

## FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

5458



Dist. Sil P.S. Pradhannagar Year 2022 FIR No. 580/22 Date 01.08.22

2. (i) Act 406/420/488/471/506/34 PC Sections PC

(iii) Act Sections (iv) Others Acts & Sections Sections

3. (a) Occurrence of Offence : Day Since long Date From Since long Date To Since long

Time Period Since long Time From Since long Time To Since long

(b) Information received at P.S. Date 01.08.22 Time 11:35h

(c) General Diary Reference : Entry No(s) 25 Time 11:35h

4. Type of Information : Written ☒ Written / Oral ☐

5. Place of Occurrence : (a) Direction and Distance from P.S. Land measuring 5 and half kathas or 0.91 Acres C. Plot No. 500, Recorded in Khata No- 429/1 of Siliguri Mouza IL No 110/ (88) P.S. Pradhannagar P.O. 02, SMC Dist. Dajeling Beat No. 02

(b) Address Land measuring 5 and half kathas or 0.91 Acres C. Plot No. 500, Recorded in Khata No- 429/1 of Siliguri Mouza IL No 110/ (88) P.S. Pradhannagar P.O. 02, SMC Dist. Dajeling

(c) In case outside limit of this Police Station, then the Name of the P.S. Pradhannagar P.O. 02, SMC Dist. Dajeling District Dajeling

6. Complainant / Informant :

(a) Name Sri Sudip Kumar Saha

(b) Father's / Husband's Name S/o - U. Narayan Chandra Saha

(c) Date / Year of Birth : Since long (d) Nationality Indian

(e) Passport No. Since long Date of Issue : Since long Place of Issue Since long

(f) Occupation Since long

(g) Address Megh Nath Saha Sarani Pradhannagar P.O. P.S. Pradhannagar Dist. Dajeling

7. Details of known / suspected / unknown accused with full particulars Dajeling

(Attach separate sheet, if necessary) : ① Smt Chhaya Mukherjee w/o - Milan Kumar Mukherjee ② Smt Chandrasat Adhikary w/o - Sri Sanjib Adhikary (D/o - Smt Chhaya Mukherjee) ③ Smt Sanjib Adhikary s/o unknown (son in law of Smt Chhaya Mukherjee) ④ Sri Mahabash Adhikary s/o - Sri Sanjib Adhikary all are of 52/1 Megh Nath Saha Sarani Pradhannagar P.O. P.S. Pradhannagar Dist. Dajeling

8. Reasons for delay in reporting by the Complainant / Informant Since long

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

10. Total value of properties stolen / involved Since long

11. Inquest Report / U.D. Case No., if any Since long

12. FIR Contents (Attach separate sheets, if required) : The original written complaint of the Complainant which is treated as FIR is enclosed herewith

13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., registered the case and took up the investigation / directed SI Rabinendra Nath Sankar to take up investigation / refused investigation / transferred to P.S. Since long on point of jurisdiction. FIR read over to the Complainant/ Informant, admitted to be correctly recorded and a copy given to the Complainant / Informant free of cost.

14. Signature / Thumb impression

of the Complainant / Informant Noted in Written Complaint

Signature of the Officer-in-Charge, Police Station Since long

Name : Dipankar Pradhannagar Police Station

Rank : No. SI of Police P.O. 02/SC Siliguri Police Commissionerate

15. Date & Time of despatch to the court : 02.08.22





Sudip Kumar Saha

Filed By  
(CHINMOY SAHA)  
ADVOCATE / SILIGURI

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT  
SILIGURI, DIST. DARJEELING.

Ref: - Misc. Petition Case No. 24 of 2022.

GJS Reg. No. Misc. Pet. No. 23/2022

Filing No. 3883354/2022

**IN THE MATTER OF:-** CNR/BDJOE-002854-2022

An Application Under Section -  
156(3) of Cr.P.C.

