

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

U 3622

1. Dist. Darjeeling P.S. Siliguri Year 2023 FIR No. 22/23 Date 09.01.23

2. (i) Act IPC Sections 406/417/420/506/34 Sections

(iii) Act Sections (iv) Others Acts & Sections

3. (a) Occurrence of Offence : Day Date From 28.08.2022 Date To

Time Period Not mentioned Time From Time To

(b) Information received at P.S. Date 09.01.23 Time 21.50 hrs

(c) General Diary Reference : Entry No(s) 556 Time 21.50 hr

4. Type of Information written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 2.0 K.m North Beat No.

(b) Address Goyal Sadan, 2nd Floor, Sevoke Road, Siliguri,  
PS - Siliguri, Dist - Darjeeling

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

6. Complainant / Informant :

(a) Name Ajay Agarwal

(b) Father's / Husband's Name

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

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

(f) Occupation Proprietor of Samtalaji Enterprise

(g) Address Goyal Sadan, 2nd Floor, Sevoke Road, PS - Siliguri,  
Dist - Darjeeling

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

(Attach separate sheet, if necessary) :

① Souvitendu Das ② Alimnenedu Das and others,  
Staff and employee having office at H 404/1/5, W/10-15,  
K.I. Dutta Road, Hakimpura, PS - Siliguri, Dist - Darjeeling

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

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

① RS - 2,56,038/-

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 complainant  
which 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. ASD Biswas (Head of paritanti TDP

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 written complainant

14. Signature / Thumb impression Signature of the Officer-in-Charge, Police Station

of the Complainant / Informant Name : Kamal Biswas

on 10.01.23 at 10.45 m. Rank : No. SD of Police

15. Date & Time of despatch to the court :

Date:-09.01.2023

To,  
The Officer -In-charge  
Panitanki Out Post  
Under Siliguri Police Station  
Dist. - Darjeeling

SUBJECT:- F.I.R / Written Complaint against **SOUVITENDU DAS** (Phone No. **89108-58334**) Proprietor of **CHAITALI DRESSES** and his father namely **ASIMNEDU DAS** (Phone No.**70294-46839**) and his staffs and employees, having office at H 404/1/5 Ward No 15, K.L Dutta Road, Hakimpara, Siliguri, District:- Darjeeling, PIN:-734001 for committing cheating, fraud, criminal breach of trust.

Sir,

I, **AJAY AGARWAL**, being the proprietor of **SANTOSHJI ENTERPRISE** having my office at Goyal Sadan, 2<sup>nd</sup> Floor, Sevoke Road, Siliguri, Post Office and Police Station - Siliguri, District - Darjeeling in the district of Darjeeling would like to lodge a written complaint against the above-named miscreants stating as follows:-

1. That I deal in the business of supplying Reyon Febric since last many years and the above-named miscreant too deal in the same trade.
2. That the above-named miscreants are purchasing the said reyon febric from me since last many years on instant payment but in the end of month of August 2022 said miscreant namely Souvitendu Das called me and informed that he is suffering from dengue and as such whatever fabric he would purchase will clear the payment as soon as he recovers however considering his health issues and on good faith, during the period between 28.08.2022 to 06.09.2022 I have supplied the said miscreant fabric worth Rs.2,56,038/- under 4 different invoices which were collected by his father and his staffs and employyes from my office and which are duly uploaded by me on GST portal along with applicable tax the details of which is as follows:

A)under Invoice No. 430/2022-23 dated 22.08.2022 for a sum of Rs.49,009/-,



- B)** under Invoice No. 447/2022-23 dated 29.08.2022 for a sum of Rs.98,018/-,  
**C)** under Invoice No. 462/2022-23 dated 02.09.2022 for a sum of Rs.60,002/-,  
**D)** under Invoice No. 472/2022-23 dated 06.09.2022 for a sum of Rs.49,009/-.

