

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



Dist. Darjeeling P.S. Siliguri Year 2022 FIR No. 763/22 Date 10/08/22
(i) Act Section 406/420/465/467/468/471/474/1203
(ii) Act Sections (iv) Others Acts & Sections

(a) Occurrence of Offence : Day Date From 31.03.2017 Date To
Time Period Time From Time To

(b) Information received at P.S. Date 10.08.2022 Time 20.15 hrs

(c) General Diary Reference : Entry No.(s) 621 Time 20.15 hrs

Type of Information : Written / Oral

Place of Occurrence : (a) Direction and Distance from P.S. 1.8 Km North Beat No.

(b) Address Punjab & Sind Bank, Seroke Road

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

Complainant / Informant :

(a) Name Avinash Bharti

(b) Father's / Husband's Name Sri Sumant Lal Sahi

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

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

(f) Occupation Senior Manager

(g) Address Punjab & Sind Bank, Seroke Road Branch, Siliguri

Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) :

① Poonam Kothari w/o - Sanjeev Kothari

② Sanjeev Kothari s/o - Bachraj Kothari both of Salugara, P.S. - Bharti Nagar Dist - Jalpaiguri

Reasons for delay in reporting by the Complainant / Information

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

Total value of properties stolen / involved

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

FIR Contents (Attach separate sheets, if required) : The original written complaint which is treated as FIR enclosed herewith.

Action taken : Since the above report reveals commissions of offence(s) as mentioned at item No. 2, registered the case and took up to the investigation / directed SI Bapi Ch. Dey to take up

Investigation / refused investigation / transferred to P.S. 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.

Noted in written complaint

Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station Inspector-In-Charge Siliguri Police Station

Name : K. J. Paul

Rank : SI No. :

Date & Time of despatch to the court : on 11.08.22 at 10.30 hrs

TO
THE OFFICER-IN-CHARGE
PANITANKI OUTPOST UNDER
SILIGURI POLICE STATION
SILIGURI, DARJEELING

Subject- Registration of First Information Report against the miscreants
under Section 420/465/468/471/ 474/120B/34/406/467 of IPC.

Sir,

I Sri Avinash Bharti, son of Sri Sumant Lal Sah, presently posted as Senior Manager, Punjab & Sind Bank, Sevoke Road Branch, Siliguri beg to state as follows:-

That 1) POONAM KOTHARI, wife of Sri Sanjeev Kothari, 2) SRI SANJEEV KOTHARI, son of Bachhraj Kothari, both are aged about 46 years, Hindu by faith, Indian by citizen, business by occupation, resident of Salugara, P.S.- Bhakti Nagar, Dist. Jalpaiguri in the State of West Bengal, obtained a mortgage loan from our branch in the year 2014 in the name of Chopra Enterprise (proprietor - Poonam Kothari as proprietor) bearing loan account no. 03281300010226 by deposit of original Title Deed bearing No. I - 3390 of 2003 (in the name of Sanjiv Kothari, who stood as guarantor).

After obtaining the loan, Chopra Enterprise (proprietor - Punam Kothari and guarantor Sri Sanjiv Kothari) did not repay the loan. The said loan account has been declared as NPA on 31.03.2017.

That our bank has issued notice under section 13(2), thereafter under section 13(4) of SARFAESI Act, but the borrower did not replied to any of the notice. Thereafter as per the process, bank took possession of the said mortgage land. The Bank was invited tender notice in news paper. Thereafter one Sharad Rathi came to our Bank and showed interest to purchase the said land and took some Xerox papers of the said land from our branch. After some days Sharad Rathi came to our branch and started bargaining for settlement of loan obtained by Chopra Enterprise and requested the bank to waive the interest of the loan obtained by Sanjiv Kothari on account of Chopra Enterprise. When our bank denied to his proposal, he disclosed that he and One Lalita Kothari has purchased the said land from Sanjiv Kothari in the year 2012, but due to some dispute between Sanjiv Kothari, Lalita Kothari, Punam Kothari & Sharad Rathi they could not take the possession of the said land.

Thereafter our bank requested our other empanelled advocate to search the land documents and submit report. Ld. Advocate submits his report. From the search report submitted by our empanelled advocate we came to know that the below scheduled

Received on 10.08.2022 at 20:15 hrs vide Slg PS G.DENo-621
dt. 10.08.2022 and started Slg PS case no-763/22
dt. 10.08.2022 U.S-406/420/465/467/468/471/474/120B
IPC and endorsed to SI Bapi ch Dey of PNT TOP
An investigation.

