

May 3, 2023
AD – 4
Ct. 34
SG

CRM(SB) 4 of 2023

Swapan Kumar Das
-versus-
The State of West Bengal and others

Mr. S.K. Humayan Rez
Mr. Sk. Morshed Ali
... for the petitioner.

Mr. Saibal Bapuli
Mr. Arijit Ganguly
Mr. Arani Bhattacharyya
... for the State.

Mr. Ziaul Islam
Ms. Busra Khatun
... for the opposite party No.2.

Mr. Moyukh Mukherjee
Ms. Rupa Singh
Mr. Abhishek Dutt
Mr. Abhijit Singh
... for the opposite party No.3.

I have considered the report submitted by the investigating officer of the case. The complicity of the accused persons seems to be thick.

Mr. Bapuli, learned Additional Public Prosecutor appearing for the State has raised the issues regarding non-cooperation by Anamul Hossain an accused who was granted bail by learned Additional Chief Judicial Magistrate, Barrackpore. So far as the other accused persons are concerned, Mahtab Alam was granted bail. Atul Kumar was released on bail after 4 days of custody.

Mr. Bapuli submits that the nature of the case complained of cannot be completed without persuasion regarding the money trail to be checked from authorities who are not within the complete control of the investigating agency. It was observed that bail was granted because there was no progress in the investigation. Under the circumstances, it is an issue in respect of cases of such nature where without the authority of the complainant, money was siphoned off by adopting surreptitious means.

Having regard to the nature of the case, I am of the view that the present case being Barrackpore Cyber Crime Police Station Case No.14/22 dated 06.06.2022 under Sections 419/420/406/120B IPC along with Sections 66C/66D/71 of IT Act be transferred to the Special Superintendent, Cyber Crime, Bhawani Bhaban, Alipore, who would take assistance and records from the present investigating officer and continue with the investigation of the case.

In view of the dissatisfaction expressed by the complainant so far as the order of bail are concerned, I direct that in course of investigation by CID, if the authority feels the police custody or custody of the accused persons are required, in that case prayer may be advanced before Additional Chief Judicial Magistrate, Barrackpore, who would consider the seriousness of the allegations while considering such an application.

Accused persons in the meantime are directed to meet with the present investigating officer who would make arrangements for introducing the accused persons to the investigating officer being engaged pursuant to the order passed by the Court.

As is reflected from the report that Md. Mahtab Alam and Atul Kumar met with the investigating officer, while accused Anamul Hossain is concerned, he has been evading till date and did not meet with the investigating officer, the new investigating officer will consider the same.

In the background of the present case, the transfer of investigation from the present investigating agency to the investigating agency directed above may be effected in course of this week.

With the aforesaid observations, CRM(SB) 4 of 2023 is disposed of.

Pending application, if any, is consequently disposed of.

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

(Tirthankar Ghosh, J.)