**IN THE MATTER OF:-**

**SRI SUDIP KUMAR SAHA,**

Son of Late Narayan Chandra Saha,  
Resident of Megh Nath Saha Sarani,  
Pradhan Nagar, P.O. & P.S. Pradhan  
Nagar, Dist. Darjeeling, Pin:  
734003.

----- Complainant

Vs.

1. **SMT. CHHAYA MUKHERJEE;**  
Wife of Milan Kumar Mukherjee,
2. **SMT. CHANDRANI ADHIKARY;**  
Wife of Sri Sanjib Adhikary,  
Daughter of Chhaya Mukherjee,
3. **SRI SANJIB ADHIKARY;**  
S/O unknown to the Complainant,
4. **SRI MAHAKASH ADHIKARY;**  
Son of Sri Sanjib Adhikary,  
All are residing at 52/1, Megh Nath  
Saha Sarani, Pradhan Nagar,  
Siliguri, P.O. & P.S. Pradhan Nagar,  
Dist. Darjeeling.
5. **OTHERS**

----- Accused Persons

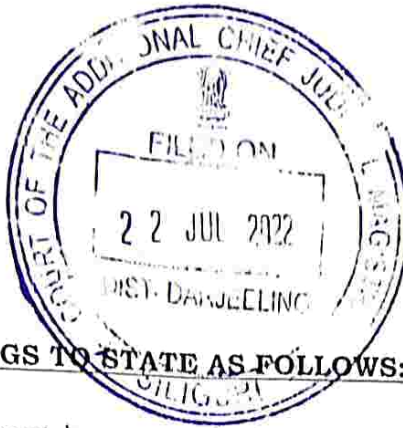
**OFFENCE COMMITTED:-**

Under Section - 420 / 406 / 465 /  
467 / 468 / 471 / 387 / 506 /  
120B / 34 of I.P.C.

**DATE, TIME AND PLACE OF  
OFFENCE:-**

Since in the year of 2013 and  
thereafter, on different dates i.e. on  
26.03.2013 and 28.09.2018 and on  
different dates and times and till  
now within the jurisdiction of  
Pradhan Nagar Police Station.

Nabendu Narayan Dutta  
Notary Govt. of India  
Siliguri, Darjeeling



Sudip Kumar Saha,

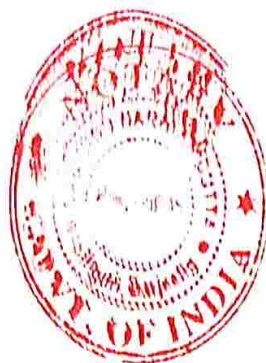
Filed By  
(CHINMOY SAHA)  
ADVOCATE / SILIGURI

**THE COMPLAINANT BEGS TO STATE AS FOLLOWS:-**

1. That the Complainant is a peace loving and law abiding citizen of India, having permanent residential address as mentioned aforesaid.
2. That the Complainant and one Sri Amitava Saha, Son of Late Harinarayan Saha are the partners of "**M/S Sun Enterprise**", a Partnership Firm, having its office situated at Pradhan Nagar, Siliguri, Dist. Darjeeling and they have been carrying and dealing its business of Construction and Development of the property.
3. That in the year of 2013, the Accused No. 1 accompanied with her daughter and son-in-law i.e. the Accused No. 2 & 3 have visited in the office of the Complainant and told them that the Accused No. 1 is the owner of a land measuring  $5\frac{1}{2}$  Kathas or 0.91 Acres, appertaining to and forming part of C.S. Plot No. 300, recorded in Khatian No. 429/1, of Mouza - Siliguri, J.L. No. 110(88), situates within the jurisdiction of Police Station - Pradhan Nagar, Ward No. 2 of Siliguri Municipal Corporation, Siliguri, Dist. Darjeeling and she acquired the same by virtue of a Deed of Sale, executed by Smt. Chinia Debi Pradhan, being Document No. I-5476 for the year of 1973 and since then, she has been possessing, enjoying and occupying the aforesaid land in her possession.
4. That thereafter, the Accused Persons have told the Complainant that they are very much interested to construct a multi-storied building in and over the aforesaid land but due to lack of proper experience and also paucity of fund, they are not in a position to develop their said land and approached and requested the Complainant to construct and develop a multi-storied building in and over the said land under certain terms and conditions, to which, the Complainant has agreed to construct and develop the said land and accordingly, a Deed of Agreement was prepared and executed in between the Accused No. 1 and the Complainant's firm on 26.03.2013, wherein, the Accused No. 1 also put his signature in the said Deed of Agreement as a Witness and the said Agreement duly authenticated by the Ld. Notary Public and at the same time, the Accused No. 1 has also executed a General Power of Attorney in favour of the Complainant's firm namely M/S Sun Enterprise in pursuance of the said Deed of Agreement Dated: 26.03.2013 which is also authenticated by the Ld. Notary Public for look after and develop the said property.
5. That thereafter, in pursuance of the said Deed of Agreement and General Power of Attorney, the Complainant has started construction in and over the said land strictly as per the approved

