

## FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

0983



1. Dist. 84C P.S. Bhaktinagar Year 2022 FIR No. 833/22 Date 03/2/2022  
 2. (i) Act. T.P.C. Sections 406/417/119/ (ii) Act. Sections.  
 (iii) Act. Sections 420/506/120B (iv) Other Acts & Sections.

3. [a] Occurrence of Offence : Day. Date From Since February 2021 Date To.  
 Time Period. Time From not mentioned Time To.

[b] Information received at P.S. Date 03/2/2022 Time 17.05 hrs.

[c] General Diary Reference : Entry No. (s) 125 Time 17.05 hrs.

4. Type of Information : Written / Oral : Written

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 :

[a] Name Ashim Kumar Kar

[B] Father's / Husband's Name Sh. 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, Rajaram Mohan Roy Road By Lane,

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

(Attach separate sheet, if necessary) : ① Phenix Industry Art. Co., ② Sajal Pradit,  
 ③ Somnath Saha, ④ Subhajit Podder, ⑤ Mrs. Anusima Podder,  
 ⑥ Abhik Roy Choudhury, ⑦ Mrs. Sonali Roy Choudhury all  
 are resident of Italgacha Road, Dum Dum, Kot-28 and others.

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

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 and order sheet which is treated as F.I.R. 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 ASI Inzamamul Haque to take up investigation / refuse investigation / transferred to P.S. 84C DP on point of jurisdiction. FIR read over to the Complaint / 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

Siliguri Police Commissionerate

Date & Time of despatch to the court

Name Amardeep Kr. Singh  
 Rank 1/c, Bhaktinagar



The Court of

LD Additional Chief Judicial Magistrate at Siliguri, Darjeeling,

(Through the GRO Siliguri Court)

Ref: Siliguri Ps Case no.710/2022 Dated 22.07.2022 U/SA 406/417/419/420/506/120B IPC.

Sub: Prayer for handover of the case diary to the I/C, Bhaktinagar Ps as the P.O. Falls under the jurisdiction of Bhaktinagar Ps. Dist. Jalpaiguri.

Respected Sir,

In reference to the above noted case, I would like to inform you that written court complaint of Ashim Kr. Kar S/O Lt. Anil Kr. Kar Of Hemanta Mukherjee Sarani, East Vebekananda pally, Ward no. 38, Ps. Siliguri, Dist. Darjeeling to the effect that, he joined in company named & styled as "PHENBIZ INDUSTRIES" as a selling agent and deposited huge of money and in return received defected items and when he raised complain then the sales Officer Sajal Pandit & manager Somnath saha and others officials of the said company started ignored him and cheated him and also threatened him.

Over this written complaint the above noted case has been initiated as per endorsed, I took up investigation of the case.

During investigation of the case, I examined the complainant Ashim Kr. Kar and recorded his statement u/s 161 CrPC and visited the P.O. and prepared rough sketch of the P.O and examined available witnesses' u/s 161 CrPC, Separately in separate sheet of papers and During investigation it came under light that the P.O. of the case i.e the House & Shop of the complainant Ashim Kr. Kar S/O Lt. Anil Kr. Kar of Hemanta Mukherjee Sarani, East Vebekananda pally, Ward no. 38, Ps. Bhaktinagar Dist. Jalpaiguri falls under the jurisdiction of Ps Bhaktinagar Dist. Jalpaiguri.

During investigation of the case it is established that the P.O is falls under the jurisdiction of Bhaktinagar Ps Dist. Jalpaiguri.

Under the above noted circumstances, I pray before your kind honours that necessary order may kindly be passed to hand over the original case diary to the I/C, of Bhaktinagar Ps Dist. Jalpaiguri for its proper investigation since the P.O of the case i.e. House & the Shop of the complainant is at Hemanta Mukherjee Sarani, East Vebekananda pally, Ward no. 38, Ps. Bhaktinagar Dist. Jalpaiguri which falls under the jurisdiction of Bhaktinagar Ps Dist. Jalpaiguri and obliged.

