

FIRST INFORMATION REPORT  
(Under Section 154 Cr. P.C.)

3147

1. Dist. Darjeeling P.S. Siliguri Year 2021 FIR No. 297/21 Date 11-4-2021

2. I. Act. IPC Sections 406/420/325/24 (ii) Act. \_\_\_\_\_ Sections \_\_\_\_\_

(iii) Act. \_\_\_\_\_ Sections \_\_\_\_\_ (iv) Other Acts & Sections \_\_\_\_\_

3. (a) Occurrence of Offence: Day \_\_\_\_\_ Date From 02/02/2021 Date To 02/04/21  
Time Period: \_\_\_\_\_ Time From \_\_\_\_\_ Time To 20.30 hrs.

(b) Information received of P.S. Date 07 11.04.2021 Time 12.05 am

(c) General Diary Reference Entry No(s) 607 Time 12.05 hr.

4. Type of Information: \_\_\_\_\_ (Written / Oral)

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

(b) Address 2/29, Sushil Niwas, N.L. Bhusu Sarani, Collegepara, P.S. Siliguri, Dist. Darjeeling.

(c) If case outside limit of this Police Station, then the Name of the P.S. \_\_\_\_\_ District \_\_\_\_\_

6. Complainant / Informant

(a) Name Smt. Subhasree Modak

(b) Father's / Husband's Name D/o Sri Dulal Modak

(c) Date / Year of Birth \_\_\_\_\_ (ii) Nationality Indian

(e) Passport No. \_\_\_\_\_ Date of Issue \_\_\_\_\_ Place of Issue \_\_\_\_\_

(f) Occupation \_\_\_\_\_

(g) Address B.B.D Colony, P.S. Pradhannagar, Dist. Darjeeling.

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary)

- (i) Sri Bishnu Thakur S/o Keshab Thakur of Palitrangan Colony, Ward no-22, P.S. Jalpaiguri (Kotwali), Dist. Jalpaiguri
- (ii) Sri Keshab Thakur of do and others.

8. Reasons for delay in reporting by the Complainant / Informant \_\_\_\_\_

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

10. Total value of properties stolen / involved \_\_\_\_\_

11. Insured Report / U.B. Case No. / Any \_\_\_\_\_

12. FIR Consent (Attach separate sheet, if required) The original written complaint of the complainant is treated as FIR which enclosed here with.

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 SF Suraj Chhetri to take up investigation / refused investigation / transferred to P.S. Siliguri, SPC on point of production. FIR read over to the Complainant / informant, admitted to be correctly recorded and a copy given to the Complainant / informant on \_\_\_\_\_ day of \_\_\_\_\_.

14. Signature / Name / Impression of the Complainant / Informant

11/4/2021  
Signature of the Officer in Charge, Police Station  
Siliguri Police Station  
Name Suraj Chhetri  
Rank No. SI of Police

15. Date & Time of appearance in the court on 12/04/2021 at 10.30 hr.

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
AT SILIGURI DIST. DABHULING



Miss. Petition Case No. 17 of 2021

Subhashree Modak

..... Petitioner/complainant

Vs-

1. Ishma Thakur
2. Keshab Thakur

..... O.Ps/Accused Persons

Order dated 08.04.2021

The complainant has filed a petition for complaint and has prayed for passing an order in resonance to Section 156 (3) of the Criminal Procedure Code 1973.

Perused the written complaint, affidavit and documents filed during the course of hearing.

Ld. Lawyer for the complainant voriferously tried to substantiate the point that intervention of the police is necessary and a probe be directed by the police authorities.

Heard. Considered

Coming to the instant case at hand, the essence of allegations ventilated in the written complaint is that OP no. 1 is a joint director along with the Petitioner of a company. In the month of February 2021 OP No. 1 took Rs 10,00,000/- from the petitioner for the purpose of security deposits towards getting licence from health department. In spite of the same OP No. 1 has not done said act and cheated the petitioner. Some subsequent incidents also took place. Considering the facts and circumstances of this case, I find that the facts in entire thing are not known to the complainant and is not in possession of entire evidence. So it appears that if necessary custodial interrogation for recovery of money or discovery of relevant facts. In view of the above observation, it appears to the Court that investigation by the State machinery is required in this case.

Hence, prayer for initiating investigation as per Section 156(3) of the Criminal Procedure Code, 1973 is hereby allowed.

Accordingly, I am inclined to allow the prayer of the petitioner.


The I/C, Siliguri P.S. is hereby specifically directed to register this petition as F.I.R. and also directed to cause investigation in this matter and furnished a report by 12.04.2021.

Rs 10,00,000/- report from the I/C, Siliguri P.S.

