

FIRST INFORMATION REPORT

2111

(Under Section 154 Cr. P.C.)



1. Dist. Darjeeling P.S. Siliguri Year 2022 FIR No. 710/22 Date 22/7/22

2. (i) Act. IPC Sections 406/417/419/420/506/120B Sections

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

3. [a] Occurrence of Offence : Day Date From Science Date To February 2021

Time Period Time From Not Mentioned Time To

[b] Information received at P.S. Date 22/7/22 Time 11.45 am.

[c] General Diary Reference : Entry No. (s) 1439 Time 11.45 am.

4. Type of Information : Written / Oral :

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

[b] Address East Vivekananda Pally, Siliguri

[c] In case outside limit of this Police Station, then the

Name of the P.S. District

6. Complainant / Informant : Ashim Kumar Kar

[a] Name

[B] Father's / Husband's Name H. Anil Kumar Kar

[c] Date / Year of Birth [d] Nationality Indian

[e] Passport No. Date of Issue Place of Issue

[f] Occupation

[g] Address East Vivekananda Pally Raja Ram Mohan Roy Road by lane

7. Details of known / suspected / unknown accused with full particulars Hemanta Mukherjee Sarani, PS SLG Dist. D.J.

(Attach separate sheet, if necessary):

- ① Phenz Industry Pvt. Co. ② Sajal Pandit ③ Somnath Saha
- ④ Subhajit Poddar ⑤ Anwima Poddar ⑥ Abhik Roy Chowdhury
- ⑦ Sonali Roy Chowdhury of Italgacha Road, Dum Dum, Kol-28 and others.

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

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

Rs - 3,00,000/-

10. Total value of properties stolen / involved Rs - 3,00,000/-

11. Inquest Report / U.D. Case No. If any

12. FIR Contents (Attach separate sheets, if required) The original written complain which is treated as FIR 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 S.P. Kamran Paul to take up investigation / refuse 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.

Noted in written complain

14. Signature / Thumb impression of the Complainant / Informant

Date & Time of despatch to the court

23/7/22 at 11.05 am.

Signature of the Officer in Charge, Police Station

Kamal Biswas  
Inspector in Charge  
Singur Police Station

Name Singur Police Commissioner

Rank SA of Police No.

SILIGURI

Misc. Petition Case no. 22 of 2022

SRI ASHIM KUMAR KAR  
Versus

1. Phenbiz Industry Pvt. Co.
2. Mr. Sajal Pandit
3. Mr. Somnath Saha
4. Mr. Subhajit Podder
5. Mrs. Anurima Podder
6. Mr. Abhik Roy Chourhury
7. Mrs. Sonali Roy Choudhury
8. Others

Order dt. 14/07/2022

This is an application u/s. 156(3) Cr.P.C. filed this day by the petitioner duly supported by an affidavit through Ld. Advocate along with vokalatnama and photo copy of some documents against the opposite party mentioned in the petition for the committing offence as stated in the said petition praying for direction upon the IC, Siliguri PS for register this application as FIR and investigate into the matter.

Perused the said petition.

Heard the Ld. Advocate as well as complainant.

Registered the same as Misc. Petition.

On perusal of the facts of the said application and perusal of the documents enclosed by the petitioner in support of his prayer it appears to this Court that information is tendered to the Commissioner of Police, Siliguri and there is enough ground to allow the prayer of the petitioner.

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

The IC, Siliguri PS is hereby specifically directed to register this petition as FIR and also directed to cause investigation in this matter and furnished a report by 17.08.2022.

To 17.08.2022 for report from the IC, Siliguri PS.

Let a copy of this order along with the original copy of the petition be sent to the IC, Siliguri PS for information and taking necessary action as per-law.

D & C by me,

sd/-

ACJM, I/c Slg.

sd/-

ACJM, I/c Slg.

Ref: - Misc. Petition Case No. 22 of 2022.

**IN THE MATTER OF:-**

An Application Under Section -  
156(3) of Cr.P.C.

**IN THE MATTER OF:-**

**SRI ASHIM KUMAR KAR,**

Son of Late Anil Kumar Kar,  
Resident of East Vivekananda Pally,  
Raja Ram Mohan Roy Road Bye  
Lane, Hemanta Mukherjee Sarani,  
P.O. Rabindra Sarani, P.S. Siliguri,  
Dist. Darjeeling.

----- Complainant

**Vs.**

**1. PHENBIZ INDUSTRY PVT. CO.**

Having its office situated at 115,  
Italgacha Road, Dumdum, Kolkata -  
28.

**2. MR. SAJAL PANDIT** (Area Sales  
Officer)

**3. MR. SOMNATH SAHA** (Regional  
Sales Manager).

**4. MR. SUBHAJIT PODDER** (Partner)

**5. MRS. ANURIMA PODDER** (Partner)

**6. MR. ABHIK ROY CHOUDHURY**  
(Partner)

**7. MRS. SONALI ROY CHOUDHURY**  
(Partner)

All are resident of Italgacha Road,  
Dumdum, Kolkata - 28.

**8. OTHERS**

----- Accused Persons

**OFFENCE COMMITTED:-**

Under Section - 406 / 417 / 419 /  
420 / 506 / 120B of I.P.C.

