

M/L239
04.12.2024
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ct.no.35

W.P.A.26638 of 2024

**Sadhana Pal
Versus
The State of West Bengal & Ors.**

Mr. Amitava Raha.
...for the petitioner.

Mr. Gourav Das
Ms. Priyanka Jana.
...for the State-respondents.

Petitioner is aggrieved by the inaction of the Officer-in-Charge, Baduria Police Station as he failed to act on her complaint dated August 12, 2024.

Records reflect that the said complaint was initiated pursuant to the petitioner receiving notice under Section 41A of the Code of Criminal Procedure from the Cyber Crime Police Station Bharuch, Gujarat.

Petitioner's main contention is that she has responded to the police authorities of Bharuch but the officers of Baduria Police Station is not acting in respect of the transactions which have taken place in her account illegally. Already the police authorities of Gujarat are in seisin of the matter in respect of the transactions for which Cyber Crime Police Station, Bharuch Gujarat Case No.1119905824005/2024 has been registered under the provisions of Indian Penal

Code and the Information Technology Act. So far as the communication made with the police authorities are concerned they are in respect of the transactions which have taken place in her account only. It is not clear whether the same bank account is the subject matter of investigation of the Cyber Crime Police Station, Bharuch, Gujarat. There cannot be two investigations in respect of the selfsame subject matter. If the petitioner has her own case, she has to produce the materials in support of the same. To that effect, a simple complaint will not suffice the purpose.

The petitioner should produce substantial materials before the jurisdictional police station, the jurisdictional police station will assess regarding the nature of transactions whether they are identical and similar to the subject matter of police station at Gujarat. In case they find that there is a different subject matter, in that case, police authorities would be at liberty to proceed with in accordance with law. In the alternative, the police authorities would leave it to the Cyber Crime Police Station, Bharuch, Gujarat to proceed with their investigation and will not create a circumstance for interference in the said investigation.

With the aforesaid observations, WPA 26638 of 2024 is disposed of.

There will be no order as to costs.

Report so submitted be kept with the record.

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

Urgent photostat certified copies of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

(Tirthankar Ghosh, J.)