Sudip Kumar Saha  
Notary Govt. of India  
Siliguri, Darjeeling





Sudip Kumar Saha

Filed By  
/ *[Signature]*  
ACHINMOY SAHA  
ADVOCATE / SILIGURI

building plan and after completion of the said building in all respect, the Complainant has handed over the flat to the Accused No. 1 as her owner's allocation and the Complainant has also paid a sum of Rs. 59,00,000/- (Rupees Fifty Nine Lakhs) only to the Accused No. 1 & 2 out of the total amount of Rs. 62,00,000/- (Rupees Sixty Two Lakhs) only as per the terms and conditions of the Deed of Agreement Dated: 26.03.2013 and the Complainant has also handed over the remaining flats to the intending purchasers out of their developer's allocation.

6. That the Accused Persons have started to reside in the said flat and immediately after receiving the owner's flat and the major portion of amount according to the Deed of Agreement Dated: 26.03.2013 towards their full satisfaction, they have started to neglect the Complainant and also bypass the matter of registration for executing the Deed of Sale to and in favour of the intending purchasers with respect to the remaining flat of the developer's allocation though, there was no such complaint from the side of the landlady and her daughter as well as from the side of her son-in-law who resides with her and inspite of repeated request and demands, the Accused No. 1 did not execute any Deed of Sale to and in favour of the intending purchasers out of the developer's allocation of the Complainant and she did the same due to the provocation of her married daughter, son-in-law as well as her grandson i.e. the Accused No. 2, 3 & 4 and all of them in conspiracy with each other have started to put pressure upon the Complainant and his another partner in order to extort more money and allocation from them with an intention to deceive them though, the Accused Persons have no right upon the developer's allocation.
7. That the Accused No. 3 is a retired Ex-Army personnel and showing his said designation, the Accused No. 3 and his son Mahakash Adhikary i.e. the Accused No. 4 have started to threaten the Complainant and his another partner with dire consequences and also threatened them to provide the extra area measuring about 400 Sq. Ft. in favour of the Accused No. 1 in the said first floor area though, as per the Agreement Dated: 26.03.2013, the Accused No. 1 has no right to claim the other portion of the area of the said building and the other Accused Persons did not allow the Complainant and his another partner to talk with the Accused No. 1 directly and the Accused No. 2, 3 & 4 have started to threatened the Complainant and his another partner by saying that if they fails to fulfill their further demand, the other Accused Persons will not allow the Accused No. 1 to execute proper Deed of Sale in favour of the intending purchasers out of the developer's allocation.

