



1. Dist. Dayeeling P.S. Matigara Year 2025 FIR No. 458/25 Date 17.7.25
2. i) Act P.B.N.S. Sections 316(2)/318(1) ii) Act 351(2) Sections
iii) Act Sections iv) Others Acts & Sections

3. (a) Occurrence of offence : Day Date From 27.12.22 Date To
Time Period Time From Time To

(b) Information received at P.S. Date On 17.7.2025 Time 17:05 hrs

(c) General Diary Reference : Entry No (s) 879 Time 17:05 hrs

4. Type of Information C.R case No. 1080 of 2023 In the Court of IdJ.M

5. Place of Occurrence : (a) Direction and Distance from P.S. About 500 Mtrs. South East. At Court, Siliguri

(b) Address Opposite Dry Fish Association, P.S. Matigara
Dist Dayeeling
(c) In case outside limit of this Police Station, then the

Name of the P.S. District

6. Complainant / Informant :

(a) Name Sri Shiw Kumar Jaiswal

(b) Father's / Husband's Name S/o Late Rama Prasad Jaiswal

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

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

(f) Occupation Proprietor of M/s Bhagwati Trading Co.

(g) Address Opposite of Dry Fish Association, P.S. Matigara

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

(Attach separate sheet, if necessary) : ① Sanjay Mishra, Proprietor of
"Bharat Enterprises" of 50/38, Gali No. 2, 40 Feet Road,
Molardand Extn, Badarpur, New Delhi 110044

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

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

10. Total value of properties stolen / involved Rs - 2,50,000/-

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

12. FIR Contents (Attach separate sheets, if required) : Original written complaint which is
treated as FIR is reproduced overleaf

13. Action Taken : Since the above report reveals commission of offence(s) as mentioned at item No.12., Registered the case and took up the investigation / directed SI Sakin Yonzon 17.7.25
Inspector-in-Charge Matigara Station to take up
investigation / refused investigation / transferred to P.S. Siliguri Police Commissionerate on point of
jurisdiction. FIR read over to the Complaint / 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

15. Date & Time of despatch to the court :

Signature of the Officer-in-Charge, Police Station
Name : ARINDAM BHATTACHARJEE
Rank : Inspector in Charge
Matigara P/SFC



Shiv Kumar Jaiswal

Filed By

[Signature]

CHITAMON DUTTA
Advocate, Siliguri.

Mh. No. 98520-Siliguri.

[Signature]

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT *1st Court*
SILIGURI, DIST. DARJEELING.

Ref: C.R. Case No. 1080 of 2023.

*Received on 17.7.25
at 17:05 hrs vide GDE
No. 879 and started Matigara
P.S. Case No - 458/25 Dtd.
17.07.25 u/s. 316(2)/318(4)/
351(2) of B.N.S. Si Sahin
Yonzon Samang will
investigate the case.*

17.7.25
Inspector-in-Charge
Matigara Police Station
Siliguri Police Commissionerate

IN THE MATTER OF:

SRI. SHIW KUMAR JAISWAL (94341-94578)

Aged about 55 years,

Son of Late Rama Prasad Jaiswal,

Proprietor of M/s. Bhagwati Trading

Co, at Opposite of Dry Fish

Association, Matigara, P.O. & P.S. -

Matigara, Dist. Darjeeling, Pin-

734010.

-----Complainant

-Vs.-

SRI. SANJAY MISHRA

Proprietor of "Bharat Enterprises",

A Private Company, Registered

Under the Companies Act, having its

office situated at 50/38, Gali No. 2,

40 Feet Road, Molardand Extn.,

Badarpur, New Delhi - 110044.

Phone No. 84471-00666.

-----Accused Person

Offences committed Under
Section - 406 / 420 / 506 of I.P.C.

Name and Address of the
Witnesses:-

1. The Complainant himself.
2. Sri Sandip Sharma,
Son of Sri Bajrang Lal Sharma,
Resident of Punjabi Para, Siliguri.
3. Sri Rabindra Nath Chowdhury,
Son of Late Ashutosh
Chowdhury, Resident of
Matigara, Opposite of Dry Fish

Association, P.O. & P.S. Matigara,
Dist. Darjeeling, Pin: 734010.

4. Others.

THE HUMBLE PETITION ON BEHALF OF THE COMPLAINANT ABOVE NAMED.

