

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



Darjeeling PS. Siliguri Year 2022 FIR No. 1079/22 Date 21.11.22
Type PC Sections 406/419/420/128 B Sections
Sections (iv) Others Acts & Sections

3. (a) Occurrence of Offence : Day Date From 10.10.22 Date To
Time Period Not mentioned Time From Time To

(b) Information received at P.S. Date 21.11.22 Time 11.15 hrs.

(c) General Diary Reference : Entry No(s) 1267 Time 11.15 hrs.

4. Type of Information : Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 19.5 Km South-west

(b) Address Katihar medical college, Katihar, Bihar.

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

6. Complainant / Informant :

(a) Name Dr. Benu Gopal Das

(b) Father's / Husband's Name S/o - Lt. Mikuja Behani Das

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

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

(f) Occupation

(g) Address Raja Ram Mohan Road, Hakimpara, PS - Siliguri

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

(Attach separate sheet, if necessary) : unknown

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

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

① Rs - 8,48,000/-

10. Total value of properties stolen / involved Rs. 8,48,000/-

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

12. FIR Contents (Attach separate sheets, if required) : The original Court Complainant 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 SF Rama Brahma of Panitanki up investigation / refused investigation / transferred to P.S. Siliguri PS 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 original Complainant

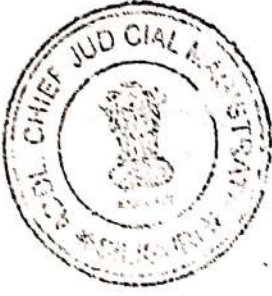
14. Signature / Thumb impression of the Complainant / Informant

on 22.11.22 at 10.30 hrs.

15. Date & Time of despatch to the court :

Signature of the Officer in Charge, Police Station
Inspector in Charge
Name : Kamal Biswas
Rank : No. 81 of Police

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE



SILIGURI

Misc. Petition Case no. 45 of 2022

DR. BENU GOPAL DAS

Versus

UNKNOWN PERSONS

Order dt. 11/11/2022

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 unknown persons for committing offence as stated in the said petition praying for direction upon the OC, Panitanki TOP under Siliguri PS for registering this application as FIR and investigate into the matter.

Perused the said petition.

Heard the Ld. Advocate as well as complainant.

Register 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, SPC, Siliguri. Also the petitioner has filed copies of the documents which shows payment of money and transfer of money as alleged by him on affidavit. It would appear that commission of cognizable offences has been spelt out by the petitioner. Hence, the allegations requires a complete and through investigation by the police. Hence, the prayer u/s 156 (3) of CrPC stands allowed. The OC, Panitanki TOP under Siliguri PS is directed to register the petition as a FIR and to cause an investigation into the matter. A compliance report be sent to this Court on or within the next date fixed.

The original petition be sent to the OC, Panitanki TOP under Siliguri PS along with the copy of this order after retaining a copy of such petition.

Fix 20.12.2022 for report of compliance.

-3093/22

D&C by me

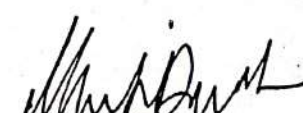
sd/r

sd/r
Addl Chief Judicial Magistrate

Siliguri.

ACJM/SLG.

copy forwarded to:- The O/c, Panitanki TOP
under Siliguri P.S. Dg.


ADDL. CHIEF JUDICIAL MAGISTRATE
SILIGURI

10.10.2022.

