

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1. P.S. Blaktingon Year 2025 FIR No. 555/25 Date 13/06/25 ¹⁶⁶⁶

2. i) Act BNS 2023 Sections 316(2)/318(4)/336(3)/338/340(6)/344/60/3(5)

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

3. (a) Occurrence of offence : Day 01/04/23 Date To 30/11/23 and

Time Period in the year 2024 Time From — Time To —

(b) Information received at P.S. Date 13/06/25 Time 14:55 hrs

(c) General Diary Reference : Entry No (s) 710 Time 14:55 hrs

4. Type of Information Court Complaint with MP Case No - 400/24 Written / Oral —

5. Place of Occurrence : (a) Direction and Distance from P.S. — Beat No. —

(b) Address Mansamama Diabetic cum Maternity Home Pvt. Ltd.,
Shacon Mandal's Road, Serok Road, PS Blaktingon, Dist
Jalpaiguri

(c) In case outside limit of this Police Station, then the

Name of the P.S. — District —

6. Complainant / Informant :

(a) Name Bipin Kumar Agarwal

(b) Father's / Husband's Name Mahinder Kumar Agarwal

(c) Date / Year of Birth — (d) Nationality Indian

(e) Passport No. — Date of Issue — Place of Issue —

(f) Occupation One of the Director of Mansamama Diabetic cum Maternity

(g) Address Mansamama Complex, Bramani Mandal's Road, W/O-40,
SMC, PS Blaktingon, Dist. Jalpaiguri

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

(Attach separate sheet, if necessary):

①. Abhishek Das S/o Lt. Dhendra Das of Green Valley Block-6,
Flat - 3A, Upper Bhamu Nagan, Serok Road, Siliguri,
PS Blaktingon, Dist. Jalpaiguri

②. Dr. Monika Agarwal
w/o Naveen Kumar Agarwal

8. Reasons for delay in reporting by the Complainant / Information —

③. Dr. Naveen Kumar Agarwal S/o Lt. Chandra Kumar Agarwal
- both residing at Mansamama Diabetic cum Maternity Home,
Pvt. Ltd., Shacon Mandal's Road, Serok Road, PS Blaktingon,
Dist. Jalpaiguri

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

①. Rupees 09 (Nine) Crores approx

10. Total value of properties stolen / involved —

11. Inquest Report / U.D. Case No. If any —

12. FIR Contents (Attach separate sheets, if required): The original court complaint which is treated
as FIR is attached 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 S.I. Pradip Dey to take up
investigation / refused investigation / transferred to P.S. — 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 ✓ is on the complaint
of the Complainant / Informant

15. Date & Time of despatch to the court : 4626 14/6/25

Signature of the Officer in Charge, Police Station Blaktingon
Name : SPC
Rank : No. Blaktingon PS,
SPC

Order of The Chief Judicial Magistrate Jalpaiguri

M.P- 400/24

u/s 175(3) BNSS.

11-06-25

Received from I/C Bhaktinagar PS in terms of order dt.22-10-24
report and the record.

Ld. advocate for the petitioner.

Perused the report and the petition of the complaint, it appears to this court that
the prayer of the complaint should be allowed.

Accordingly I/C, Bhaktinagar PS is directed to investigate the case after treating the
petition of complaint as F.I.R.

Let a copy of order along with the petition of complaint be sent to I/C, Bhaktinagar PS
for information & compliance.

Fix 11-07-2025 for report from the concerned PS.

D/c by me,

I/c Bhaktinagar PS
Forwarded to
for taking necessary action
Bench Clerk
Court of the Chief Judicial Magistrate
Jalpaiguri
11/11/25

[Signature]
Chief Judicial Magistrate
Jalpaiguri

FN 387/29

12/11/29

In the Court of Learned Chief Judicial Magistrate at Jalpaiguri



In the matter of :

An application under section 175(3)
Of the Bharatiya Nagarik Suraksha
Sanhita (BNSS)

Name and address of the Complainant:

45

Bipin Kumar Agarwal
S/o, Mahidev Kumar Agarwal
One of the Director of Manokamana
Diabetic cum Maternity Home Pvt. Ltd
having his residential address Mansarovar
Complex, Pranami Mandir Road, ward no.
40, SMC, P.S- Bhaktinagar Dist- Jalpaiguri
Pin- 734001

