

03-08-2023
Item No.15
Subrata
Bhattacharyya

IN THE HIGH COURT AT CALCUTTA
Constitutional writ Jurisdiction
Appellate Side

WPA No.15831 of 2023
Shri Asharam Jaiswal

-vs-

The State of West Bengal & Ors.

Mr. S.R. Kundu
Mr. Sudhir Kumar Das ...for the petitioner

Mr. Suman Ghosh
Mr. Soumen Chatterjee ...for the State

This is an application under Article 226 of the Constitution of India praying for a direction upon the respondents authorities, especially the respondent no.2 to inquire into the complaint of the petitioner in accordance with law.

Affidavit of service filed in court be taken on record.

A report filed on behalf of the State is also taken on record.

Learned counsel for the petitioner submits as follows. The petitioner had lodged a complaint with the Bidhannagar Cyber Crime Branch about him being cheated a sum of Rs.6,33,070/- by some accused who were also involved in similar cyber crimes for which Cyber Crime P.S. Case No.74/2019 dated September 1, 2019 had been initiated. The complaint was sent by post in the year 2020. However, no action has been taken on the same.

Learned counsel for the State relies on the report and submits as follows. It is true that earlier an FIR was

lodged in connection with a Bidhannagar cyber crime and a charge-sheet was submitted against 15 accused persons vide Bidhannagar Cyber Crime P.S. Charge Sheet No.102/21 dated July 31, 2021. Some of the accused in the said case appear as private respondents herein. However, no formal complaint by the petitioner had reached the Cyber Crime police station. Nor did the petitioner approach the police authorities in person. It may be that the petitioner's grievance is covered by the same accused. However, the petitioner has to come with relevant documents and say the same.

I have heard learned counsels for the respective parties and have perused the writ petition and the report filed by the State.

It is quite surprising that a complaint dated November 27, 2019 was purportedly sent to the police in February 2020 and a case of police inaction is sought to be made out by the petitioner in the instant writ petition.

It is submitted on behalf of the State that the petitioner can approach the police authorities with a formal complaint and documents to find out whether his case is covered by the earlier case or whether a fresh case needs to be started.

Therefore, the writ petition is disposed of with liberty to the petitioner to approach the respondent authorities with an appropriate representation. No order as to costs.

Certified copy of this order, if applied for, shall be made available to the parties.

[Jay Sengupta, J]