MOST RESPECTFULLY SHEWETH:-

1. That the Complainant is a law-abiding and peace loving citizen of India.
2. That the Complainant above named is a business person and he has been carrying and running on a business of Cattle Feed Suppliers-Cum-Distributors, under the name and style as "M/S. Bhagwati Trading Co." on and from his place of business situated at Opposite of Dry Fish Association, Matigara, P.O. & P.S. - Matigara, Dist. Darjeeling, Pin-734010, which falls within the Jurisdiction of this Id. Court.
3. That in course of said business of the Complainant, he got acquainted with the Accused Person above named through his Brother-In-Law and at the time of acquaintance, the Accused Person introduced himself as a Proprietor of "Bharat Enterprises" and he stated before the Complainant that he has been carrying on a business of Paper-Plates as well as its varieties of machineries for manufacturing the paper-plates and the Accused Person being the Proprietor of Bharat Enterprises, has approached and induced the Complainant to start the business of Paper-Plates after purchasing the required machineries from the Accused Person on a reasonable rate and the Accused Person also stated to the Complainant that if he start the said business after purchasing the machineries from the Accused Person, he will be benefited in future.
4. That since then, day by day, the Accused Person have asked and requested the Complainant in different ways and also induced him with some false words to purchase a machinery from the Accused Person and to that effect, the Accused Person had also shown some papers/documents under the heading of "Project Report of Paper Plate Business" but initially, the Complainant had refused to purchase any machine from the Accused Person as he has no knowledge about the said business but due to the continuous provocation and inducement made by the Accused Person, the Complainant has also agreed to purchase one machine from the said Project Report which has been cited as Project Number 7.

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CHINMOY SAHA
Advocate, Siliguri.

5. That on being induced by the Accused Person, when the Complainant has already decided to purchase the said machine from him, the Accused Person has assured the Complainant that the cost of the said machine as well as the entire parts of the said machine including the Crompton Motor with 5 Years Machine Warranty, will be @ 2,40,000/- (Rupees Two Lakhs Forty Thousand) only including the charges of delivery, installation by the engaged expert and transportation as well as the raw materials to produce the paper-plates and during the course of discussion with the Accused Person, he has told the Complainant that if he ready to purchase the said machine from the Accused Person, he will get a sum of Rs. 20,000/- as discount out of the total machinery amount of Rs. 2,40,000/- and also asked the Complainant to pay and transfer a sum of Rs. 2,20,000/- only including the charges of GST and save and except the said amount, no excess amount shall be paid by the Complainant in future to the Accused Person and believing his said version to be true, the Complainant has agreed to purchase the same and subsequently, as per the direction of the Accused Person, initially, on 27.12.2022, the Complainant has paid a sum of Rs. 24,000/- only to the Accused Person by way of NEFT and on 19.01.2023, the Complainant has further paid a sum of Rs. 1,50,000/- only to the Accused Person by way of NEFT as an advance payment against the purchase of the said machinery and its raw materials and the Accused Person has acknowledged the said payments and after receiving the said advance payment from the Complainant, the Accused Person has assured the Complainant that he will deliver the said machine within a very short span of time.
6. That thereafter, in the month of February, 2023, the Complainant was informed by the Accused Person that he has already dispatched the structure of the said machine along with the Invoice Bill for the amount Rs. 1,50,000/- only and the parts of the said machines yet to be dispatched and in order to shipment of the parts of the said machine through transport, the Complainant has to pay a sum of Rs. 66,000/- only to the Accused Person and at that time, the Accused Person had also asked and requested the Complainant to pay further additional amount of Rs. 10,000/- only along with the amount of Rs. 66,000/- only to him on the account of transportation charges as the Accused Person has already incurred much more than amount which he has received towards the manufacturing expenses of the said machine considering the high rates of the products and considering his said request and believing his said version, the Complainant has agreed to pay the said amount to the Accused Person and accordingly, the Complainant has paid a sum of Rs. 76,000/- only to the Accused Person through NEFT and the Accused Person has acknowledged the same as having received and immediately after

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receiving the said amount from the Complainant, the Accused Person has assured the Complainant that he will deliver the parts and raw materials of the said machine to the Complainant within few days.