Name and address of the Accused persons:

1. Abhishek Das, S/o, Late Dhruba Das,
One of the Directors of Manokamana
Diabetic cum Maternity Home Pvt. Ltd.
Having his residential address at Green
Valley, Block 6, Flat 3A, Upper Bhanu
Nagar, Sevoke Road, Siliguri, P.S-
Bhaktinagar, Dist- Jalpaiguri, Pin-
734001;
2. Dr. Monika Agarwal, W/o Naveen Kumar
Agarwal, One of the Directors of
Manokamana Diabetic cum Maternity
Home Pvt. Ltd. residing
at Manokamana Diabetic cum Maternity
Home Pvt. Ltd, Iskon Mandir road, Sevoke
road, P.S-Bhaktinagar, District-
Jalpaiguri, Pin- 734001;
3. Dr. Naveen Kumar Agarwal, S/o- Late
Chandgi Ram Agarwal, One of the
Directors of Manokamana Diabetic cum
Maternity Home Pvt. Ltd residing at
Manokamana Diabetic cum Maternity
Home Pvt. Ltd, Iskon Mandir road, Sevoke
road, P.S-Bhaktinagar, District-
Jalpaiguri, Pin- 734001;



12 4 OCT 2024

Place of occurrence:-

At the premises of Manokamana Diabetic cum Maternity Home Pvt. Ltd, Iskon Mandir Road, Sevoke Road, P.S- Bhaktinagar, District- Jalpaiguri, Pin- 734001;

Date & time of occurrence:-

Since 01.04.2023 to 30.11.2023 when internal audit report of Manokamana Diabetic cum Maternity Home Pvt. Ltd. of the above stated period had submitted by the auditors and after that period the offence of financial fraud is still ongoing/ continuing day by day at the P.O.

Offence/ Offences committed by the accused persons:-

The accused persons are with the common intention as well as with the common meeting of minds have committed the offence punishable under section 316(2)/318(4)/336(3)/338/340(2)/344/60/3(5) of Bharatiya Nyaya Sanhita(BNS) 2023 ;

The abovenamed complainant
Most Respectfully Sheweth:-

1. That the complainant is one of the directors of the Manokamana Diabetic cum Maternity Home Pvt. Ltd.
2. That the accused persons are also the directors of Manokamana Diabetic cum Maternity Home Pvt. Ltd. like the complainant.
3. That the accused persons nos. 2 & 3 used to run and operate the above stated Manokamana Diabetic cum Maternity Home Pvt. Ltd. under their direct control and supervision and all the affairs relates to the above stated private hospital especially the managing of pathology lab of the said hospital solely controlled and managed by the accused nos. 2 & 3 without any Board of Directors resolution and obviously whimsically, illegally and without according any permission from the directors of the said hospital.
4. That incourse of audit as well as from the internal audit report for the period on and from 01.04.2023 to 30.11.2023 it would reveal that the inventory records were not maintained in the pathology department of the above stated private hospital, the reports for inward, outward, consumption and balance stock held was not maintained and not incorporated in the regular books of accounts maintained by the hospital,





Bipin Kumar Agarwal

12/01/23

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At the premises of Manokamana Diabetic cum Maternity Home Pvt. Ltd, Iskon Mandir Road, Sevoke Road, P.S- Bhaktinagar, District- Jalpaiguri, Pin- 734001;

Date & time of occurrence:-

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2. That the accused persons are also the directors of Manokamana Diabetic cum Maternity Home Pvt. Ltd. like the complainant.
3. That the accused persons nos. 2 & 3 used to run and operate the above stated Manokamana Diabetic cum Maternity Home Pvt. Ltd. under their direct control and supervision and all the affairs relates to the above stated private hospital especially the managing of pathology lab of the said hospital solely controlled and managed by the accused nos. 2 & 3 without any Board of Directors resolution and obviously whimsically, illegally and without according any permission from the directors of the said hospital.



