

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

3884

12



Dist. Durgachery vs. Siliguri Year 2021 FIR No. 1234/21 Date 11-10-2021

S.P.C. Sections 384/406/420/506/34 (i) Act. 34 Sections

Section(s) (iv) Others Acts & Sections

Offence Day Date From 29.12.20 Date To 05/01/2021

Time From Mentioned Time To 22:15 hrs

(b) Information received at P.S. Date 11.10.2021 Time 22:15 hrs

(c) General Daily No. / Serial Entry No. 750 Time 22:15 hrs

4. Type of Information Written / Oral

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

(b) Address Near Urubashi Cinema hall, Ward No-08, SMC, Pt. Siliguri Dist. Durgachery

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

6. Complainant / Informant

(a) Name Sri Ajoy Choudhuri

(b) Father's / Husband's Name Lt. Narayan Prasad Choudhuri

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

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

(f) Occupation

(g) Address 105, S.F. Road, near Urubashi Cinema hall, Pt. Siliguri Dist. Durgachery

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

(Attach separate sheet, if necessary)

(i) Sri Ranjan Kumar S/o Rajendra Prasad Choudhuri (ii) Sri Pradyumn Saha S/o Prasenjit Saha (iii) Sri Ajoy Choudhuri S/o Kataraj Choudhuri all of partnership of Harimanta Construction a Partnership firm of DM R.B. Sarma, A.P. Sarma, Durbandhupara, Pt. Siliguri Dist. Durgachery

(iv) Sri Sovan Choudhuri S/o Lt. Narayan Prasad Choudhuri of 35/13 S.B. Road, Batabara, Pt. Siliguri, Dist. Durgachery

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

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 written Complaint of the complainant is treated as FIR which 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. Ats Md Arshad Khan of Khulpara TSP-II to take up investigation / refused investigation / transferred to P.S. Siliguri 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 impressions of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station

Name Raja Choudhuri

Rank: No. Inspector in Charge Siliguri Police Station Siliguri Police Commissionerate

15. Date & Time of despatch to the court 07/10/2021 at 10:30 h.

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

Misc. Petition Case No. 41 of 2021

Sri Ajay Choudhury

..... Petitioner/complainant

-Vs-

1. Sanjay Agarwal
2. Pradipta Saha
3. Ajay Chirania
4. Sovan Kumar Choudhury

..... O.Ps/Accused Persons

Order dated 08.10.2021

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.

Coming to the instant case at hand, the essence of allegations ventilated in the written complaint persuades me to hold that there is allegation of cognizable offence in the petition. The entire facts and evidence are not known to the complainant and he is not in possession of entire evidence. So it appears that necessary custodial interrogation for 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 30.10.2021.

To 30.10.2021 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

SAC
ACJM/SLG.

SAC
Addl Chief Judicial Magistrate

Siliguri

DR. NO. 101370-910.21
INSPECTOR - Office
SLG. Court - SPC.

OFFICE OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE

SILIGURI

No...14195...../ACJM/SLG.

Dated: 08...../10/2021

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

Addl Chief Judicial Magistrate
ADDL. CHIEF JUDICIAL MAGISTRATE
Siliguri



Filed by
V. B. D. Saha

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

2021/119

Ref - Misc Petition Case No. 41 of 2021.

Name of the Complainant:

Sri Ajay Chaudhuri, son of Late Narayan Prasad Choudhury, aged about 60 years, resident of 105, Station Feeder Road, Near Urbasi Cinema Hall, P.O. - Siliguri Bazar, P.S. - Siliguri, Dist - Darjeeling, PIN CODE - 734005.

Name of the Accused Person:

(1) Sri Sanjay Agarwal, son of Rajendra Prasad Agarwal,

(2) Sri Pradipta Saha, son of Sri Prosenjit Saha,

(3) Sri Ajay Chirania, son of Ratanlal Chirania,


All are the partners of HANUMANTA CONSTRUCTIONS, a Partnership Firm having its office at Om R.B. Pariwar, A.P.C. Sarani, Deshbandhupara, P.O. - Siliguri Town, P.S. Siliguri, Dist - Darjeeling, PIN - 734004.