Let a copy of this order along with the original copy of the petition be sent to the I/C, Siliguri P.S. for information and taking necessary action as per law.

DAC by me

ADJM/SLG.

  
Addl Chief Judicial Magistrate

Siliguri  
Addl. Chief Judicial Magistrate  
- 28.10.2021

OFFICE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE  
SILIGURI

No. 800 /ACJM/SLG

Dated: 09/04/2021

Copy to: The I/C, Siliguri P.S.

↓  
Addl Chief Judicial Magistrate

Siliguri

↓ Addl. Chief Judicial Magistrate  
SILIGURI

JR-No. 5447 of 09-04-2021  
Inspector Office, Siliguri Court  
Siliguri Metropolitan Police





Subhashree Modak.



Filed by

SANDIP MANDAL  
Advocate / Siliguri

IN THE COURT OF LD. A.C.J.M. AT SILIGURI

193

131

REF : MISC. PETITION NO. 17 / 2021

IN THE MATTER OF

: AN APPLICATION U/S - 156 (3) OF Cr.P.C.

NAME & ADDRESS OF THE  
COMPLAINANT

: SMT. SUBHASHREE MODAK  
D/o. Sri Dulal Modak  
Of B.B.D. Colony,  
P.O. & P.S. - Pradhan Nagar,  
Dist. Darjeeling, Pin - 734003

NAME & ADDRESS OF THE  
ACCUSED PERSONS

1. SRI BISHNU THAKUR  
S/o. Keshab Thakur, of Pabitra Nagar  
Colony, Ward No. 22, P.O. -  
Jalpaiguri, P.S. - Kotwali, Dist.  
Jalpaiguri
2. SRI KESHAB THAKUR  
Father's name not known  
of Pabitra Nagar Colony, Ward No. 22,  
P.O. - Jalpaiguri, P.S. - Kotwali,  
Dist. Jalpaiguri.

&

OTHERS

NAME & ADDRESS OF THE  
WITNESSES

1. SRI AMIT MANDAL  
S/o. Jagabandhu Mandal  
Of Road No. 6, Shaktigarh, P.O. -  
Siliguri Bazar, P.S. - NJP, Dist.  
Jalpaiguri.
2. SMT. RASHMONI MODAK  
W/o. Sri Dulal Modak  
Of B.B.D. Colony,  
P.O. & P.S. - Pradhan Nagar,  
Dist. Darjeeling, Pin - 734003

TRULY AND SOLEMNLY  
AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION  
20/10/21  
SANDIP CHAKRAVORTY  
Advocate  
Appointed by Govt. of India  
Siliguri, Dist. - Darjeeling



Sandip Mandal

Filed by

SANDIP MANDAL  
Advocate / Siliguri

3. SMT. MAMATA MANDAL  
W/o. Sri Manu Mandal  
Shaktigarh, near Shaktigarh Girls  
School, P.O. - Siliguri Bazar,  
P.S. - NJP, Dist. Jalpaiguri.

&

OTHERS

OFFENCE COMMITTED : U/S - 406/420/325/34 of I.P.C.

The complainant above named begs to state as follows :-

1. That the complainant is a law abiding and peace loving citizen of this country.
2. That the complainant is one of the director of "Protection and Knowledgeable Security Services Private Limited" a private limited company incorporated under the provision of Companies Act, 1956, having its registered office situated at 2/29, Sushil Niwas, N.L. Basu Sarani, College Para, Siliguri, P.O. & P.S. - Siliguri, Dist. Darjeeling, Pin - 734001.
3. That the accused person no. 1 is another director of the said company and he has told the complainant that he has some connection with the West Bengal department of health and he intends to drop the tender for the hospital's security man power for developing the business of the company.
4. That the complainant being well known the provision for dropping the said tender and being one of the director's of said company, she tried to convince the accused person no.1 that the company has no license for availing the said dropping of tender in the name of the company but he assured to the complainant that on his personal capacity the accused person no.1 will arrange all those papers after formalities from the concerned department within a very short period.
5. That till getting of the said license in the name of the company, the accused no.1 assured that he will do all those things in his personal capacity and for that he demanded a sum of Rs. 10,00,000/- (Rupees Ten Lacs) only in the end of the month of February, 2021 from the complainant for the purpose of security deposit to the concerned health department, West Bengal and other miscellaneous expenses.
6. That the complainant somehow convinced by the proposal of the accused no.1 and she agreed to give the said amount of a sum of Rs. 10,00,000/-

RECEIVED  
18 APR 2021  
OFFICE OF THE ADDITIONAL CHIEF NOTARY  
SILIGURI  
WEST BENGAL  
GOVT. OF INDIA  
SANDIP MANDAL  
Advocate / Siliguri





*Substantive Petition*

Filed by

SANDIP MANDAL  
Advocate / Siliguri



(Rupees Ten Lac) only from her own fund by arranging and taking the personal loan from her reliable sources and she has paid the said amount to the accused person no.1 in the office of the said company and he acknowledged the receiving of the said amount on 26.02.2021 and at the time of receiving of the said amount, the father of the accused person no.1 i.e. the accused no.2 has also assured the complainant that his son has a good communication with the concerned department and he will be definitely legalize all documents from there and he will get the said tender and thus the business of the company will be developed in future.