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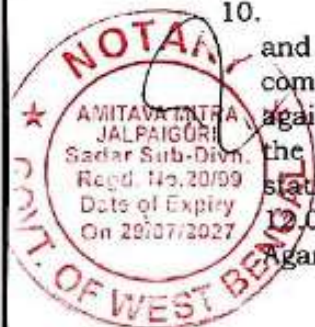


Bipin Kumar Agarwal

24/10/24

only purchased bills were entertained in books which were directly debited as an expenditure. Further on cash verification it appeared that the cash in hand as per the cash sheet and the cash in hand as per the accounting software does not match, furthermore in case of few patients two different bills have been detected where accused nos. 2 & 3 failed to furnish any proper explanations or clarifications, similarly in all aspects discrepancies have been noted and detected.

5. That after the detection of those irregularities and illegalities in course of audit the accused persons nos. 2 & 3 on apprehending that further discrepancies would be revealed then they forcefully stopped the financial audit midway in a most illegal manner, as such audit could not be completed for that financial year.
6. That on 11.05.2024 further Board meeting was held and Board has discussed about pathology, audit and made it clear that no bill shall be edited and old bill will be inspected or else legal action if required could be taken but none were implemented willfully.
7. That the accused person nos. 2 & 3 being doctors by profession have been involved in malpractices and tampering of bills for their personal wrongful gains and with the intention to cause wrongful loss to the above stated private hospital.
8. That the accused person nos. 2 & 3 have not only been siphoning funds from the above stated private hospital by tampering IPD bills but they have been also accused of purchasing medicines at higher rates as a retailer for their personal gain, taking commission from pathology lab of the said private hospital in the guise of professional fees from the above mentioned hospital and they have been misusing their position as directors and have been working against the interest of the above stated private hospital.
9. That upon assessment of the financial fraud it would reveal that an approximate amount of rupees 9 crores had already been siphoned by the accused person nos. 2 & 3 resulting in huge financial loss to the Manokamana Diabetic cum Maternity Home Pvt. Ltd.
10. That the accused no. 1 namely Abhishek Das, under the ability and exercising the power of a director, on behalf the company lodged a complaint with the inspector in charge of the Bhaktinagar police station against the accused nos. 2 & 3 on the earlier occasion and on the basis of the said complaint the Inspector - in - Charge, Bhaktinagar police station started Bhaktinagar police station case no. 529/24 dated 12.06.24 against the accused nos. 2 & 3 herein namely Dr. Monika Agarwal and Dr Naveen Kumar Agarwal both directors of the company.



Contd..P/4



Bipin Kumar Agard

22/10/24

11. That thereafter being agreed by grave inaction of the police authority in investigating the above mentioned Bhaktinagar Police station case properly the accused no. 1 herein made an application invoking the writ jurisdiction of the Hon'ble Calcutta High Court under article 226 of the Constitution of the India before the Hon'ble Circuit Bench of Calcutta High Court at Jalpaiguri, registered as WPA No. 1320/2024.
12. That during pendency of the stated above writ application the accused no. 1 herein came into the touch of the accused nos. 2 & 3 and in course of their meeting the accused no. 1 agreed and promised to the accused nos. 2 & 3 that he would give them safe passage in the prior registered criminal case being Bhaktinagar P.S case no. 529/ 2024 on condition that the accused nos. 2 & 3 will give him the share from the siphoned amount from the hospital and thereby nexus had developed amongst the accused nos. 1, 2 & 3 to act against the interest of the other directors of the company and the above stated episode was initially not within the knowledge of the other directors of the company.
13. That the entire conspiracy of the accused persons had come into the light when the accused no. 1 in connivance with the other accused persons artfully chose to withdraw the WPA No. 1320/ 2024 and as the complainant had already been aware about the conspiracy of the accused persons so he preferred an application for addition of party being CAN No. 1/2024 in the said WPA so that he has been given liberty to file appropriate application.
14. That the accused no. 1 not only as a part of larger conspiracy with the other two accused persons and not only artfully chose to withdraw the said writ petition but also on the capacity of the de-facto complainant in Bhaktinagar Police station case no. 529/2024 when the present accused person nos. 2 & 3 prayed for an order of pre-arrest bail in connection with the said Bhaktinagar P.S. case, the accused person no.1 had submitted before the Ld. Sessions Judge at Jalpaiguri that his grievances has been redressed.
15. That the accused persons in connivance with each other and as a part of larger conspiracy willfully and in a most illegal manner not only destroyed the valuable evidence relates to the financial fraud by accused nos. 2 & 3 but also dishonestly concealing and misappropriating the property of the company and fraudulently acting against the interest of the company.
16. That the accused nos. 2 & 3 immediately after obtaining the pre-arrest bail from the Ld. Sessions Judge at Jalpaiguri in connection with the Bhaktinagar P.S case no 529/2024 dated 12.06.24 with the active aiding and assistance of the accused no. 1 had entered into the premises of