(4) Sri Sovan Kumar Choudhury, son of Late Narayan Prasad Choudhury, resident of 35/13 Satyen Bose Road, Babupara, P.O. - Siliguri Town, P.S. - Siliguri, Dist - Darjeeling, PIN - 734004.

Name of the Witnesses:

(1) Sri Kanchan Das (Advocate), son of Late Gopal Chandra Das, resident of Dabgram No. 1, Plot No. - 324, P.O. - Rabindra Sarani, P.S.- Siliguri, Dist - Darjeeling, Pin Code - 734006.

solemnly Affirmed & Verified before me on identification


Kanchan Das
NOTARY
Siliguri



(2) Sri Binay Sarkar, son of Late Suklal Sarkar, resident of Bharatnagar, P.O. - Rabindra Sarani, P.S.- Siliguri, Dist - Darjeeling, Pin Code- 734006. and others

Date, Time and Place of occurrence: 20/12/2020, 02/04/2021 and 05/08/2021 at Siliguri
Offences committed on different dates since 20/12/2020 are still continuing.

Offences committed: u/s 384, 406, 420, 506 and 34 of IPC.

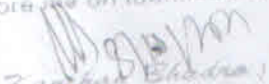
PETITION UNDER SECTION 156(3) OF CR.P.C.

Humble petition filed on behalf of the Complainant above named.

Most respectfully states as follows:

- 1) That the Complainant is a peaceful law abiding citizen of India and an advocate by profession.
- 2) That the Accused Nos. 1 to 3 are the partners representing the Partnership firm 'HANUMANTA CONSTRUCTIONS' having its office at Om R.B. Pariwar, A.P.C. Sarani, Deshbandhupara, P.O. Siliguri Town, P.S. Siliguri, Dist-Darjeeling, PIN-734004 and are engaged in the business of promoting and developing properties / real estate business of different land owners and selling the same to the intending purchasers after making agreement thereof as promoters / developers. The Accused No. 4 is the elder brother of the Complainant.
- 3) That a piece and parcel of land measuring 6 kathas and 13 chhatakas under Mouza-Siliguri, Plot No. 7077, Khatian No. 339, under Ward No. 8 of the Siliguri Municipal Corporation, P.O. Siliguri Bazar, P.S. Siliguri, Dist-Darjeeling, is jointly owned by the Complainant and the Accused No. 4 with equal share each, on which an old dilapidated dwelling house exists. The Complainant with his family resides there and the Accused No. 4 resides separately at his present address since long.

Solemnly Affirmed & Declared
before me on identification


NOTARY
SILIGURI

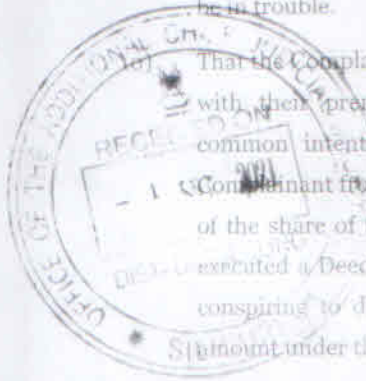


Notary Seal

Filed by

in BDL

whole property and told that if he be not ready to execute the deed of sale, he will be in trouble.



That the Complainant then realized the real intention of the Accused persons who with their premeditated deceitful means with fraudulent intent with their common intention conspired together to deceive, deprive and dislodge the Complainant from his lawful rights and for their wrongful gains and wrongful loss of the share of the Complainant. It could also be learnt that the Accused No. 4 executed a Deed of Sale on 05/08/2021 by taking a huge amount of money and conspiring to dispossess the Complainant from the property offering a paltry amount under threat, pressure and by any fair and foul means.

- 11) That the Accused No. 1 to 3 in their promoting business are indulging in so many illegal activities and have cheated many persons with their money power and influence.
- 12) That the Accused No. 1 to 3 are also threatening the Complainant to return the advance money and unless he agrees with their offer to take whatever amount they want to pay, he will be ousted from the property.
- 13) That the complainant realize that all these was a conspiracy hatched by elder brother of the complainant Sovan Kumar Choudhury i.e. accused no. 4 in collusion with the promoters/developers i.e. accused no. 1 to 3 to upset the complainant and his family for the enmity of the accused no. 4 over the property.
- 14) That the unholy nexus between the complainant elder brother i.e. accused no. 4 and the promoters/developers i.e. accused no. 1 to 3 to grab the property is a criminal breach of trust.
- 15) That the Complainant being a senior citizen as well as an advocate by profession now being cheated by the Accused persons who also committed criminal breach of trust, extortion, also putting him under threat with criminal intimidation by their aforesaid acts and activities are liable to be prosecuted accordingly.
- 16) That the Complainant is also unable to dispossess or develop the property for the aforesaid circumstances and having been bound by the agreement with the Accused persons who have breached the same.
- 17) That the Complainant made a written complaint to the Inspector-in-charge of Siliguri Police Station on 23/09/, refused & subsequently received by speed post on 29/09/2021 as also to the Commissioner of Police, Siliguri Police

