

Form No. J.(2)
Item No. 29
adeb - AR (CT)
Ct. No. 5

IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
APPELLATE SIDE

Before:

THE HON'BLE JUSTICE SAUGATA BHATTACHARYYA

W.P.A. 11949 of 2026

Mosaref Hossain Gayen

VS.

The State of West Bengal & Ors.

For the Petitioner	:	Mr. Gobinda Chandra Baidya Mr. Provash Mondal Mr. Aminul Islam
For the State	:	Mr. Suryaneel Das Ms. Suchitra Sinha Chatterjee Ms. Sumita Sarkar
For the Union Bank of India	:	Mr. Dipanjan Datta Mr. Subhajit Chowdhury Ms. Esha Basak
Hearing concluded on	:	17.06.2026
Judgment on:	:	17.06.2026

SAUGATA BHATTACHARYYA, J:

1. Affidavit of service filed on behalf of the petitioner is taken on record.

2. It is contended on behalf of petitioner that Rs. 4,65,000/- was siphoned off from the petitioner's bank account lying in Punjab National Bank, Jibantala Branch, South 24 Parganas due to cyber fraud and the amount was credited to an account lying in Union Bank of India, Samalkha Branch, Regional Office Karnal, Chandigarh.
3. It is submitted that alleging cyber fraud a complaint was lodged on National Cyber Crime Reporting Portal. A GDE was also lodged at Jibantal Police Station being Jibantala P.S. GDE No. 192 dated 5th January, 2026.
4. Petitioner prays for refund of aforesaid sum based on an order passed by ACJM, 1st Court, Baruipur on 22nd January, 2026. It is also submitted that due to failure on the part of concerned police authority to communicate order dated 22nd January, 2026 to the concerned bank authority till date said sum remains unpaid.
5. Mr. Datta, learned advocate representing Union Bank of India submits that primarily amount was debited from an account lying in a branch of Punjab National Bank and same was credited to an account lying in Union Bank of India, Samalkha Branch, Karnal, Chandigarh. Subsequently there were 17 fraudulent transactions made on account lying in Union Bank of India, Samalkha Branch, Karnal,

Chandigarh and last of such spate of transaction was made on 5th January, 2026. It is also submitted that order was passed by ACJM, 1st Court, Baruipur on 22nd January, 2026 which is after those 17 transactions were made on the account lying in Union Bank of India, Samalkha Branch, Karnal, Chandigarh.

6. It is also contended that order of ACJM, 1st Court, Baruipur dated 22nd January, 2026 is not known to the bank authority and for the first time it is brought to the knowledge after serving copy of writ petition upon the bank authority.
7. On behalf of State respondents communication dated 12th June, 2026 of Inspector-in-Charge, Cyber Crime Police Station, Baruipur is filed today and same is taken on record. Copies of the communication dated 12th June, 2026 are made over to the learned advocates representing petitioner and Union Bank of India.
8. It is disclosed in the said communication that order of the Court below dated 22nd January, 2026 was sent to the Nodal Officer of Union Bank of India for refund of aforesaid sum in favour of petitioner.
9. Petitioner prays for refund of sum since an order was passed by ACJM, 1st Court, Baruipur on 22nd January,

2026. If in terms of said order dated 22nd January, 2026 amount is not refunded petitioner is required to take steps in accordance with law but for implementation of order of ACJM, 1st Court, Baruipur dated 22nd January, 2026 writ petition is not maintainable.

10. In a writ petition, under Article 226 of Constitution judicial order ought not to be interdicted. Therefore, implementation of judicial order necessitates petitioner to approach appropriate forum.

11. The application which is being considered by this Court is neither an application under Article 227 of Constitution nor an application under Section 482 Cr.P.C. vis-à-vis Section 528 BNSS, 2023.

12. Hence, Court is not inclined to give direction as sought for in this writ petition.

13. Writ petition is disposed of.

14. However, this order shall not preclude the petitioner to take steps in accordance with law, if so advised.

15. Urgent photostat certified copy of the order, if applied for, be given to the parties, upon usual undertakings.

(SAUGATA BHATTACHARYYA, J.)