4. That the complainant was in need and looking for a M.B.B.S. seat in reputed medical college for admission of his daughter namely Harshita Das. In such situation the complainant agreed to his proposal for admission of his daughter in Katihar Medical College against such vacant seat.
5. That the accused person claiming himself to be Dr. R.B. Gupta asked the complainant to deposit Rs. 50,000/- (Rupees Fifty Thousand) only in the account of Al-Karim University, Katihar which is the parent organization of Katihar Medical College and as such the complainant deposited Rs. 50,000/- in name of Al-Karim Education Trust, Katihar bearing account no. 34395317131 maintained in State Bank Of India, being transaction ID - 199958470 from the complainant's personal bank account namely Mr. Benu Gopal Das bearing Account No. 11089300839 maintained in State Bank Of India, Siliguri Court Branch, Siliguri.
6. That the accused person also asked the complainant to deposit Rs. 7,00,000/- (Rupees Seven Lakhs) only in the account of Miss Sruthi Barman (dropped student) so that the National Medical Council will release the seat and daughter of the complainant can be admitted to Medical College.
7. That complainant deposited Rs. 7,00,000/- (Rupees Seven Lakhs) in the name of Miss Sruthi Barman bearing account no. 920010072782651 maintained in Axis Bank being transaction ID- SBINR52022101008700064 from the Complainant's personal bank account namely Mr. Benu Gopal Das bearing Account No. 11089300839 maintained in State Bank Of India, Siliguri Court Branch, Siliguri.
8. That the Accused Person advised the Complainant to proceed to Patna to appear before the BCECE Board, Patna for admission/ registration of the student in the Bihar Medical Council. That after transferring both the aforesaid amount the Complainant proceeded to Patna on the night of 10.10.2022 and was supposed to attend the BCECE Board on 11.10.2022 at 12 noon for admission. On 11.10.2022 at around 10.30am the Accused person called the complainant and asked to deposit another sum of Rs. 98,000/- (Rupees Ninety Eight Thousand) only in the account of Miss Sruthi Barman since National Medical Council is not agreeing to release the

seat with Rs. 7,00,000/- deposited in name of Miss Sruthi Barman since Miss Sruthi Barman had paid a sum of Rs. 8,50,000/- to the College at the time of her admission.

9. That the complainant being induced by the accused person assurance and promise the complainant deposited Rs. 98,000/- (Rupees Ninety Eight Thousand) only in the account of Sruthi Barman bearing account no. 920010072782651 maintained in Axis Bank being transaction ID- SBIN122284907582 from the complainant wife's account namely Mrs. Sujata Das bearing Account No.20052404130 maintained in State Bank of India, Siliguri Court Branch.

That after depositing such amount on 11.10.2022, the accused person asked the complainant to wait and attend BCECE Board when the accused person will advice but unfortunately the complainant did not receive any message from the accused person after deposition of Rs. 98,000/- on 11.10.2022.

11. That on 12.10.2022 at 10am the complainant received a call from the accused person from phone number (89180-49248) to attend the BCECE Board at 12.30 pm and that all formalities have been completed and admission of the Complainant's daughter will be done today. But after that the mobile of said person claiming to be Dr. R.B. Gupta (Ph – 8918049248) has been switched off and thereafter the said accused person did not called the complainant.

12. That the complainant got suspicious and thereafter the complainant enquired and searched online regarding the contact number of Dr. R.B. Gupta, Principal of Katihar Medical College and after verification the complainant found that the complainant have been cheated and defrauded by some person who has claimed himself to be Dr. R.B. Gupta.

13. That after the enquiry and research the complainant realized that the complainant had fallen prey to a gang of cheats who executed a formidable plan, rife with dubious intent, in a near perfect manner which finally culminated in inducing the complainant to deposit an amount of Rs. 50,000/- in account of Al-Karim Education Trust, Katihar bearing account no.34395317131 and Rs. 7,98,000/- in account of Miss Sruthi Barman bearing account no. 920010072782651.

14. That the complainant having no inkling about such devious intentions of the accused persons, ~~firm who deceived~~ the complainant into depositing said amount of money. The said Accused persons have thereby in collusion with one another have cheated the complainant for their ~~on identification~~

own personal gain. The actions of the said accused persons clearly fall within the ambit of sections 406/419/420/120B of the Indian Penal Code. Their conduct mortgaged the ingredients of the aforementioned offences.

