



PS Bhattingan Year 2022 352/2022 Date 04.04.2022
Sections 406/420/467/468/421 IPC Sections

(iv) Others Acts & Sections
Sections Since 2018 Date To

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

(b) Information received at P.S. Date 04.04.2022 Time 11.25 hrs

(c) General Diary Reference : Entry No(s) 197 Time 11.25 hrs

4. Type of Information : Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. approx 2 kms / South Beal No.

(b) Address Land measuring about 0.053 Acre, situated at Plot No. 18, Industrial Estate, Sewoke Road, PO-Sewoke Road, P.S. Bhattingan, Dist. Jalpaiguri

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

6. Complainant / Informant :

(a) Name Smt. Balaka Mukherjee

(b) Father's / Husband's Name Lt. Samir Mukherjee

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

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

(f) Occupation

(g) Address Hakimpura, Gosto Pal Sarani, Ward No. 15, Sme. PO & PS Singur, Dist. Darjeling

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

(Attach separate sheet, if necessary) : 1 Sri Satit Mukherjee of Malncho, Military Road, Shiv Mandir, P.O.-New Rangia, PS-Madigan, Dist. Darjeling

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. Inquest Report / U.D. Case No., if any

12. FIR Contents (Attach separate sheets, if required) : The 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. 2, registered the case and took up the investigation / directed S.I. Dwipendra Nath Barshi to take up investigation / refused investigation / transferred to P.S. 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

Inspector in Charge
Signature of Bhattingan Police Station
Name : J. V. Gupta
Rank : No SI 2 Police

15. Date & Time of despatch to the court :

Date: 02.04.2022

To,
The Inspector in Charge
Bhaktinagar Police Station,
Siliguri, District- Jalpaiguri.

Sub: Complaint against Sri Salil Mukherjee, resident of
Malncho, Military Road, Shivmandir, Post Office- New
Rangia, Police Station-Matigara, District- Darjeeling.

Sir,

I, the undersigned, legally married wife of Samir Mukherjee, since deceased, residents of Hakimpara, Gosto Pal Sarani, Ward No. 15, Siliguri Municipal Corporation, Post Office and Police Station Siliguri, District- Darjeeling, Pin- 734001 do hereby submit this instant complaint against Sri Salil Mukherjee on the following factual matrix.

On the execution of a Deed of Partnership dated 01.01.1978 by and between Samir Mukherjee and Salil Mukherjee a partnership business was started under the name and style of "M/s. LAB INSTRUMENTS & CHEMICAL WORKS". Both Samir Mukherjee and Salil Mukherjee had 50% principal shareholder right, title and interest of the partnership rights. The partnership business mainly dealt with scientific instruments, lab instruments and chemical works.

In the month of April, 1978, the Partnership Firm viz. "M/s. LAB INSTRUMENTS & CHEMICAL WORKS" applied before the concerned authorities of West Bengal Small Industries Development Corporation Ltd. for an area measuring about 0.053 Acre, situated at Plot no. 18, Industrial Estate, Sevoke Road, Post Office- Sevoke Road, Police Station- Bhaktinagar, District- Jalpaiguri for the purpose of manufacturing and trading in laboratory instruments, chemicals and articles in large scale. Pursuant to such application of the partnership firm a short-term lease for a period of 5 years was executed in favour of the Partnership Firm. Thereafter the said lease deed was extended from time to time.

Received on 04.04.2022 at 11.25 hrs
vide G.D.E.No. 197 Dtd. 04.04.2022 &
started Bhaktinagar P.S. case No.
352/2022 Dtd. 04.04.2022 U/K 406/420/
457/468/471 I.P.L. S.I. D.N. Balak
Will pls. investigate the case.

Inspector in Charge
Bhaktinagar Police Station
Siliguri Police Station

[Signature]
04/04/2022 Balak Mukherjee.

Pertinent to mention herein that since the period of its inception the Partnership business flourished in its business and expanded its operations. The Partnership business also obtained SSI Permanent Registration vide registration no.21/06/02240/PMT/SSI for taking loans for the business.

The said Partnership business was in good shape until in the year 2018 when Samir Mukherjee fell ill and was diagnosed with prostate cancer. Samir Mukherjee could not devote time and properly look after the partnership business owing to his illness and as such completely entrusted his brother Sri Salil Mukherjee, who is the other partner to look after the partnership business. Samir Mukherjee became completely dependent on his brother Sri Salil Mukherjee, to look after the daily affairs and management of the said Partnership business.

