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23.09.2024
Court No. 2
AGM

**Calcutta High Court
In the Circuit Bench at Jalpaiguri
Appellate Jurisdiction**

WPA 1923 of 2024

Rajesh Jaiswal
Vs.
State of West Bengal & Ors.

Mr. Debasish Sinha.
Mr. Avijit Chowdhury.
...for the petitioner.

Mr. Subir Kumar Saha. AGP
Ms. Bedashruti Bose.
...for the State.

The petitioner alleges cyber crime. It appears that in response to the complaint filed by the petitioner an FIR was lodged by the Siliguri Cyber Crime police Station on 25th April, 2024 under Sections 419/420/120B of the IPC.

According to the petitioner, the provisions of the Information Technology Act, 2000 has not been invoked at all. It has been submitted that the crime is of a huge scale and the officers of the Siliguri Cyber Crime police Station will not be in a position to handle the matter effectively.

Prayer has been made for transferring investigation to the Central Investigation Department.

Learned advocate representing the State respondents has produced instruction forwarded by the Commissioner of Police, Siliguri Police Commissionerate dated 9th September, 2024. It appears therefrom that certain steps have been taken by the police. Notice under Section 41A Cr.P.C. was issued.

The report mentions that investigation is ongoing and all possible steps are being taken to identify and apprehend the individuals involved in the fraudulent activity.

From the instruction forwarded by the Commissioner of Police, it appears that the crime involves several individuals who reside outside the State. It may not be possible for the local police station to handle the crime of such magnitude.

In view of the above, the Court is of the opinion that for ends of justice and for the purpose of proper investigation of the subject case, the file and records of the Siliguri Cyber Crime police Station case No.47 of 2024 be handed over to the Criminal Investigation Department.

The Criminal Investigation Department is directed to proceed with the investigation of the case strictly in accordance with law at the earliest and ensure that the same is concluded without any delay.

All papers in connection with the subject case shall be forwarded by the O.C. Siliguri Cyber Crime police Station to the Deputy Inspector General, Criminal Investigation Department at the earliest.

Report forwarded by the Commissioner of Police, Siliguri Police Commissionerate dated 09.09.2024 be retained with the records.

The writ petition stands disposed of.

Urgent certified photocopy of this order, if applied for, be supplied to the parties upon compliance of usual legal formalities.

(Amrita Sinha, J.)