Inspector in Charge
Siliguri Police Station
Siliguri Police Commissionerate

FOR PUNJAB & SIND BANK

BRANCH MANAGER
SEVOKE ROAD SILIGURI

property mortgaged by the Chopra Enterprise (in the name of Sanjiv Kothari) was sold in the year 2012.

That the borrower Poonam Kothari (the proprietor of Chopra Enterprise), guarantor Sanjiv Kothari, & their associates, have made a conspiracy to grab the money from the bank by way of bank loan.

The aforementioned accused persons acting fraudulently with the intention to cheat and criminally misappropriated the bank's money which are otherwise public funds by presentation of fabricated and forged documentations and representation in conspiracy with the developer and managed to get the loan sanctioned consequently, the sanctioned loan amount was disbursed into their loan account being account no. 03281300010226. Thereafter the said accused persons deliberately violated the payment of the monthly EMI with respect to the sanctioned loan amount and account turned NPA the bank approached the said accused persons on numerous occasions but on all occasions the accused persons deliberately and with all ill motive refused to accept the calls.

Thereafter, the bank sent loan default letters at the address provided by the accused persons however, the accused persons deliberately refused to reply to the bank's telephonic calls and letter/notices. That I, being the complainant, had personally paid a visit to the address provided by the accused person only to find that nobody resides in the address. As such, it is beyond reasonable doubts that the address provided by the accused persons as per the bank documents is also fake and had been done so as to cause wrongful loss to the bank and wrongful gain to the accused persons.

In the light of the aforesaid factual matrix, I hereby request you to lodge a first information report against the accused persons under the following sections of the Indian Penal Code amongst others.

The accused persons are liable to face prosecution for having had committed the offence of cheating under Section 420 of the Indian Penal Code as they have induced the bank deliver a huge sum of money, criminally misappropriated the same, thereby causing wrongful loss to the bank and wrongful gain for themselves.

The accused persons are liable to face prosecution under Section 465 of the Indian Penal Code for commission of forgery for making and submission of false document with the intent to cause damage and injury to public funds, to the public at large, to support claim and title, to enter into express and implied contract, and in order to commit fraud.

The accused persons are liable to face prosecution under Section 468 of the Indian Penal Code for having had forged documents and presented the same with the Bank with intention of and for the purpose of cheating.

FOR PUNJAB & SIND BANK
BRANCH MANAGER
SEVOKE ROAD SILIGURI

The accused persons are liable to face prosecution under Section 471 of the Indian Penal Code for fraudulently and dishonestly using as genuine, documents which they knew and had reason to believe to be forged documents thereby warranting the interference of your good office.

The Borrower and Developer are liable to face prosecution under section 474 of the Indian Penal Code for having had possession of documents provided by them knowing the same to be forged and fabricated, and intending that the same shall fraudulently and dishonestly be used as genuine.

The accused persons are liable to face prosecution under Section 120B of the Indian Penal Code for Criminal conspiracy as they being two and more in number, in agreement with each other have caused to be done series of illegal act thereby warranting the interference of your good office.

The accused persons are liable to face prosecution under Section 406 of the Indian Penal Code for Criminal breach of trust.

That after obtaining the negative report from the Ld. advocate, bank has enquired the matter departmentally and on 21/06/2022 declare that loan was obtained by fraud and I have been instructed to lodge F.I.R after obtained necessary formalities as per R.B.I guideline. Delay caused due to above reason.

In the present circumstances, I hereby request you to treat the instant letter of complaint as first information report and take necessary steps in accordance with the law.

FOR PUNJAB & SIND BANK
Thanking You,
Avinash Bharati, MANAGER
Senior Manager, SILIGURI
Punjab & Sind Bank

10-08-2022

MO5: 9587800081

Sir,

Received on - 10/08/22 at 17.35 h
vide Panitanki T.O.P. NO. 230
of 10/08/22 and forwarded the same
to I/C Siliguri P.S for state & case
order under section of Law. SI Babi Ch
they will PL investigate the case.

10/08/22
In-charge
PANITANKI TOP-I
P.S. Siliguri
Dist. Darjeeling