7. That after elapsing of a considerable period the complainant has noticed that the accused person no.1 has withdrawn himself from the business and affair of the company and he started to neglect and avoid the phone calls of the complainant and stop all communication with the complainant.
8. That the complainant has realized that the accused persons have induced the complainant for giving the said huge amount to them with a false promise for doing the job for the development of the company.
9. That due to such non-cooperation and ignoring and avoiding to communicate with the complainant by the accused persons inspite of the several attempts by the complainant, she was compelled to communicate with the mother of the accused person no.1 over telephone and the mother of the accused person no.1 told the complainant that her son has a huge liability in the market since a long and he mate all his dues from the said amount which was taken from her but she assured the complainant that her son and husband will return the said amount within a very short period.
10. That in the mean time the accused person no.1 has started to threat the complainant through his muscle man so that she cannot claim for the returning of the said amount and moreover on 20.03.2021 the accused person somehow managed one police personnel of Jalpaiguri Kotwali Police Station who introduced himself his identity as a police officer and he threatened the complainant from his cell phone being no. 9749679886, and told the complainant to implicate her in a false criminal case on the basis of a complaint of the accused no.1 and simultaneously the accused person no.1 has been threatening the complainant on the various pretext so that the complainant can not take any legal action against the accused persons.
11. That the accused persons have induced the complainant to give the said huge amount to them and they receive the same with a false promise and they misappropriated the said amount and thus they cheated the complainant for their ulterior motive and illegal gain.

RECEIVED & FILED  
BEFORE THE DISTRICT COURT  
JALPAIGURI  
SANDIP MANDAL  
Advocate, Siliguri  
Substantive Petition  
Dated: 20.03.2021





Subscribed before



SANDIP MANDAL  
Advocate / Siliguri

12. That on 27.03.2021, the complainant went to the I.C. Siliguri P.S for lodging one complaint and the copy of the complaint alongwith its enclosures has been received by one officer of Siliguri Police Station and after elapsing of few days the complainant found that no case has been started against her complainant.
13. That getting no other alternative the complainant has lodged a written complaint to the Commissioner of Police of Siliguri Police Commissionerate on 02.04.2021 but no action has been taken by the concerned authority till this day and hence the present application.
14. That in the mean time on 02.04.2021 at about 08:30 p.m. two unknown persons have resisted the complainant on the way at Burdwan Road at Siliguri and they threatened the complainant by saying to negotiate the matter and on protest said persons have assaulted the complainant with a broken bottle in her right arm and for that she sustained blood injury and at the relevant time the complainant has tried to catch one of those persons and seeing that another one has throttled the neck of the complainant and started to assault her by fist and blow and for that she also sustained injury in the different part of her body and after returning in her house she fall ill and she was brought to Siliguri Hospital on 07.04.2021 for her treatment.
15. That soon after the said incident the complainant has again tried to inform the matter to the I.C. Siliguri P.S. but not action has been taken in respect of the complaint of the complainant.
16. That the present complaint is bonafide one and for the ends of justice.

Under the above circumstances it is prayed that your Honour would graciously be pleased to send this complaint to the I.C. Siliguri P.S with a direction to investigate the matter after treating this complaint as FIR as per the provision of section 156 (3) of Cr.P.C. for the ends of justice.

And for this act of kindness your petitioner as in duty bound shall ever pray.

NO. 1323  
Anil Chatterjee  
Notary Public  
Siliguri (W.B.)  
Regd. No. 1323





Filed By  
Sandeep Mandal  
Adv. Kalyan



IN THE COURT OF THE LD. A.C.J.M AT SILIGURI

Ref: Misc Case No. 17 / 2021

SHUBHASHREE MODAK  
.....Complainant

VS

BISHNU THAKUR & OTHERS  
.....Accused Person

List of documents as filed by the complainant

1. Copy of Memorandum.
2. Copy of Money Receipt.
3. Copy of OPD Medical Slip dated 07.04.2021.
4. Copy of complaint dated 02.04.2021.