

ORDER SHEET

WPO/2564/2022

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

DEVASHISH DABRIWAL
VS
THE RESERVE BANK OF INDIA AND ORS.

BEFORE:

The Hon'ble JUSTICE SHAMPA SARKAR

Date: 5th September, 2024.

Appearance:

Ms. Akanksha Mukherjee, Adv.

Mr. Sumit Biswas, Adv.

.... for the petitioner

Mr. Arindam Mandal, Adv.

Mr. Paritosh Sinha, Adv.

...for the State

Mr. SayakRanjanGanguly, Adv.

Ms. Srijani Ghosh, Adv.

...for ICICI Bank.

The Court: The police investigation has resulted in an FRT. The report of the Police Authorities reveals that the transaction was made in the online mode. Prima facie, it revealed that the entire money was credited to the account of one Kiran Jitendra Jethva, Misti Global Services of 4th Lane Kumbharwada, situated at 52B Ground Floor, Kumbharwada Mahim (East), 90 Feet Road Dharavi Road, Mumbai, Maharashtra. The petitioner is at liberty to take steps against the said recipient in accordance with law. It also appears that transactions were made through the merchant's website. The customers visit and execute transactions on their own, by using the credit card number,

Card verification value (CVV), and submitting the OTP which is sent to the registered mobile number. All these steps are purely personal to the person making such transaction and the information cannot be with anyone else, unless shared by the customer. As the beneficiary could not be tracked and long time has lapsed, the case was closed by the police and final report was submitted before the Chief Metropolitan Magistrate, Kolkata on October 30, 2023.

The petitioner may take such steps as advised, before the learned jurisdictional Magistrate against such FRT, in accordance with law. As the findings of the Bank's Ombudsman is on facts and it was specifically found that the bank's personnel were not responsible for such transaction, the order of the Bank's Ombudsman is not interfered with. Accordingly, WPO/2564/2022 is dismissed. With the dismissal of the writ petition, the application, IA No.GA/2/2024 is disposed of.

However, the dismissal of this writ petition will not influence any of the steps that the petitioner may take in accordance with law. The petitioner is also entitled to lodge a complaint against the beneficiary at the jurisdictional police station in Mumbai.

All parties to act on the basis of the server copy of this order.

(SHAMPA SARKAR, J.)