



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

Misc. Petition Case No. 28 of 2021

Smt. Bimla Debi Kallani  
..... Petitioner/complainant

-Vs-

1. Sunil Kumar Kallani  
2. Mrs. Sunanda Kallani  
3. Shrivardhan Kallani  
4. Harshabvardhan Kallani  
..... O.Ps/Accused Persons

Order dated 23.08.2021

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 vociferously tried to substantiate the point that intervention of the police is necessary and a probe be directed by the police authorities.

Heard. Considered.

The brief facts of this case is that the husband of the petitioner died on 21.07.2020 leaving behind her and her two married daughters and one son. His son i.e. OP No. 1 left his parents twenty years ago and started living separately with family at Indoor. Ops stayed in the house of the petitioner in the month of July, 2020. During their stay, they unauthorizedly and without knowledge of the petitioner stole several valuable items, cash and important documents, bank and demat documents and cheque books. Ops forged and fabricated the signature of the petitioner and fraudulently transferred shares worth of Rs. 2.6 Crore in their favour. When the petitioner protested the same, Ops threatened her. Petitioner is an elderly and sick person and it is not possible for her to attend Court on regular basis.

Considering the materials stated in this petition, I am of the view that there is allegation of commission of cognizable offence in the petition. It also appears that the petitioner has complied with provision of Section 156 (3) of Cr.P.C by referring complaint to the local PS and when no fruitful result came out the petitioner also lodged complaint to higher authority. I also find that it is not possible for the petitioner to collect entire facts and evidence of this case. Complainant is not in possession of entire evidence. It also appears that necessary custodial interrogation for recovery of money or discovery of relevant facts is needed in this case. 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 07.09.2021.

To 07.09.2021 for 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.

D&C by me

ACJM, Slg.

  
Addl Chief Judicial Magistrate

Siliguri

OFFICE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE, SILIGURI

Memo No: /ACJM/SLG dated

1. To, I/C, Siliguri P.S.

Addl Chief Judicial Magistrate, Siliguri

ADDL CHIEF JUDICIAL MAGISTRATE  
SILIGURI

Process NO. 1105/21

DR. NO. 8164 DI. 25.8.21  
IN: DIRECTOR - Office  
SLG. Court - SPC.



Bimla Debi Kallani

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Advocate

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

MISC. PETITION NO. 28/2021 /2021

In The matter of :-  
An application u/s 156(3) of the Code of Criminal Procedure for treating the petition as FIR

AND  
In The matter of :-

Mrs. Bimla Debi Kallani, Wife of Late Hari Kishan Kallani, aged about 79 years, resident of 114/1 Agrasen Road, Khalpara, Siliguri - 734005, District: Darjeeling, (West Bengal]

.....Petitioner/Complainant

Vs.

1. Mr. Sunil Kumar Kallani, Son of Late Hari Kishan Kallani having his permanent place of residence at Care of Impulse Electrocon Private Limited, B-14/7, MIDC, Waluj, Aurangabad: Maharashtra - 431136
2. Mrs. Sunanda Kallani Wife of Mr. Sunil Kumar Kallani, having her permanent place of residence at Impulse Electrocon Private Limited, B-14/7, MIDC, Waluj, Aurangabad, Maharashtra - 431136
3. Mr. Shrivardhan Kallani and Mr. Harsh Vardhan Kallani, Both Sons of Mr. Sunil Kumar Kallani, having their permanent place of residence at Impulse Electrocon Private Limited, B-14/7, MIDC, Waluj, Aurangabad, Maharashtra - 431136.
4. Other unknown persons.