*[Signature]*  
Ananda Narayan Dutta  
Notary Govt. of India  
Siliguri, Darjeeling



Sudip Kumar Saha

Filed By  
CHINMOY SAHA  
ADVOCATE, SILIGURI

8. That in the mean time, the Accused No. 3 in conspiracy with the Accused No. 2 & 4 have started to lodge several complaints before different authorities with some vague and baseless allegation after putting the signature of the landlady Smt. Chhaya Mukherjee i.e. the Accused No. 1 in the said complaints who is aged about more or less 80 years with an intention to create pressure upon the Complainant and his another partner for providing the extra area besides the owner's allocation and due to their constant pressure, they have agreed to provide the extra area measuring about 400 Sq. Ft. in the first floor under compulsion and subsequently, a revised Deed of Agreement was prepared and executed on 28.09.2018 in between the Accused No. 1 and the Complainant's firm wherein, the Accused No. 2 & 3 have put their respective signature as a witness in the said Agreement and the same was duly authenticated by the Ld. Notary Public and at the time of execution of the said Deed of Agreement Dated: 28.09.2018, neither the Accused No. 1 nor any of her family members have raised any complaints against any works and the materials used in the said building and immediately after execution of the said Deed of Agreement Dated: 28.09.2018, the Complainant has handed over the extra area measuring about 400 Sq. Ft. in the first floor and completed the other works as per their demand believing in good faith that after handing over the extra area and other facilities, the Accused No. 1 should execute a proper Deed of Sale in favour of the intending purchasers out of the developer's allocation but inspite of repeated demand and request, the Accused No. 1 did not execute any Deed of Sale in favour of the intending purchasers and the Accused No. 1 acted as per the provocation, abetment and direction of the other Accused Persons.
9. That the Complainant and his another partner of the said firm have also already handed over the prospective flats to the intending purchasers out of the developer's allocation and all the intending purchasers started to reside in the said building and after handing over the physical possession to the intending purchasers, the Accused Persons have started to misbehave with the other flat owners and they have also demanded money from them also for executing proper Deed of Sale though, the Accused Persons have no right to claim any amount from the intending purchasers out of the developer's allocation and threatened them to implicate themselves in a false criminal cases if they fail to pay and fulfill their illegal demands and now, taking the advantage of old age of the Accused No. 1, the other Accused Persons in conspiracy with each other have started to lodge false and vague complaints incorporating a false story through the Accused No. 1 with an intention to extort more money and property from the Complainant's firm as well as from the intending purchasers and

Subendu Marayan Datta  
Notary Public, Government of India  
Siliguri, Darjeeling






Sudip Kumar Saha

RECEIVED  
CHITTOY (Saha)  
-DCCATE/SILIGURI

on every occasion, the Accused No. 3 taking the advantage of his retire Ex-Army designation, put pressure upon the Complainant and his another partner of the said firm as well as the intending purchasers who are residing in the same building with dire consequences in order to extort money and property and by using and showing his designation, he being the son-in-law of the Accused No. 1, has already extorted extra area and other facilities from the Complainant forcefully for their wrongful and illegal gain and thereby, they are deceiving the Complainant's firm with an intention to cheat them and to that effect, the Accused Persons have already prepared some forged documents and using the same as genuine knowingly well that the same are forged and in this way, the other Accused Persons, restrained the Accused No. 1 who is aged about 80 years to fulfill her obligation as per the Deed of Agreement Dated: 26.03.2013 and 28.09.2018 and recently, the Accused No. 3 in conspiracy with his son i.e. the Accused No. 4 and others are trying to block the common commercial meter and roof top door in order to create disturbance and peaceful enjoyment of the other occupants of the building in order to fulfill extort money and other property from the Complainant.

10. That since then, the Accused Persons have been creating pressure upon the Complainant and his another partner of the said firm in order to extort money from them illegally putting them in fear of death and/or grievous hurt.
11. That thereafter, finding no other alternative, the Complainant had lodged a written complaint before the I.C of Pradhan Nagar P.S. narrating the aforesaid facts, and the concerned duty officer has received the copy and acknowledged the same but till today, no such action has been taken by the concerned P.S.
12. That thereafter, the Complainant had informed the matter before the Commissioner of Police, Siliguri Police Commissionerate, Siliguri Police Commissionerate, for taking necessary action, but till today no action has been taken by the concerned authority.
13. That presently, the Accused Persons in collusion and conspiracy with each other and also with other known and unknown persons have tried to extort money of the Complainant by preparing and procuring the signature of the landlady and presenting the said documents with an intention to cheat and deceive the Complainant and others and also with a view to misappropriate the developer's allocation by forging some valuable security and thereby committed the offences.