**DATE, TIME AND PLACE OF  
OFFENCE:-**

Since in the month of February,  
2021, and



*Om Prakash Gupta*  
OM PRAKASH GUPTA  
Notary Govt. of India,  
Siliguri, Darjeeling  
Regd. No.- 13775

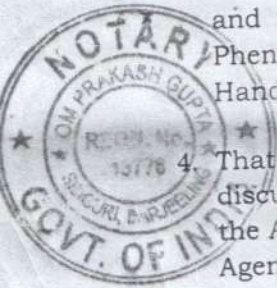
times till now within the jurisdiction of Siliguri Police Station.

THE COMPLAINANT BEGS TO STATE AS FOLLOWS:-

1. That the Complainant is a peace loving and law abiding citizen of India, having permanent residential address as mentioned aforesaid.
2. That the Complainant was engaged himself in the different Paint Companies as Deputy Sales Manager and Regional Sales Manager since last 25 years and he has resigned from the private service in the month of December, 2019 with a view to start a business individually.
3. That in the month of February, 2021, the Accused No. 2 joined as a Sales Officer in the "**PHENBIZ INDUSTRY**" i.e. the Accused No. 1 and the said company dealing its business of manufacturing of Phenol, Bathroom Cleaner, Floor Cleaner, Liquid Soap, Liquid Handwash and other allied items.

That in one day, in the month of February, 2021, in course of discussion with the Accused No. 2, he told the Complainant that the Accused No. 1 is searching a suitable Carrying and Forwarding Agent for selling its products through the appointed distributors of the company and asked the Complainant that if he is interested to run the business with the company as a Carrying and Forwarding Agent, he will take necessary steps to arrange a meeting with the officials of the said company with him and after discussion with the Accused No. 2, the Complainant has agreed to talk with the officials of the said company.

5. That thereafter, the Regional Sales Manager i.e. the Accused No. 3 called the Complainant over phone and induced him to join in the said company as a Carrying and Forwarding Agent for selling its products through their appointed distributors within the territory of North Bengal Area and also induced the Complainant that if he agree to appoint as a C & F Agent of the said company, the Complainant will be benefited and on being induced by the Regional Sales Manager Sri Somnath Saha i.e. the Accused No. 3, the Complainant has decided to appoint his firm namely "**ANIL AGENCY**" as a C & F Agent of the company and accordingly, the Accused Person No. 1 has prepared a Draft Copy of Agreement under certain terms and conditions and asked the Complainant to put his signature in the said agreement for appointment as a C & F Agent of the said company and also directed the Complainant to



deposit a sum of Rs. 4,00,000/- only through NEFT in the account of the company.

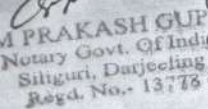
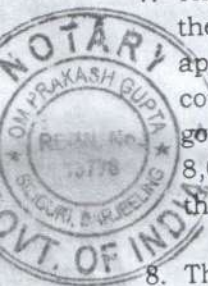
6. That as per the direction of the Accused Persons, the Complainant has put his signature in the said agreement and the Accused No. 2 also put his signature in the said agreement for and on behalf of the Accused No. 1 as a Sales Officer and thereafter, the Complainant has obtained loan from the Axis Bank of India and transferred a sum of Rs. 4,00,000/- only in the account of the Company through NEFT system on 22.02.2021 and after depositing the said amount, the company sent the products of different items like Phenol, Bathroom Cleaner, Floor Cleaner, Liquid Soap, Liquid Handwash and other allied items valued Rs. 3,96,800/- only after one month of the payment and return back the amount of Rs. 3,200/- only to the account of the Complainant.

7. That in the said agreement, the company and its officials assured the Complainant that they will sell their products through their appointed distributors and the company also undertakes that the company will bear the rent of the warehouse/godown to store the goods, of Rs. 10,000/- only per month and also pay a sum of Rs. 8,000/- only per month towards the wages of the labour for lifting the goods.

8. That after sending their products, when the company and its officials have failed to appoint any distributor within the territory of North Bengal, the Complainant has appointed three numbers of distributor for selling the products of the said company from his own effort/source and started to deliver the products to the distributors.

9. That after delivery of the first lot of products of the company, the Complainant has received different type of complaints from the distributors who have received complaints from the retail customers and time to time, the Complainant supplied the said information to the higher officials of the company but the company did not pay any heed about the complaints made by the different customers after using the products of the company and the company assured the Complainant that they will lift the damage products from him and they will sent fresh product.

10. That thereafter again the Complainant has transferred and deposited a sum of Rs. 3,00,000/- only ( Rs. 1,50,000/- only on 08.04.2021 and Rs. 1,50,000/- only on 21.04.2021) to the account of the company through NEFT system and after receiving the said amount of Rs. 3,00,000/- only, the company delivered the products of different items valued Rs. 3,95,441/- only.