3. That after few days when I enquired about his health and due payment, he informed me that he is fine and he will clear the dues against above said purchase within October 2022 and thus on 17.10.2022 with the intention to cheat and play fraud upon me he issued me 5 (five) numbers of cheques of different dates being cheque Nos. 000112, 000111, 000114, 000113, 000115 as because when I placed said cheques before my banker HDFC Bank all the said cheques got bounced on 19.10.2022 due to insufficient funds.
4. That I immediately informed the above said miscreant about the bouncing of said cheques but said miscreant stated giggling and said that he intentionally issued me cheques just to cheat me and further informed me that he knows the defense of cheque bouncing case and with the help of his family advocate he will linger the case for several years in Court.
5. That I have also issued him legal notice through my lawyer under section 138 of Negotiable Instrument Act which he has refused taking the delivery and when I tried to serve the copy of said notice to him by hand, though he kept the copy of said notice with him but did not give me the receipt of same and further informed me that he knows that if he gives me the receipt of the said notice it will be easy for me to file a case in Court. (Video of the said transaction is availed with me, if required can be provided).
6. That presently the above said miscreant has again started purchasing said fabric from me on instant cash payment and when I asked him for above said previous due, he denied to pay on different pretexts.
7. That upon my consistent requests he and his father both admitted to clear the entire outstanding within 31.12.2022 but paid only Rs.40,000/- by two transactions of Rs.20,000/- each on 19.12.2022 and 20.12.2022 and thus once again failed to stand on their words to clear payment within 31.12.2022.

8. That on 07.01.2023 both **SOUVITENDU DAS** and his father **ASIMNEDU DAS** again came to my office for purchasing fabric but I said them unless they clear their previous due for a sum of Rs.2,16,038/- (Rupees Two Lakhs Sixteen Thousand and Thirty Eight) only I will not supply them further fabric to which both of them became furious and stated abusing me with bad and abusive languages which cannot be uttered in a civilized society and further both of them threatened me that if I ever asked them for previous due they will make me suffer with dire consequences and will not hesitate to break my legs and shed blood.
9. That they further informed that they are not going to clear my payment and further they threatened me that they are not scared of any police nor any court.
10. That from the reliable sources it has come to my knowledge that the above said miscreant has cheated and has defaulted in clearing the dues of many other persons.
11. That in the aforesaid circumstances, it is crystal clear that the above said miscreant with pre-planned intention to cheat and play fraud upon me has dishonestly induced me to deliver the above said goods to him.
12. That I am suffering a huge business loses and opportunity losses due to fraudulent act of above said miscreant for non - payment of money against his purchase from me.
13. That Hence, I humbly request you to investigate in the matter, book the culprit under the relevant provisions of law and take necessary action against the above said culprit.

Thanking you,  
Yours Truly,

*Ajay Agarwal*

**AJAY AGARWAL**  
Phone :- 96099-26710

Received on 09-01-23 at 21.50 hrs vide sig ps  
WDF No. 516 dt-09-01-23 and started sig ps  
case no- 22/23 dt-09-01-23 v/s-406/17/420/508/  
31 SPC and endorsed to ASI Biswanath Ghosh  
of Panitanki TOP for its investigation.

Sir,  
Received on 09/01/23 at 21:50 hrs  
vide Panitanki TOP-1 SDENG-  
223 Dtd: 09/01/23 and for  
- sent to Jc Siliguri PS, for  
start a specific case  
under proper section of  
law and endorse to ASI  
Biswanath Ghosh \*

09/01/23  
Officer in-charge  
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P.S. ...  
Dist. ...

09/01/23  
In-charge  
Siliguri Police Station  
Siliguri Police Commissioner

**Enclosure:-**

1. Tax Invoice dated 22.08.2022, 29.08.2022, 02.09.2022, 06.09.2022.
2. Five cheques being No. 000112, 000111, 000114, 000113, 000115 along with bouncing slip.