

IN THE HIGH COURT AT CALCUTTA
APPELLATE SIDE, HIGH COURT AT CALCUTTA

NOTIFICATION

No. 1913-RG

Date: 10.03.2025

Considering the exponential jump in complaints relating to cyber fraud lodged with National Cyber Crime Reporting Portal (NCRP) (i.e. from 451 complaints to 37825 complaints between 2021-2024) and recovery of 66.57 crores in respect of cyber frauds in West Bengal during the year 2024 (upto 31st July), this notification is being issued to entertain the applications by the Magistrate having jurisdiction under section 503 BNSS (457 Cr.P.C.) for return of money to victim blocked by the Cyber Crime Cell pursuant to online complaints received by National Cyber Crime Reporting Portal (NCRP) (www.cybercrime.gov.in) without insisting on registration of FIR.

The Section 503 BNSS (457 Cr.P.C), *inter-alia*, empowers the Magistrate to pass order disposing of seized property when the seizure is reported to the Magistrate under the provisions of the said law and the property is not produced before the Criminal Court during an enquiry or trial. In cases of cyber fraud, when a complaint is lodged by an aggrieved person at the National Cyber Crime Reporting Portal (NCRP) (www.cybercrime.gov.in) and the concerned agency has taken steps to trace the money trail and upon identifying the defrauded sum issued directions to freeze the account and block the stolen money. Proceedings under Section 102 Cr.P.C./106 BNSS is said to have commenced. Section 103(3) Cr.P.C./106(3) BNSS casts duty on the police to report the seizure to the Magistrate have jurisdiction in respect of the offence. In such a situation, if an application for return of the seized cash is made under Section 503 BNSS (457 Cr.P.C), Magistrate within whose jurisdiction the offence is committed wholly or in part may entertain such application and call for a report without insisting on registration of FIR. Upon receipt of such report regarding seizure of defrauded cash the Magistrate shall pass appropriate order on the application.

In view of the above, all the Judicial Officers within the jurisdiction of the Hon'ble High Court at Calcutta, dealing with the cases relating to cyber fraud lodged with National Cyber Crime Reporting Portal (NCRP), is hereby directed not to insist for registration of FIRs in the matters/ complaints, which have already been registered on the National Cyber Crime Reporting Portal (NCRP) (www.cybercrime.gov.in), against the cyber frauds and such matters be disposed of by releasing the funds in favour of the victims, on the basis of the copy of complaint, lodged on the said portal, along with action taken report u/s 503 BNSS (457 Cr.P.C) in the matter, to be filed by the respective Cyber Police Stations.

Notwithstanding, FIR must be lodged by the investigating police authorities, if the victim desires so.

These instructions are to be followed in letter and spirit.

By Order,

Sd/-
Registrar General.
10.03.2025.