Yours Faithfully,

S.I. Kankar Paul.

Of Siliguri Ps.SPC,

dt-28/07/2022

Inspected in-Charge  
Siliguri P.S. SMP

SILIGURI P.S.

ORNO. 3699/22

DATE 28.7.22

DATE 29.7.22

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

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.

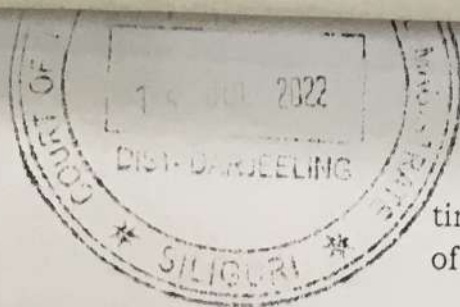
**DATE, TIME AND PLACE OF  
OFFENCE:-**

Since in the month of February,  
2021 and on different dates and

*Signature*  
BIPRAKASH GUPTA  
Notary Public, Chitragarh  
Siliguri, Darjeeling  
Regd. No. 13174

14 JUL 2022





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.
4. 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 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 cheated him.



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.

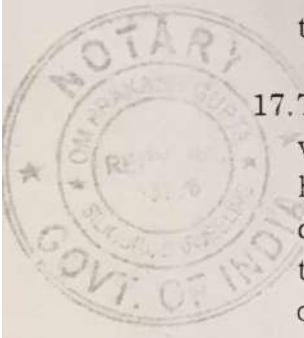
16. That thereafter, the Complainant had informed the matter before the Commissioner of Police, Siliguri Police Commissionerate, Siliguri Police Commissionerate, for taking necessary action, but till today no action has been taken by the concerned authority.

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.

  
DAI PRAKASH GUPTA  
Notary Govt. of India  
Siliguri, Darjeeling

14 JUL 2022

1. 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 Muralan*

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.

*Chunney Chatterjee*

Advocate, Siliguri.

Received vide SLG PS GDE No. 1437  
dt. 22/7/22 at 11:43h & started  
SLG PS. Case No 710/22, dt. 22/7/22  
U/S-406/417/419/420/506/120B IPC &  
endorsed SI. Kankar Pal  
for its investigation.

*SI*  
22/07/22  
Siliguri Police Station  
Siliguri District

*Prakash Gupta*  
DM PRAKASH GUPTA  
Notary Govt. Of India,  
Siliguri, Darjeeling  
Regd. No. 13776

14 JUL 2022



**Order Dated - 02/08/2022**

Received the LCR with respect to Siliguri PS Case No. 710/22 dt 22/07/22 u/s 406/417/419/420/506/120B IPC corresponding to GR 3331/22 from Court of Id. ACJM Siliguri on the prayer of the IO of said Case on ground that place of occurrence falls under jurisdiction of Bhaktinagar PS.

Let the formal FIR and petition of complaint be sent to the I/C Bhaktinagar PS with direction to draw up a fresh formal FIR and endorse the same to a competent officer of his PS for investigation and send the written complaint and formal FIR so drawn up to this case.

Let the original case diary in c/w Siliguri PS case No. 710/22 dt 22/07/22 u/s 406/417/419/420/506/120B IPC sent to the I/C Bhaktinagar PS with direction to hand over the case diary to the endorsed I.O of your PS and submit compliance report to this end.

Let a copy of this order along with formal FIR and petition of complaint and CD (page no 01 to 30) be sent to the I/C Bhaktinagar PS for his information and necessary action at once.

Remind on 03/8/22 at 17.05 hrs.  
vide BHN PS GDE No. 125 date  
03/8/22 & forward Bhaktinagar  
PS Case No. 833/22 date 03/8/22  
u/s - 406/417/419/420/506/120B IPC.  
Asst. Inspected Officer of ACS of will  
investigate the case.

C. J. M.  
JALPAIGURI

03/08/22  
(Animesh Singh)



AR- 5044/2022  
02-08-2022