.....Opposite Parties/Accused Persons

Name of the Witnesses :-

Mrs. Bimla Debi Kallani,  
Wife of Late Hari Kishan Kallani,  
resident of 114/1 Agrasen Road,  
Khalpara, Siliguri - 734005,

Solemnly Affirmed & Declared  
before me on identification

*Rajendra Prasad*  
NOTARY  
Siliguri



Received on 27.8.2021 at 16:15 hrs. vide sy. no. 608 NO. 1646 Mr. 27/8/2021 started Siliguri PS case NO. 1065/21 Dv. 27/8/2021 u/s 504/379/420/465/468/471/120 B IPC for and ordered to SI Shekhar Ali of Khalpara TOP-II for its investigation.

27/08/2021  
Inspector-in-Charge  
Siliguri Police Station  
Siliguri Police Commissionerate

23 AUG 2021.



Bimba Debi Halloni

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District: Darjeeling, (West Bengal)  
2. Sunita Lahoti;  
3. Shobhana Tuwani;  
5. Many other persons;  
6. Documentary Evidences

**Date, time and place of Occurrence of the offences:** In between 21.07.2020 to 31.08.2020, 27.04.2021 and still continues

The Petition on behalf of the Petitioner above named MOST RESPECTFULLY SHEWETH:

1. This complaint is being instituted for seeking investigation of the offences committed by the opposite parties/accused persons above named who committed cognizable offences of theft, dishonest misappropriation of property, criminal breach of trust, forgery and criminal conspiracy and threat.

The brief facts leading up to the filing of the instant complaint for the offences as complained of herein, are as under:

- (i) On 21 July 2020, my husband Late Hari Kishan Kallani left for his heavenly abode leaving behind me and his three children- two married daughters namely, Mrs. Sunita Lahoti and Mrs. Sobhana Tuwani and one son namely, Mr. Sunil Kumar Kallani. During his lifetime, my husband toiled very hard and earned a reputation in the society and left behind sufficient wealth for me and the children. After the demise of my husband, I live alone at the address mentioned above. A copy of the death certificate of Late Hari Kishan Kallani has been annexed herewith as Annexure - 1.
- (ii) That my said son, Sunil Kumar Kallani left his parents around 19/20 years back and started to reside with his family members permanently at Indore [Madhya Pradesh] and subsequently he shifted to Aurgangabad [Maharashtra] and at present, he is residing at Aurangabad, Maharashtra at the address mentioned hereinabove along with his wife and children. My late husband and I did not share warm relationship with our son and his family due to his questionable habit and behaviour and that we had maintained very formal relationship with him and his family. Needless to add, my son and his family did not look after their old and ailing parents and we were on our own. Be that as it may, my son visited Siliguri, just about a week prior to demise of my husband and his wife and one child namely Shrivardhan Kallani visited after demise of my husband, Late Hari Kishan Kallani.



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Bimla Babi Kallani

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[Signature]  
Advocate / Siliguri

- (iii) During his visit to Siliguri in July 2020, my son, Sunil Kumar Kallani along with his wife and children stayed at my aforesaid residence situated at Agrasen Road, Siliguri for about one and half months. While they visited us during a bereavement in the family, it now turns out that the purpose of their visit was to commit illegal acts as described below.
- (iv) It has recently come to my attention that my son, Sunil Kumar Kallani along with his wife and the said son Sri Shrivardhan Kallani in collusion with their another son Sri Harsh Vardhan Kallani, unauthorizedly and without my knowledge and consent stole several valuable items and cash as well as important documents, including title deeds of the immovable properties, one laptop, two mobile phones, passwords, cheque books, delivery instruction slip book issued by HDFC Bank Ltd. in relation to my Demat Account No. 22796949, and other bank documents which belonged to me and my Late husband from my almirah. While I was shattered and grieving the death of my late husband, all these articles/ documents were surreptitiously removed from my custody and taken away by my son and his family with a *mala fide* intention to forcefully grab and misappropriate my property and valuables. They left from Siliguri to return to Aurangabad on 26 August 2020.
- (v) It has also come to my attention that my son, Sunil Kumar Kallani along with his wife and children forged and fabricated my signature over stolen delivery instructions slips and managed to fraudulently and illegally transfer valuable shares owned and held by me in Demat form and in my Demat Account maintained as maintained by me with HDFC Bank Ltd. in his own name. These illegal and fraudulent transfer of shares took place on 31 August 2020 (i.e., just a month after the demise of my husband) and could not have taken place without the active aid, support, participation, and connivance of officials of HDFC Bank Ltd. The shares which were illegally transferred are worth about INR 2.6 Crores and the details of the shares transferred are set out below:



Sl. No.	Scrip Name	ISIN No.	No. of shares transferred
1.	Bajaj Auto Limited	INE 91710101010	3500
2.	Bajaj Finserv Limited	INE 91810101018	1800
3.	Bajaj Holdings and Investment Limited	INE 118A01012	1874

(vi) As soon as I learnt about the above transfer of shares, I promptly approached the local bank branch to enquire about the transactions including the details of the account in which the shares were fraudulently and illegally transferred. The officials at the local bank branch exhibited a callous attitude and turned me away. However, after repeated follow-ups and reminders, the bank confirmed that the shares have been transferred from my account to the Demat account of my son.

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[Signature]  
Rajendra Prasad  
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Bimla Babi Kalbani

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The bank also confirmed that soon after the fraudulent and illegal transfer, my son closed his Demat account with the said HDFC Bank Ltd., which itself raises grave suspicion on the intention of my son.

A copy of the email dated 27 April 2021 received from HDFC Bank Ltd. has been annexed herewith as Annexure - 2.

(vii) Upon my repeated request, the bank also provided me with a copy of the delivery instruction slip upon basis of which the share transfer took place. A review of the said delivery instruction slip made it apparent that it was forged and fabricated and that the officials of the said HDFC bank acted upon a forged document and transferred my valuable shares without verifying the signatures and/or even making some basic enquiries and diligence to confirm the veracity of the transaction. The said delivery instruction slip also shows that the said shares were allegedly gifted by me to my said son, but I didn't gift any shares to my said son in any way. There are also the corrections made over the said delivery instructions slip although I had never put any signature on such delivery instruction slip.



A copy of the delivery instruction slip used for transfer of my shares has been annexed herewith as Annexure - 3.

(viii) Thereafter, I also confronted my son and his immediate family to enquire about this transaction. However, they remained unresponsive and refused to provide any answer since they realised that their illegal acts have now come to surface. In fact, I was asked to not make a mention about these transfers to anyone including my beloved daughters and they also threatened me with dire consequences. All these acts and omissions have further fortified my doubts and confirmed that my son along with his wife and children and with the support and connivance of certain unknown bank officials hatched a conspiracy to take away and steal my valuable securities which are worth around INR 2.6 Crores as of today. In fact, they also acted in furtherance of that in a clandestine manner and successfully managed to transfer my securities in their name even though I had kept those shares as investment and for use in emergency.

(ix) Sir, you will well appreciate that this is just only one such transaction that has come to light recently. Given that my son along with his wife and children stole several important documents and information from my residence that belonged to me and my late husband, it is likely that they may have perpetrated several other frauds and would have carried out several other transactions without my knowledge and consent. I believe that it is only a matter of time and that more such fraudulent and illegal acts are likely to come to light unless all my documents and articles are recovered from the possession of my son and his family swiftly.

Solemnly Affirmed & Declared before me on this 23rd day of August 2021

Rajendra Prasad  
NOTARY  
Siliguri

While I am still under trauma and could not overcome the shock of the demise of my husband, it is quite unfortunate that such an instance of daylight cheating, criminal breach of trust, fraud and forgery has come to light. It is also relevant to

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Bimla Devi Kalloni

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highlight that I am suffering from several health conditions and need regular medical attention and care. This also requires me to frequently visit my daughters at Kolkata and Jaipur. Considering that I will be away from Siliguri, I also apprehend that my son along with his wife and children may take advantage of my absence and forcefully enter into my house and take away my valuables and other securities. Sir, I also request you to please take note of this.

