

December 16, 2024
AD 12
Ct. 17
SG

WPA 28148 of 2024

Aishwarya Biswas

vs.

The State of West Bengal and others

Mr. Kamalesh Bhattacharya

Mr. Shyamal Sarkar

Ms. Chandana Ghosh

... for the petitioner

Mr. Agniswar Chowdhury

... for the State

Ms. Soni Ojha

Ms. Sambrita B. Chatterjee

... for the respondent No.5

Affidavit of service filed in Court is taken on record.

Despite service no one appears on behalf of the State Bank of India.

Learned senior counsel representing the petitioner submits that despite there being an order passed by learned ACJM, Bidhannagar directing the respondent bank and other bank authorities to refund the money that was subject matter of cyber fraud to the petitioner, all the banks have not complied with the same. Incidentally, the Yes Bank has made necessary payment.

Learned counsel for the respondent Bandhan Bank denies the allegations and submits as follows. The fraudulent transactions took place between May and June, 2024. There was a debit freeze in July, 2024. By then, only a paltry sum of Rs.5,000/- was kept in

Bandhan Bank account. However, the learned Magistrate

passed an order dated 07.08.2024 directing that the money kept in the particular bank account be released in favour of the petitioner. This order was communicated by the police authorities on 14.08.2024. So, nothing could be returned to the petitioner. An application has already been made before the learned Magistrate for passing necessary order.

Learned counsel for the State relies on the report and supports the contention of the Bandhan Bank. By the time the order was communicated, there was hardly any fund in the bank account to return.

It is unfortunate that the State Bank of India remains unrepresented.

It appears that the learned Magistrate is in seisin of the matter inasmuch as an application has been filed by Bandhan Bank in this regard.

The writ petition is, therefore, disposed of by requesting the learned Magistrate to dispose of the matter in accordance with law and as expeditiously as possible and upon considering the reports filed before this Court, copy of which shall be filed before the learned Magistrate in due course.

The petitioner shall communicate a gist of this order to the respondent State Bank of India.

Urgent photostat certified copy of this order, if applied for, be made available to the parties upon compliance of requisite formalities.

(Jay Sengupta, J.)