15. That the Complainant approached the Panitanki Police Outpost under Siliguri Police Station on 13.10.2022 to lodge his complaint against the accused persons but the Panitanki Police Outpost refused to start any specific case against the accused person and did not initiate any investigation even though the said Complaint clearly discloses cognizable offences.

That the Complainant being aggrieved by refusal on part of Officer-in-charge, Panitanki Outpost under Siliguri Police Station approached the Commissioner of Police, Siliguri Police Commissionerate and the Complainant thereafter lodged an application under Section 154(3) of the Code of Criminal Procedure to the Commissioner of Police, Siliguri Police Commissionerate on 01.11.2022 but the police authorities are reluctant to take any action regarding the grievances of the Complainant.

17. That finding no other alternative, as the local Police Station neither rendered any help nor registered the Complaint or took any action against the Accused Persons as per the Law, the reason best known to them; the Complainant is moving this application under the provision of Section 156(3) of the Code of Criminal Procedure.

18. That inspite of all the necessary steps taken by the Complainant, the Complainant has not been able to register his case and has thus approached the Ld. Court for Justice. Moreover, the facts as stated in the Petition clearly presents that the Accused persons has committed cognizable offences for which he is required to be punished under relevant provisions of Indian Penal Code.

Under the above circumstances it is humbly prayed that Your Honour would graciously be pleased to direct the Officer-in-charge, Panitanki Police Outpost under Siliguri Police Station to treat this Complaint as FIR and investigate the matter and submit investigation report to the Ld. Court and/or pass any other order or orders as your Honour may deem fit and proper, for ends of justice.

*Affirmed & Declares
me on identification*

[Signature]
NOTARY
Siliguri

AND FOR THIS ACT OF KINDNESS YOUR PETITIONER / COMPLAINANT AS IN DUTY
BOUND SHALL EVER PRAY.



AFFIDAVIT

I, DR. BENU GOPAL DAS, Son of Lt Nikuja Behari Das, aged about 63 years, Indian by Nationality, Hindu by religion, Doctor by profession, Residing at Raja Ram Mohan Road, Hakimpara, Siliguri, Post Office – Siliguri, Police Station - Siliguri, District: Darjeeling, PIN – 734001., do hereby solemnly affirm and declare as follows:-

1. That I am the Complainant herein and I am well acquainted with the facts and circumstances of this present case and I am competent to swear this affidavit.

..... This is true to my knowledge

2. That the statements made above in paragraphs 1 to 18 of this petition are true to my knowledge and belief and rests are my submission before this Ld. Court.

..... This is true to my knowledge

I sign this affidavit on this the 10th day of November, 2022 at Siliguri.

Benu Gopal Das

Signature of the Declarant

*Solemnly Affirmed & Declares
before me on identification*

Ranehan Bhadra
NOTARY
Siliguri

Identified by me:

Benu Gopal Das
Advocate.

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

REF: MISCELLANEOUS PETITION CASE NO. 45 OF 2022



DR. BENU GOPAL DAS

.....Complainant

Vs.

UNKNOWN PERSONS

.....Accused Persons

LIST OF DOCUMENTS FILED ON BEHALF OF THE COMPLAINANT:

1. Copy of bank statement taken out from the SBI Bank showing transfer of Rs. 50,000/- to AL- KARIM EDUCATIONAL TRUST.
2. Copy of deposit Slip of SBI Bank, Court Branch amounting to Rs. 7,00,000/- having transaction I.D -SBINR52022101008700064 into account of Miss Sruthi Barman.
3. Copy of deposit Slip of SBI Bank, Court Branch amounting Rs. 98,000/- having transaction I.D -SBIN122284907582 into account of Miss Sruthi Barman.
4. Copy of application dated 01.11.2022 under Section 154(3) of the Code of Criminal Procedure to The Commissioner of Police, Siliguri Police Commissionerate.