- (xi) It is for this reason as well that your good office ought to take cognizance of this and take appropriate action so that the accused named here do not cheat and dupe other customers. I could not be able to lodge this complaint earlier due to my old age and illness and also due to prevailing pandemic Covid-19.



3. That in view of the facts and circumstances narrated hereinabove, the Complainant went to Khalpara TOP under Siliguri Police Station to lodge a complaint through her representative on 12.08.2021, but the duty officer present there asked the complainant's representative to visit on the next date and accordingly the complainant's representative also visited the police station on the next date on 13.08.2021, but they were again asked to visit on some other date. However, the complainant submitted a copy of the said complaint to the Commissioner of Police on the 13.08.2021. The complainant above named also submitted the complaint through her e-mails on 15.08.2021 and 17.08.2021 and visited several times to the police station, but they were not given the receipt of the said complaint. And accordingly, the complainant, once again addressed/submitted one another letter dated: 20.08.2021 to the Commissioner of Police, Siliguri. The receipted copy of the said complaint issued by the office of the Commissioner of Police (sans annexure) is annexed hereto and marked under **Annexure A-4 collectively.**

- 4. That insptie of the said complaint dated : 12.08.2021 submitted by the complainant to the police and also the receipt of the copy of the said complaint by the office of the Commissioner of Police on 13.08.2021 and 20.08.2021, no FIR has yet been registered by the Siliguri Police into the matter/complaint which disclosed the cognizable offences committed by the accused persons.
- 5. That the accused persons are appearing to be very much influential persons and that they committed the cognizable offence in the planned and calculated manner as stated herein above and that the investigation by the police into the matter is so required to unearth the truth. And as such the instant application is requires to be treated an FIR and the Siliguri Police is required to be order to investigate into the matter, treating this application as FIR for the ends of justice.

Solemnly Affirmed & Declared before me on identification

*Rajendra Prasad*  
NOTARY  
Siliguri

23 AUG 2021



Bimla Debi Kallani

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S. K. Mitra  
Advocate / Siliguri

It is therefore, prayed that your honour may kindly allow this petition and pass orders for directing the Inspector in Charge, Siliguri Police Station of Siliguri Police Commissionerate, Siliguri for investigation into the matter treating this application an FIR under Section 156(3) of the Code of Criminal Procedure for the ends of justice; And for this act of kindness, the petitioner/complainant as in duty bound, shall ever pray.

AFFIDAVIT

I, Smt. Bimla Debi Kallani Wife of Late Hari Kishan Kallani; Hindu by religion and Housewife by occupation, resident of 114/1, Agrasen Road, Khalpara, Post Office and Police Station : Siliguri, District : Darjeeling [West Bengal] aged about 79 years; the petitioner in the aforesaid case, do hereby solemnly affirm and declare that the statements of as made in para nos. 01 to 05 are true to the best of my knowledge and rest of the statements are my humble submission before this Ld. Court. And I, sign and verify this the 23<sup>rd</sup> day of August, 2021 at Siliguri.



Bimla Debi Kallani

Declarants  
Drafted and identified by me  
and prepared in my office

(S. K. Mitruka, Advocate)

List of Annexures provided along with the complaint

Particulars	Page No.
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<b>Annexure - 3</b> A copy of the delivery instruction slip forged by the op No. 1 and his associates	9
<b>Annexure - 4</b> A copy of the complaint submitted to the police with a copy thereof to Commissioner of Police dated: 12.08.2021, 13.08.2021 and 20.08.2021	10-23

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Dated: 23.08.2021

**AFFIDAVIT**  
Solemnly Affirmed before me  
by Bimla Debi Kallani  
On 23.08.2021  
Identified by S. K. Mitruka Adv  
This on 23<sup>rd</sup> Aug 2021

Solemnly Affirmed & Declared  
before me on investigation  
  
Rajendra Prasad  
NOTARY  
Siliguri

23 AUG 2021