

## FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

800

1. Dis. **SPC** P.S. **Pradham Nagar** Year **2023** FIR No. **382/23** Date **24/05/2023**
2. i) Act **XLV of 1860** Sections **406, 120, 120 B** ii) Act **IPC** Sections
- (iii) Act Sections (iv) Others Acts & Sections
3. (a) Occurrence of Offence Day **Since long** Date From Date To
- Time Period Time From Time To
- (b) Information received at P.S. Date **on 24/05/2023** Time **80:25 hrs**
- (c) General Diary Reference Entry No(s) **1471/23** Time **20:25 hrs**
4. Type of Information **Written** Written / Oral
5. Place of Occurrence (a) Direction and Distance from P.S. **South 01 Km** Beat No.
- (b) Address **Holy Gold & Jewellery Pvt. Ltd, Patel Road, PS- Pradham Nagar, Dist- Dooarsing**
- (c) In case outside limit of this Police Station, then the Name of the P.S. District
6. Complainant / Informant
- (a) Name **Madhumita Sankar**
- (b) Father's / Husband's Name **H. Nilish Sankar**
- (c) Date / Year of Birth (d) Nationality **Indian**
- (e) Passport No. Date of Issue Place of Issue
- (f) Occupation
- (g) Address **Dakshin Shantinagar, 2 No Dabgram, PO- Dabgram, PS- Bhaktinagar, Dist- Jalpaiguri**
7. Details of known / suspected / unknown accused with full particulars
- (Attach separate sheet, if necessary):
- Dipak Kumar Saha s/o- Laxman Saha of Pati Colony Road, PS Pradham Nagar, Dist- Dooarsing. and his 05 co associate.**
8. Reasons for delay in reporting by the Complainant / Information
9. Particulars of properties stolen / involved (Attach separate sheet, if necessary):
- 28,62400 (Twenty Eight Lakh Sixty Two Thousands Four hundred)**
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 which is treated as FIR is enclosed herewith.**
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 **SI Rabintra Nath Sankar** to take up investigation / refused 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.
14. Signature / Thumb impression of the Complainant / Informant **Noted in Written Complaint**
- Signature of the Officer in Charge, Police Station **Pradham Nagar Police Station**
- Name **Shri Anirban Bhattacharjee**
- Rank **Inspr. of Police**
15. Date & Time of despatch to the court: **on 25/05/2023 at 10:00 hrs**

Madhumita  
Sarkar

IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL  
MAGISTRATE AT SILIGURI  
MISC. Petition Case No- 29 /2023

133  
95

Filed by:  
MOK RAS  
Advocate, Siliguri  
E-mail: adv.mokras@gmail.com  
Ph. No.: 933240342F

In The Matter Of :

An application u/s 156(3) of Cr.P.C.

And

In The Matter Of :

**SMT. MADHUMITA SARKAR,**  
W/o. Late Nitish Sarkar,  
R/o. Dakshin Shantinagar, 2 no. Dabgram,  
P.O. Dabgram, P.S. Bhakti Nagar, Dist.  
Jalpaiguri.  
Ph. No. 6296550624/8116131592

.....Complainant  
Vs.

1. **"HOLY GOLD & JEWELLERY PVT.  
LTD."**

Office at Patel Road, Pradhan Nagar, Siliguri,  
Dist. Darjeeling.

2. **SRI DIPAK KUMAR SAHA,**

S/o. Laxman Saha,  
(Managing Director of Holy Gold &  
Jewellery Pvt. Ltd)  
R/o. Pati Colony, Road No.1, P.S. Pradhan  
Nagar, Dist. Darjeeling.  
Presently residing at Deshbandhu Para, P.S.  
Siliguri, Dist. Darjeeling.  
Ph. No. 9635308119/9635020932

3. **SMT. CHAITALI SARKAR,**

(Director of Holy Gold & Jewellery Pvt. Ltd)  
R/o. Deshbandhu Para, P.S. Siliguri, Dist.  
Darjeeling.  
Ph. No. 8388009602/943407445

4. **SMT. ARUNA SAHA,**

W/o. Dipak Kumar Saha,  
(Associate of Holy Gold & Jewellery Pvt.  
Ltd)  
R/o. Paticolony, P.S. Pradhan Nagar, Dist.  
Darjeeling.  
Ph. No. 9476446359



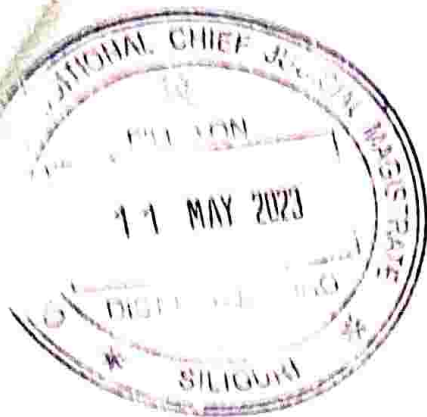
Received on 24/05/23 at 80:25h  
vize Pradhan Nagar PS GDE NO-  
1471 dated 24/05/23 and started  
PDN PS Case no. 382/23 dated  
24/05/23 u/s. 406/420/120 B  
IPC. and endorsed SE Rukimara  
Nathi Sarkar for investigation.