7. That thereafter, even after elapse of one month, no parts and raw materials of the said machine was delivered to the Complainant in spite of his repeated request and demand and every time, the Accused Person has assured the Complainant that the parts and raw materials of the machines are ready to dispatch to the Complainant but till date, neither the Accused Person has delivered the parts of said machine nor any authorized representative of the Accused Person has visited before the Complainant to install the said machine.
8. That thereafter on several occasions, the Complainant asked and requested the Accused Person to deliver the parts along with his representative to install the machine properly but the Accused Person has delayed the matter on different pretext and always give some false assurance to the Complainant.
9. That it is pertinent to mention here that on perusal of the Bill against the said machine and after calculating the amount, it transpires that the Accused Person has received the excess amount against the said machine and the Accused Person has also charged the amount of Rs. 39,600/- only against GST which is not reflected in the Invoice Bill. Moreover, the Complainant has transferred the entire amount in the name of "Bhagwati Trading Company" and the Accused Person has issued the Bill in his personal name instead of Bhagwati Trading Company. It is also to be mentioned here that there is no reflection of any logo of Bharat Enterprise in the machine and the Accused Person has not supplied any warranty papers in favour of the Complainant with a clear intention to deceive and cheat him.
10. That lastly on 28.06.2023, when the Complainant asked and requested the Accused Person either to deliver the parts and raw materials of the said machine and send his experts to run the said machine properly or to refund the payment which the Complainant has already paid to the Accused Person towards the said machine but hearing the same, the Accused Person became furious and demanded further amount from the Complainant illegally for delivery of the parts and raw materials of the said machine for his wrongful and illegal gain and also to extort money from the Complainant and when the Complainant made protest against his said illegal demand, the Accused Person has threatened the Complainant with dire consequences and also stated that if the Complainant will not pay further amount to the Accused Person, he will not deliver the parts

and raw materials of the said machine to the Complainant nor he refund the said amount to the Complainant.

11. That thereafter, finding no other alternative, on 10.07.2023, the Complainant has sent a Legal Notice to the Accused Person through Registered Post in the actual and proper address of the Accused Person through the engaged Advocate of the Complainant Sri Pratik Ghosh, Advocate and by the said notice, the Complainant had asked the Accused Person to deliver the entire parts and raw materials including the Crompton Motor with 5 years Machine Warranty of the said machine and install the same through his authorized representative at the business place of the Complainant in order to run the said machine properly or to refund the entire amount of Rs. 2,50,000/- only together with interest @ of Rs. 18% from the date of making payment, to the Complainant within a period of 30 days from the date of receipt of the said Legal Notice and also directed him that after making payment to the Complainant, the Accused Person have liberty to withdraw the said machine from the place of business of the Complainant but the Accused Person somehow managed to bypass the said Legal Notice and return the said notice though, the Accused Person has every knowledge about the said legal notice.
12. That since after gathering the knowledge about the said legal notice, the Accused Person continuously threatening the Complainant with dire consequences and also threatened him not to initiate any legal action against him otherwise, he will not hesitate to ruin his life and business career permanently.
13. That the Accused Person has committed offence of Cheating, Criminal Breach of Trust and Threatening in order to misappropriate the hardest money of the Complainant for his wrongful and illegal gain.
14. That the business place of the Complainant is situated at Opposite of Dry Fish Association, Matigara, P.O. & P.S. - Matigara, Dist. Darjeeling, Pin-734010 and as such, this Ld. Court has the Jurisdiction to try the offence against the Accused Persons.
15. That the Complainant submits that the Accused Person has induced the Complainant to purchase the said machineries from his and subsequently, misappropriated the said amount of the Complainant in preplanned manner and thereby, the Accused Person has committed the offences Under Section - 406/420/506 of I.P.C.
16. That the witnesses and the documents will prove the case of the Complainant.

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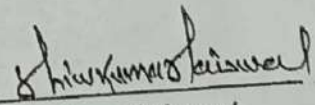
E-mail: csaassociates2@gmail.com

Under the above circumstances, it is, therefore, prayed that your Honour would graciously be pleased to take cognizance of the offence Under Section - 406/420/506 of the I.P.C and would be further be pleased to issue process/summons upon the Accused Person for his appearance to face the trial and would further be pleased to pass such other necessary order or orders which your Honour may deem fit and proper for the interest of justice.

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

~: VERIFICATION:~

I, **SRI SHIW KUMAR JAISWAL**, i.e. the Complainant hereof, do hereby verify that the statements made in Para - 1 to 16 above are true to the best of my knowledge and belief and rests are my humble submission and prayer before the Ld. Court and I sign this verification on this the 20th day of September, 2023 at Siliguri.


Complainant