

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

3930



72
P.S. Siliguri Year 2021 FIR No. 1380/21 Date 02/12/2021
9PC Sections 406/420 (i) Act _____ Sections _____
(ii) Act _____ Sections _____
(iii) Act _____ Sections _____
(iv) Others Acts & Sections _____

(a) Occurrence of Offence : Day _____ Date From Since 2013 Date To 19.01.2019
Time Period _____ Time From Mentioned Time To _____

(b) Information received at P.S. Date on 02/12/2021 Time 20.45 hrs.
(c) General Diary Reference : Entry No(s) 102 Time 20.45 hrs.

4. Type of Information _____ Written / Oral _____

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

(b) Address Hari Barai Apartment, Raja Ram Mahan Roy Road, Haximpara, PS-Siliguri, Dist-Siliguri.
(c) In case outside limit of this Police Station, then the Name of the P.S. _____ District _____

6. Complainant / Informant :

(a) Name Gaurav Agarwal

(b) Father's / Husband's Name Mr. Kundan Kumar Agarwal

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

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

(f) Occupation _____

(g) Address Hari Barai Apartment, Raja Ram Mahan Roy Road, Haximpara, PS-Siliguri, Dist-Siliguri.

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

(Attach separate sheet, if necessary)
(i) Sitaram Bhutra Sp. Mr. Hiralal Bhutra of Badhanagar near Heritage Hotel, PS-Badhanagar, Dist-Siliguri.

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

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

Rs. 21,00,000/- only

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 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 SI Ashim Kr. Das of Santanki T.O.-1 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 impression _____
of the Complainant / Informant _____
Signature of the Officer-in-Charge, Police Station _____

15. Date & Time of despatch to the court : on 03/12/2021 at 10.30 hrs.
Name Rajni Chetri
Rank No. SI in Charge
Station Siliguri

To,

The Officer-In-Charge,

Panitanki Out Post of Siliguri Police Station,

Siliguri, Darjeeling

Dear Sir,

This is to bring to your kind notice the following facts:-

1. My father, Pawan Kumar Agarwal, died on 4th August, 2011 he used to run a business of Shoes. In the year 2013, one Sitaram Bhutra, s/o Late Hiralal Bhutra, resident of Pradhan Nagar (Near Heritage Hotel, P.O. & P.S. Pradhan Nagar, Siliguri), offered to help me run my father's shoe business and on 03.05.13, he became my partner. In 2014, he invested a sum of Rs. 5, 00,000/- in the aforesaid business. In 2015, he gave me a loan of Rs 10, 00,000/- and I used to pay the aforesaid Sitaram Bhutra a sum of Rs. 15,000/- per month as interest on the aforesaid amount. And as he was a widower he used to have his meals (3 times a day) in our house.
2. In October 2018, I expressed my desire to break the partnership agreement with Sitaram Bhutra. At this, Mr. Sitaram Bhutra asked for return of his money otherwise he would not let me break the arrangement that I had with him. It is pertinent to mention that he had kept the original Sale Deed of our residential flat as security for the loan and he refused to return the aforesaid Sale Deed, the accounts books of business, unless I return his money.
3. Ultimately, at the intervention of friends and well-wishers the aforesaid Sitaram Bhutra on 18th January, 2019 agreed to return me my business account book, Sale Deed of my flat and the loan agreement on payment of Rs. 21,00,000/-. Thereafter, I gave Sitaram

Gaurav Agarwal
02/12/21

Bhutra a cheque of Rs. 21, 00,000/-, dated 19th January, 2019, bearing no. 342886 drawn on the State Bank of India, Siliguri Branch. Sitaram Bhutra however returned me my Sale Deed and asked for 5 (five) days time for returning the other documents.

4. Though I gave him the aforesaid cheque, Sitaram Bhutra failed to return me the aforesaid documents (except my sale deed) despite repeated reminders within the next five days i.e. within 23.01.19. As I had to go to Ahmedabad on 26.01.19, I stopped payment of the aforesaid cheque on 24.01.19.
5. In the meantime, Sitaram Bhutra deposited the aforementioned cheque which was returned dishonoured. After I returned from Ahmedabad, I requested Mr. Sitaram Bhutra to return my original documents, but he avoided returning the same to me on the ground that they had been misplaced. Thereafter, Sitaram Bhutra got a legal notice issued and also obstructed me from opening my shop. At the end of February, 2019 Mr. Bhutra lodged a General Diary against me in the Panitanki Out Post (of Siliguri Police). Thereafter, when I explained the situation to the police, they told Sitaram Bhutra to return my documents, which he refused.
6. In the last week of March, 2019. Sitaram Bhutra sent 4 to 5 goondas to my shop and threatened me with dire consequences. Coming under pressure of those goondas, on 11th April, 2019, I transferred Rs. 13, 34,000/- (by NEFT) in Sitaram Bhutra's account of Allahabad Bank at Bidhan Market. On the same day, I also paid a sum of Rs. 7, 66,000/- in cash, as per his direction as this amount had not been shown in his Income Tax File. On the said date, he returned me the accounts books of my business and the loan agreement. However, he failed to return me the original cheque bearing no. 342866, dated 19.01.2019, of State Bank of India, Siliguri Branch, on the ground that the said cheque was with his lawyer.
7. In spite of repeated follow ups and requests Sitaram Bhutra did not return me the aforesaid cheque till this date and has misused the cheque for filing a false case against me for dishonour of cheque in the court of the Ld. A.C.J.M. Siliguri, being C.R. Case No. 217 of 2019, now pending in the court of the Ld. Judicial Magistrate, 4th Court, Siliguri. Sitaram Bhutra has thus dishonestly induced me to deliver the aforesaid sum of Rs. 21, 00,000/- to him and has thus cheated me.

Gaurav Agarwal -
02/12/21

8. Therefore, I request you to take necessary action as per law, against the above mentioned Sitaram Bhutra.

Yours truly,

Gaurav Agarwal

(Gaurav Agarwal)

02/12/21

From:

Gaurav Agarwal

Son of Late Pawan Kumar Agarwal,

r/o Hari Biraj Apartment,

Raja Ram Mohan Roy Road,

Hakimpara, Siliguri

Mobile: 83920-31471

Received on 02-12-21 at 20:15 hrs
vide Panitanki TOPS DEM. 42
dt. 02-12-21 and forwarded to STC
SLS PS to start a specific case under
Proper Sec of Law. SI Ashim Kr. Das
will investigate the case.

[Signature]
02/12/21
Officer in Charge
PANITANKI TOP
P.S. Siliguri
Dist Darjeeling

Received on 02/12/2021 at 20.45 hrs
vide Siliguri PS GDE NO. 102 DT. 02/12/21
forwarded Siliguri PS Case No. 1380/21
dt. 02/12/21 NO 406/420 3PE.

[Signature]
02/12/2021
Inspector in Charge
Siliguri Police Station
Siliguri Police Commissionerate