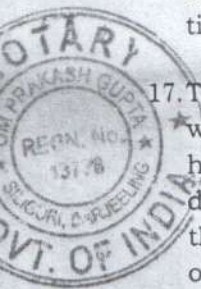


11. That thereafter, in order to verify the complaints of the customers, the Complainant has sent the product namely Disinfectant Floor Cleaner (Phenol) for testing and analytical service in the Cargo Inspectors & Superintendence Company Pvt. Ltd. at Andul Road, Nimtala, Howrah on 28.05.2021 and after examining the sample, the test report was supplied to the Complainant with an observation that **"the material in above sample is having a problem in homogeneity and chemical nature of the material is not uniform for which a difference of phase is occurring"** and even after receiving the second lot products from the company, the Complainant has received similar complaints from the distributors and the retailers and immediately after receiving the complaints about the products of the company, the Complainant has communicated the same to the Partners of the company and its higher officials but they have ignored the matter and very interestingly, they have started to show their disinterest to sell the products of the company in the market.

12. That moreover, the company has stopped to pay the salary to the Area Sales Officer and terminated him from the service and no such person was appointed further as a Sales Officer to promote the business of the company in the area.

13. That at the time of agreement and discussion, the Partners of the company as well as their higher officials told and induced the Complainant that they will clear the payment of godown rent and the wages of the laborers for lifting the products as well as they will bear the expenditures for advertisement of the products of the company but the company only paid a sum of Rs. 18,000/- only for one month's godown rent and wages of the labour but since in the month of April, 2021, they did not pay any amount towards the godown rent, wages of labourers, advertisement expenses till now and inspite of the repeated request of the Complainant, they have failed to lift the damage products from the godown and return back the entrusted money in lieu of the damage products and all the distributors have started to return back the products to the Complainant and presently, the products valued Rs. 6,50,000/- only approx is lying in the godown of the Complainant and the company neither lifted the damage products from his godown nor they return back the entrusted money to him and from very beginning, the company and its partners have induced the Complainant to invest money in the company for appointment as a C & F Agent and thereby, they are trying to misappropriate the hardest money of the Complainant with an intention to deceive and

14. That in the first week of June, 2021, the Complainant and his family members have infected with decease of COVID - 19 for which, he could not contact personally with the company and its officials and after recovery from COVID - 19, when the Complainant tried to contact with the partners of the company and its officials over phone and WhatsApp messages, they started to threaten the Complainant with dire consequences and recently, he came to know that the company has closed down their manufacturing unit with an sole intention to deceive the Complainant and the other distributors and retailers.
15. That thereafter, finding no other alternative, the Complainant had lodged a written complaint before the I.C of Siliguri P.S. narrating the aforesaid facts, but the concerned duty officer of the PS has refused to receive the said complaint without assigning any reason.
16. That thereafter, the Complainant had informed the matter before the Commissioner of Police, Siliguri Police Commissionerate, Siliguri Police Commissionerate, for taking necessary action, but till today no action has been taken by the concerned authority.
17. That presently, the Accused Persons in collusion and conspiracy with each other and also with other known and unknown persons have willingly closed down their said company with intent to defraud the Complainant and also with a view to misappropriate the hardest money of the Complainant and thereby committed the offences.
18. That the Complainant further submits that the Accused Persons above named have/had with dishonest intention since very beginning in preplanned manner and in the manner explain above, the Accused Persons caused wrongful gain to themselves and wrongful loss to the Complainant and thereby cheated, deceived and misappropriated the hardest money of the Complainant.
19. That in this manner, the Accused Persons named above, in collusion with each other and some known and unknown persons, have committed the offences of Cheating, Criminal Breach of Trust, Cheating and dishonestly inducing delivery of property, Criminal Conspiracy, Criminal Intimidation and Common Intention and other offences which comes within the purview of different sections of I.P.C.
20. That the Complainant has grave apprehension that the Accused Persons along with other known and unknown persons will temper with evidence and documents





21. That the Complainant above named, has no other alternative, but to knock your Honour's court to get justice.

22. That the present application is made bonafide and in the interest of justice.

It is therefore prayed that Your Honour would graciously be pleased to admit this application under Section 156(3) of Cr.P.C and further be pleased to direct the I.C. of Siliguri P.S. to treat this application as an F.I.R. and also direct the I.C. of Siliguri P.S to investigate into the matter properly in accordance with law and pass such any other order/s as Your Honour may deem fit and proper in the interest of justice.



And for this act of kindness, the Complainant, as in duty bound, shall ever pray.

*John M...*

Signature of the Complainant.

Drafted as per instruction of the complainant and the contents of the same have been read over and explained to the complainant by me and after understanding the contents of this petition, the complainant put his signature in my presence.

*Chinmay...*

Advocate, Siliguri.

Received vide SLG, PS G.D.F. No. 1439  
dt. 22/7/22 at 11:45h & started  
SLG, PS. Case No 710/22, dt. 22/7/22  
U/S-406/417/419/420/506/120B IPC &  
endorsed SI. Kankam Pal  
for its investigation.

*[Signature]*  
22/07/22  
In-charge  
Siliguri Police Station  
Siliguri Police Commissionerate

*[Signature]*  
OM PRAKASH GUPTA  
Notary Govt. of India,  
Siliguri, Darjeeling  
Regd. No.- 13778

14 JUL 2022