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ORDER SHEET
WPO No.298 of 2025
IN THE HIGH COURT AT CALCUTTA
CONSTITUTIONAL WRIT JURISDICTION
ORIGINAL SIDE

M/S. S.P. SPINTEX
-Vs-
STATE OF WEST BENGAL & ORS.

BEFORE:

The Hon'ble JUSTICE AMRITA SINHA

Date: 9th June, 2025.

Appearance:

Mr. Mayukh Mukherjee, Adv.
Mr. Aditya Roy, Adv.
...for the Petitioner.

Mr. Debjit Mukherjee, Adv.
Ms. Susmita Chatterjee, Adv.
...for the State.

Mr. Debashis Saha, Adv.
Mr. Avirup Roy Sanyal, Adv.
Ms. Sucheta Pal, Adv.
...for the SBI.

1. The petitioner prays for return of the money which is lying in the account of one Jeevan Poly Packs and Ors. According to the petitioner, the money is the subject matter of cyber fraud committed upon the petitioner. The petitioner relies upon the order passed by the learned Additional Chief Judicial Magistrate-I at Calcutta in Posta P.S. GD No. 802/25 wherein direction has been passed upon the Nodal Officer/Branch Manager, State Bank of India to transfer the amount of Rs. 43,94,230.83/- from the Account no. 41776016717 to the account of petitioner upon submission of a zimmanama bond with condition to produce the sum before the Court or any other Court of law as and when directed.

2. Learned advocate representing the bank and the police relies upon the order passed by the Hon'ble High Court of Andhra Pradesh at Amaravathi in W.P. No.7249 of 2025 in the matter of ***Jeevan Poly Packs & Ors. Vs. Union of India & Ors.*** wherein interim order has been passed directing the Official Respondents to maintain *status-quo* in respect of the subject sum of money. The interim order is subsisting till date.
3. It appears that the petitioner, even though aware of the details of the account and the account holder where the money is alleged to be parked, has not impleaded the said person as party respondent in the instant writ petition. Any order passed directing transfer of the aforesaid amount from the account holder, without notice, will cause serious prejudice to the account holder and will also be contrary to the principle of natural justice.
4. In view of the above, leave is granted to the Advocate-on-record of the petitioner to implead the account holder from whose account the money is sought to be transferred as party respondent in the instant writ petition and serve a copy of the writ petition upon the added respondent.
5. Re-list the matter on 23rd June, 2025.
6. Report filed by the Officer-in-Charge, Posta Police Station dated 5th May, 2025 in Court today is taken on record.

(AMRITA SINHA, J.)