Notary Seal
Signature
NOTARY
Siliguri



Notarized

By per 19

Mr. D. D. Das

Commissionerate but no action has been taken against the Accused persons and as such this Complainant files this petition before this Ld. Court for direction upon the Officer-in-Charge, Siliguri Police Station to investigate the case and to take cognizance of the same. The complaint was again sent to the commissioner of police Siliguri Police Commissionerate and Deputy Commissioner of Police East I, Siliguri through mail and speed post respectively.



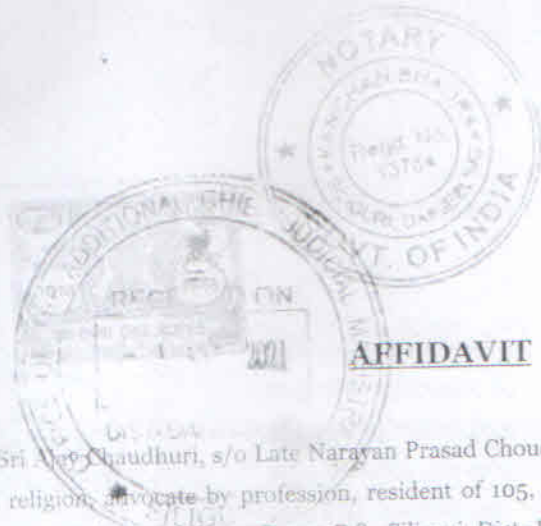
That the Complainant has filed no other complaint before any Court and this complaint is made bonafide.

It is therefore humbly prayed before Your Honour to direct the Officer-in-Charge, Siliguri Police Station to take cognizance of the offences against the Accused persons No. 1 to 4 and to investigate the case for the ends of justice.

And for this act of kindness your Complainant as is duty bound shall ever pray.

Date: 08/10/2021

Solemnly Affirmed & Subscribed
Before me on this 08th day of October 2021
[Signature]
Rajendra Bhadra
NOTARY
Siliguri



AFFIDAVIT

I, Sri Ajay Chaudhuri, s/o Late Narayan Prasad Choudhury, aged about 60 years, Hindu by religion, Advocate by profession, resident of 105, Station Feeder Road, Near Urbasi Chemo Hall, P.O. - Siliguri-Bazar, P.S. Siliguri, Dist- Darjeeling, PIN- 734005, do hereby solemnly affirm and declare as follows:

1. That I am the Complainant of the present case.
2. That the statements made above in Paras 1 to 16 of the complaint are all true to the best of my knowledge and belief.
3. That this complaint is made bonafide.
4. That the rest are my humble submissions before the Ld. Court.

I swear and sign this affidavit on this the 08th day of October, 2021 at Siliguri.

Received on 11.10.2021 at 22:15 hr
 vide SCS PS SDE NO. 750 TdF-11.10.2021 started Siliguri PS Case No-1234/21, dt-11-10
 W/S 38A/406/1420/EDS/34 BRC
 endorsed to ASG and ACP and IAS
 of Bahulpore TdF II for its investigation

Ajay Chaudhuri
 Deponent

Identified by me

[Signature]
 11-10-2021
 Inspector Incharge
 Kinghi Police Station
 Siliguri Police Commissionerate

Rishi Prasad Nath
 Advocate, Siliguri

Solemnly Affirmed & signed before me on this date
[Signature]
 NOTARY
 Siliguri

AFFIDAVIT
 Solemnly Affirmed before me
 By *Ajay Chaudhuri*
 at Siliguri
 Identified by *Rishi Prasad Nath*
 This the 08th day of October 2021