Unfortunately, taking undue advantage of the absence of Samir Mukherjee from the partnership business, Sri Salil Mukherjee started to ignore and curtail the rights of Samir Mukherjee and thereafter went to the extent of manipulating with the accounts and affairs of the partnership firm and embezzled and misappropriated the profits of the partnership firm keeping Samir Mukherjee completely in the dark.

Lastly, Samir Mukherjee came to learn that Salil Mukherjee by suppressing and concealing the fact of the existence of the partnership firm has illegally obtained a long-term Lease Deed with respect to the same plot of land measuring about 0.053 Acre, situated at Plot no. 18, Industrial Estate, Sevoke Road, Post Office- Sevoke Road, Police Station- Bhaktinagar, District- Jalpaiguri from the concerned authorities of WBSIDCL by showing the said partnership firm to be a proprietorship concern in the sole name of Salil Mukherjee.

Samir Mukherjee has also learnt that Salil Mukherjee has illegally prepared a fake and fabricated Deed of Dissolution of the partnership business by forging the signatures of Samir Mukherjee. On the strength of such fake and fabricated Deed of Dissolution, Salil Mukherjee has obtained the long-term Lease Deed with respect to the same plot of land measuring about 0.053

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Acre, situated at Plot no. 18, Industrial Estate, Sevoke Road, Post Office- Sevoke Road, Police Station- Bhaktinagar, District- Jalpaiguri from the concerned authorities of WBSIDCL.

Such facts were brought to the notice of the concerned authorities of WBSIDCL by a letter dated 28.05.2018 which was duly received by them, but regrettably no step has yet been taken from the concerned authorities of WBSIDCL till date.

Pertinent to mention herein Samir Mukherjee succumbed to his illness and breathed his last on 05.03.2021. The original deed of partnership dated 01.01.1978 is a partnership by will where there is no fixed term agreed for duration of the partnership. More over clause 21 of the said partnership deed states inter-alia, that upon death of a partner the firm shall not stand dissolved and the surviving partner and the legal representatives of the deceased partner shall continue the business of the firm.

Hence the Deed of Partnership dated 01.01.1978 is still in force till date and I the undersigned, and my two sons being the legal heirs of Late Samir Mukherjee have become partners of the partnership firm namely "M/s. LAB INSTRUMENTS & CHEMICAL WORKS" and are also entitled to 50% share jointly of the partnership business, by virtue of operation of clause 21 of the said partnership deed dated 01.01.1978. Hence, the Partnership Deed needs to be reconstituted by inducting me and my two sons, but unfortunately Salil Mukherjee has turned his face away from our shares in the partnership business.

Unfortunately, Salil Mukherjee is denying and depriving me and my two sons of our rights to what we are otherwise entitled. I have caused letters dated through my learned Advocate 02.12.2021, 11.11.2021, 30.11.2021, 10.12.2021 upon Salil Mukherjee and the officials of WBSIDCL but till date I have not received my dues to what I and my children being the legal heirs of Late Samir Mukherjee are entitled to.

Salil Mukherjee has intentionally cheated me and my sons from the shares of the partnership business, denied and deprived me and my sons our rights in

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the business, manipulated the accounts of the partnership business, embezzled and misappropriated the assets and properties of the partnership business. Salil Mukherjee prepared a fake and fabricated deed of dissolution of the partnership deed by forging the signature of Samir Mukherjee, since deceased. On the strength of such counterfeit deed of dissolution illegally removed the name of Samir Mukherjee, since deceased from the partnership business.

After the death of my husband, we are in financial stringency but unfortunately Salil Mukherjee is taking away all the properties and funds of the partnership business alone thereby depriving me and my sons our shares. No step is being taken by Salil Mukherjee to reconstitute the Partnership Deed.

Lately I have come to know that Salil Mukherjee has made permanent boundary around the land of the partnership business situated at Plot no. 18, Industrial Estate, Sevoke Road, Siliguri and is trying to sell and/or create third party interest over the said land stating the same to be his own property and by using the fake and forged deed of dissolution of partnership.

In the above facts and circumstances, I being a helpless mother pray before your authority with folded hands to kindly look into the issue and initiate appropriate criminal proceedings against Salil Mukherjee so that I and my sons get justice.

This is for your information and taking necessary steps.

Thanking you,

Balaka Mukherjee.

Balaka Mukherjee

4/4/22