February 24, 2026
(17) ARDR

WPA 25835 of 2025

Shambhu Nath Karikar
Vs.
The State of West Bengal & ors.

Adv. Niladri Sekhar Ghosh,
Adv. Sourav Mondal,
Adv. Labani Sikdar,
Adv. Rony Mondal,
Adv. Souvik Dey,
Adv. Debarghyo Sil,
...for the petitioners.
Sr. Adv. Tapan Kumar Mukherjee,
Adv. Sangeeta Roy,
Adv. Somnath Narkar,
...for the State.

Affidavit of service filed by the petitioner is taken on record.

None appears for the respondent nos. 16 and 17 despite service.

The issue involves alleged fraud upon several investors who invested in the company of the 8th respondent which dealt with exchange of crypto currency. Several innocent members of the public including the petitioner fell into the trap of respondent nos. 6 to 8 and purchased crypto currency to the tune of crores of rupees. The said amount was locked and the company was found to be fake. Pursuant to the complaint lodged by the petitioner, investigation was initiated by the jurisdictional police and charge sheet has been submitted under Section 420 of the Indian Penal Code. The angle of fraud and misappropriation of huge amount of money have not been dealt with by the investigating agency.

Learned counsels for the petitioner as well as the State refer to Section 3 of the West Bengal Protection of Interest of Depositors in Financial Establishment Act, 2013 which envisages that no police official below the rank of Deputy Superintendent of Police or equivalent having jurisdiction, shall investigate an offence under this Act.

Learned counsel for the State submits that the issue be sent to the Director of Economic Offences, Government of West Bengal who shall take appropriate steps under the 2013 Act for conducting a fair, proper and unbiased investigation of the allegations made by the petitioner.

It is not in dispute that the offence pertains to 2013 Act besides other provisions of law.

In view of the above, the complaint lodged by the petitioner be sent to the Director, Economic Offences, being the 16th respondent herein, for taking necessary steps for conducting reinvestigation as stated hereinabove.

The Investigating officer is directed to make over the Case Diary along with all relevant documents pertaining to the case to the 16th respondent within seven days from date.

With the above direction the writ petition is disposed of.

There shall however, be no order as to costs.

Since no affidavit is invited, the allegations contained in the petition are deemed not to have been admitted.

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

(Suvra Ghosh, J.)