  
Nabendu Narayan Dutta  
Notary Govt. of India  
Siliguri, Darjeeling



Sudip Kumar Saha

Filed By  
(CHANDRA SAHA)  
ADVOCATE, SILIGURI

14. That the Complainant further submits that the Accused Persons above named have/had with dishonest intention since in the year of 2013 in preplanned manner and in the manner explain above, the Accused Persons caused wrongful gain to themselves and wrongful loss to the Complainant and others.
15. That in this manner, the Accused Persons named above, in collusion with each other and some known and unknown persons, have committed the offences of Cheating, Criminal Breach of Trust, Cheating, Forgery, transfer a valuable property and/or security by forging documents, Criminal Conspiracy, Criminal Intimidation and Common Intention and other offences which comes within the purview of different sections of I.P.C.
16. That the Complainant has grave apprehension that the Accused Persons along with other known and unknown persons will temper with evidence and documents.
17. That the Complainant above named, has no other alternative, but to knock your Honour's court to get justice.
18. That the present application is made bonafide and in the interest of justice.

It is, therefore, prayed that Your Honour would graciously be pleased to admit this application under Section 156(3) of Cr.P.C and further be pleased to direct the I.C. of Pradhan Nagar P.S. to treat this application as an F.I.R. and also direct the I.C. of Pradhan Nagar P.S to investigate into the matter properly in accordance with law and pass such any other order/s as Your Honour may deem fit and proper in the interest of justice.

And for this act of kindness, the Complainant, as in duty bound, shall ever pray.

Sudip Kumar Saha

Signature of the Complainant.

Drafted as per instruction of the complainant and the contents of the same have been read over and explained to the complainant by me and after understanding the contents of this petition, the complainant put his signature in my presence.

Chandraya Saha  
Advocate, Siliguri.

Notary Seal of the Government of India, Darjeeling, Siliguri.





Sudip Kumar Saha

Filed By  
(CHINMOY SAHA)  
ADVOCATE, SILIGURI

I, **SRI SUDIP KUMAR SAHA**, Son of Late Narayan Chandra Saha, Aged about 52 years, Hindu by religion, Business by occupation, Resident of Megh Nath Saha Sarani, Pradhan Nagar, P.O. & P.S. Pradhan Nagar, Dist. Darjeeling, Pin: 734003, do hereby solemnly affirms and declare as follows:

1. That I am the Complainant in C/W the above noted case and as such I am well acquainted with the facts and circumstances with this case.
2. That I have lodged a Written Complaint before the Pradhan Nagar Police Station narrating the aforesaid facts and the duty officer of the concerned P.S. received and acknowledged the same but till today, no action has been taken by the concerned P.S.
3. That I have lodged a Written Complaint before the Commissioner of Police, Siliguri Police Commissionerate, but till today no action has been taken against the Accused Persons on the basis of my said complaint.
4. That I swear and sign this affidavit in order to prove and declare the contents of this affidavit.
5. That the statements made above are true to the best of my knowledge and belief and I sign this affidavit on this the 22nd day of July, 2022 at Siliguri.

Sudip Kumar Saha,

Declarant.

Identified by me.

Chinmoy Saha  
Advocate, Siliguri.

**AFFIDAVIT**  
Solemnly Affirmed before me  
By Sudip K. Saha  
of Pradhan Nagar  
Identified by Chinmoy Saha  
This the 22nd day of July 2022

Nabendu Narayan Dutta  
Notary Govt. of India  
Siliguri, Darjeeling





Sudip Kumar Saha

IN THE COURT OF THE LD. ADM. Court AT Siliguri

Ref.: Misc Petition E Case/Suit No.: \_\_\_\_\_ of 2022.