the Manokamana Diabetic cum Maternity Home Pvt. Ltd. and started destroying the valuable documents of the said hospitals and also siphoning the existing funds of the hospital illegally and fraudulently and sharing the illegally siphoned funds amongst them meaning the accused nos.1,2 & 3 herein.

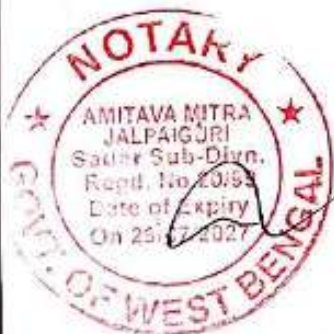
17. That the complainant has already reported the matter to the IC Bhaktinagar P.S. on numerous occasions and reported in writing on 19.08.2024 but the Police authority refused to accept the said complaint from the complainant and thus the complainant sent the same through registered post.
18. That the complainant had also reported the matter to the Commissioner of Police, Siliguri Police Commissionerate on 19.08.2024 but till date the Police authority did not take any steps against the accused persons in spite of receiving specific complaint.
19. That the accused persons have committed offence u/s 316(2)/318(4)/336(3)/338/340(2)/344/60/3(5) of Bharatiya Nyaya Sanhita(BNS) 2023.
20. That since the Police authority has failed to register FIR against the accused persons as per the offences committed by the accused persons which are cognizable offences despite specific complaint dated 19.08.2024, so the complainant seek redressal before this Ld. Court after waiting for the action of the Police authority and such waiting has caused delay in filing the present petition.
21. That the petition is made bonafide.

Therefore, it is, accordingly prayed that Your Honour would be kind enough to allow this petition and be pleased to pass an order directing the Inspector- In- Charge Bhaktinagar Police station to investigate the matter as complained of by treating the present petition as First Information Report.

And to pass such other order or orders as Your Honour may deem fit and proper for the ends of Justice.
And for this act of kindness your petitioner, as in duty bound shall ever pray.

VERIFICATION

I, Shri Bipin Kumar Agarwal, the complainant herein do hereby state and declare that the statements made above are all true to my knowledge and belief and the prayer portion is my respectful submission before this Ld. Court and I sign this verification on this ...24th... Day of October 2024 at Jalpaiguri.



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AFFIDAVIT

I Sri Bipin Kumar Agarwal, Son of Shri Mohinder Kumar Agarwal, residing at Mansarowar Complex, Pranami Mandir Road, P.S.-Bhaktinager, Ward no. 40, Siliguri, District- Jalpaiguri, Pin- 734001 aged about 40 years, by religion-Hindu, by profession- Business do hereby solemnly affirms and declares as follows:-

1. That I am the complainant of the present application U/s-175(3) of B.N.S.S.

..... This is true to my knowledge.

2. That the statements made in the foregoing paragraphs of the application u/s 175 (3) of BNSS are all true to my knowledge and belief and the prayer portion is my respectful submission before this Ld. Court.

.....This is true to my knowledge.

That the statements made above are true to the best of my knowledge and I sign in this affidavit on this day of ^{24th} October, 2024 at Jalpaiguri.



Bipin Kumar Agarwal

Declarant

Solemnly Affirmed Before Me
On Proper Identification

Identified by me

AMITAVA MITRA NOTARY
Regd. No. 20199 Date of Expiry On 29/07/2027
Jalpaiguri

12 OCT 2024

Advocate, Date.....

Received on 13/06/25 at 14:55 hrs vide
90E NO- 710 and dated Bhaktinagar
PS Case NO- 555/25 dtd- 13/06/25 vide
216(2)/318(2)/336(2)/338/340(2)/344/60/300
BNS, 2073 and endorsed to SI Bandip Bishoi
for its investigation.

Inspector in Charge
Bhaktinagar Police Station
Jalpaiguri District

