarkar,
Mr. Anirban Saha

...for the petitioner

Mr. Amitesh Banerjee, ld. Sr. St. Counsel,
Mr. Suddhadev Adak

...for the State

Mr. Debasish Saha

...for the respondent nos. 1, 3 to 7

1. Affidavit-in-opposition filed by the State Bank of India and reply thereto by the petitioner are kept with the record.
2. The petitioner complains of alleged inaction on the part of the Cokeoven Police Station, Paschim Burdwan.
3. The State Bank of India and the Banking Ombudsman have dealt with the complaint of alleged fraudulent debit from his account of a sum of Rs. 5,29,000/-, out of a sum of Rs. 9,44,055/-. The said amount according to the petitioner was misappropriated from his account by pre-mutually closing a fixed deposit account.

4. The bank has taken the stand that the amounts could have travelled outside the petitioner's account without one time password being applied on the internet banking service provided by the SBI exclusively to the petitioner.
5. The petitioner's complaint has also reached the banking ombudsman being complaint No. 20189005007751. The bank has replied to the ombudsman.
6. The ombudsman has, however, not filed any affidavit before this Court indicating the result of the petitioner's complaint.
7. The police have registered FIR and have filed charge sheet being No. 13 of 2019 dated January 24, 2019 and have filed FRT. The police have detected a fraud but have not been able to identify any particular accused.
8. This Court is of the view that the petitioner is entitled to know of the decision of the banking ombudsman on the aforesaid complaint No. 20189005007751. The banking ombudsman shall communicate its decision in the matter within a week from date of receipt of a copy of this order.

9. In the event, the petitioner's grievances are not been remedied at the end of the ombudsman, he may file a civil suit in this regard unless already filed.
10. A copy of the FRT has been provided to the petitioner and he may pursue his remedies before the Jurisdictional Magistrate in accordance with law.
11. With the aforesaid observation, the instant writ petition shall stand disposed of.
12. There shall be no order as to costs.
13. All parties shall act on the server copy of this order duly downloaded from the official website of this Court.

(Rajasekhar Mantha, J.)