(Arising out of \_\_\_\_\_ Case/Suit No.: \_\_\_\_\_ of 20 )

Sri. Sudip Kumar Saha

Plaintiff/ Petitioner/Revisionist  
Complainant/Appellant/Petitioner No. 1.

AND / VERSUS

Smt Chhaya Mukherjee

Defendant/Opposite Party/Respondent  
Accused Person/Petitioner No. 2.

I/We Sri. Sudip Kumar Saha S/o. Lt. Narayan Chandra Saha

of Megh Nath Saha Sarani, Badhan Nagan.

P.O. & RS. Badhan Nagan, Dist. Darjeeling

7B  
22/7/22

the above named Complainant do hereby appoint as my/our true and lawful attorney one or more amongst the under mentioned Advocate/s after duly endorsing acceptance of the instrument, who shall accept this power and appear for me/us in the aforesaid case/s and authorize and empower him/them to do the following acts in the said case on my/our behalf, viz. to put in appearance, to sign & file all complaints, objections, written statements, compromise petitions and appeals, revisions and other applications/petitions and to file documents and other papers and to effect compromise/Razinama, to represent Under Section - 317 Cr. P.C., to refer the matter to arbitration, to withdraw the case, to deposit money in court, to withdraw money and documents from the court or from any office or the opposite party after signing cheques or payment order either in execution of decree or otherwise, to withdraw compensation money from the District Compensation Office and Land Acquisition Office and to perform and do all other acts not specifically named herein which will be deemed necessary for me/our benefit in the circumstances of the case and I/We on my/our part hereby bind myself /ourselves to ratify and confirm as valid all such acts done by the said attorney /attorneys/advocate/s according to the true intent and purpose of these presents. I/We hereby further agree that if any part of Advocates fees remain unpaid before hearing of the case I/We shall be liable to pay the same to the Advocate or Advocate/s.

RECEIVED FROM THE EXECUTANTS AND ACCEPTED BY ME/US.

ADVOCATE/S

DEBARATI NANDI  
Advocate, Siliguri.

MR. CHINMOY SAHA  
Advocate, Siliguri.  
WhatsApp No.: 98320-31845.  
Email: [csassociates2@gmail.com](mailto:csassociates2@gmail.com)

MR. BINAY KR. PRASAD  
Advocate, Siliguri.  
WhatsApp No.: 73845-48698.

MR. DIPANKAR RAY  
Advocate, Siliguri.  
WhatsApp No.: 81012-13108.

MR. PRANAY SAHA  
Advocate, Siliguri.  
WhatsApp No.: 82502-81866.  
Email: [pranaysaha410@gmail.com](mailto:pranaysaha410@gmail.com)



Sudip Kumar Saha

Filed By  
(CHINMOY SAHA)  
ADVOCATE / SILIGURI

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT  
SILIGURI, DIST. DARJEELING.

Ref: - Misc. Petition Case No. 24 of 2022.

SRI SUDIP KUMAR SAHA,

----- Complainant

Vs.

SMT. CHHAYA MUKHERJEE;

----- Accused Persons

**LIST OF DOCUMENTS FILED FOR AND ON BEHALF OF THE  
COMPLAINANT: -**

1. Photocopy of the Written Complaint lodged by the Complainant before the I.C. of Pradhan Nagar Police Station against the Accused Persons.
2. Photocopy of the Written Complaint lodged by the Complainant before the Commissioner of Police, Siliguri Police Commissionerate, Siliguri against the Accused Persons.
3. Photocopy of the Deed of Agreement Dated: 26.03.2013 and 28.09.2018.
4. Photocopy of the Power of Attorney.
5. Photocopy of the Aadhaar Card of the Complainant.

Dated:

Received on 01.08.22 at 11:30 am  
vide PAN Rs C/O NO. 25 dt 01.08.22  
and dated PAN Rs Case No. 580/22 dt 01.08.22  
w/c 406/420/488/471/506/34106 and  
endorsed to SI Rabinendra Nath Sarkar to  
investigate the case.

Inspector-In-charge  
Pradhannagar Police Station  
Siliguri Police Commissionerate