

**14.01.2025**  
Item No.22  
Ct. No.35  
dc.

**W.P.A. 26753 of 2024**

**Soma Paul**  
**versus**  
**The State of West Bengal & Ors.**

Ms. Oindri Chowdhury,  
Mr. Ashok Kumar Chowdhury ... For the Petitioner.

Mr. Arindam Chattopadhyay,  
Ms. Lipika Chatterjee,  
Mr. Soumik Dey ... For the State.

Mr. Debashis Saha,  
Mr. Avirup Roy Sanyal,  
Ms. Sucheta Pal ... For the Respondent-Bank.

Case diary has been produced before this Court and the submission of the State is that because of non-cooperation of the State Bank of India, investigation could not be conducted properly by the investigating officer of Kasba Police Station. As such, final report was submitted before the jurisdictional court.

In view of the stand of the State, I am not satisfied that because of non-cooperation of the Bank, a customer will not get proper investigation. Fair investigation is right of a person under the Constitution of India.

Learned advocate appearing for the State Bank of India, submits that they have cooperated and handed over documents regarding mobile number and OTP. However, State denies to have received such communication at any point of time during the investigation.

Having regard to the nature of the offence and the role of the Bank involved, I am of the view that further investigation should be carried out in the present case being Kasba Police Station Case No. 262 dated 23.08.2022. Accordingly, Kasba Police Station Case No. 262 dated 23.08.2022 be transferred to the Detective Department, Lalbazar, Kolkata. The Officer-in-Charge of Bank Fraud Section would engage an officer of his choice for carrying out further investigation and report to the jurisdictional court regarding further progress of the case.

With the aforesaid observations, the writ petition being WPA 26753 of 2024 is disposed of.

Case diary be returned to the learned advocate for the State.

There will be no order as to costs.

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

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

**(Tirthankar Ghosh, J.)**