Solemnly Affirmed & Declare  
before me on identification

**SAMBHUNATH MODAK**  
Notary (Govt. of India)  
Siliguri, Darjeeling

Inspector, Pradhan Nagar Police Station  
Police Commissionerate





Madhumita  
Sarkar

Filed by:

AKS DAS  
Advocate, Siliguri  
Email: aksdas@rediffmail.com  
Ph. No. 988443425

5. **SMT. PAMPA GHOSH,**  
W/o. Unknown  
(Senior office-in-charge of Holy Gold & Jewellery Pvt. Ltd)  
R/o. Dasrathpally, near Payel Cinema Hall, P.S. Bhaktinagar, Dist. Jalpaiguri.  
Ph. No. 8101399166
6. **SMT. LAXMI DEB @ MRITTIKA,**  
W/o. unknown,  
(Associate partner of Holy Gold & Jewellery Pvt. Ltd)  
R/o. Ashigarh, near Power House, P.S. Bhakti Nagar, Dist. Jalpaiguri.  
Ph. No. 9883629946
7. **SRI. SIMAY JHAMPATI,**  
(Associate partner of Holy Gold & Jewellery Pvt. Ltd)  
S/o. unknown,  
R/o. Hakimpara, P.O & P.S. Siliguri, Dist. Darjeeling.  
Ph. No. 8617223301

.....Accused Persons

**Offence committed: u/s.420/406/34 OF I.P.C.**

**The Complainant above named 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 and the complainant is a private employee by profession.
- 2) That the accused person no. 2 namely, Sri Dipak Kumar Saha, is a Managing Director of "Holy Gold & Jewellery Pvt. Ltd." office situated at Patel Road, Pradhan Nagar, Siliguri, Dist. Darjeeling, deals in sales of Gold Jewellery, Silver Jewellery, Diamonds, Gem Stones and fashion Jewellery and the all other accused persons mentioned above are the active members / associates of the said company.
- 3) That in the year of 2017, from some sources the above named Complainant meet with the above named accused person no. 2 namely, Sri Dipak Kumar Saha, and the above named accused person introduced himself as a Managing Director of Holy Gold & Jewellery Pvt. Ltd. and at the same time the above named accused

Contd...3/-

Solemnly Affirmed & Declare  
Before me on Identification

**SAMBHUJATHI MODAK**  
Notary (Govt. of India)  
Siliguri, Darjeeling



Madanmohan  
Sarkar



Advocate, Siliguri  
Email: adw@siliguri.com  
Ph. No. : 98224-3843

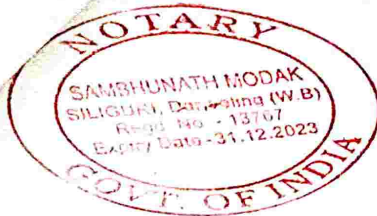
person no. 2 offered your complainant to join his company as an agent and also told your complainant that if your complainant works under him then your complainant will be getting handsome income in the end of the month.

- 4) That your complainant accepted the said job offer and started to work as an Agent for the said company under the guidance of the above named accused person no. 2 and as the days passed the above named accused person no.2 introduced your complainant to the other active members of the company i.e. the accused persons no.3 to 7.
- 5) That as per the instructions of the above named accused persons your complainant started her job as an Agent and during the working period of your complainant the above named persons also told your complainant that if any persons join in their company through your complainant then your complainant will be getting more commission and the joining members/agents will also get commission and all will be able to live standard lifestyle.
- 6) That thereafter 46 (Forty Six) members/agents joined through your complainant in aforesaid company and your complainant including 46 (Forty Six) members/agents namely, 1. Jaya Ghosh, 2. Nabanita Saha, 3. Narayan Das, 4. Ruma Das, 5. Sabita mandal, 6. Mallika Bisaws, 7. Bulti Barman, 8. Mamata Das Bisaws, 9. Dipti Mandal, 10. Rima Chowdhury, 11. Sashibala Singh, 12. Tumpa Das, 13. Iti Chowdhury, 14. Ahana Chowdhury, 15. Gita Das, 16. Sonali Kundu @ kunku, 17. Arundhati Mukherjee, 18. Sefali Mukherjee, 19. Arin Mukherjee, 20. Pritam Dutta, 21. Kaberi Bose, 22. Dipa Dey, 23. Jaso Das, 24. Mithu Biswas, 25. Babita das, 26. Archana Das, 27. Mousami Roy, 28. Sita Roy, 29. Pitika Modak, 30. Joya Sutradhar, 31. Champa Roy, 32. Ritika Biswas, 33. Sima Rani Ghosh, 34. Sabitri Sarkar, 35. Moumita Sarkar, 36. Ajanta Das, 37. Sukla Das, 38. Arundhati Dey, 39. Mahesh Das, 40. Rakesh Choudhary, 41. Mamoni Das, 42. Subhankar Das, 43. Rina Das Dutta, 44. Rita Poddar, 45. Shila Das, 46. Ruma Dey, altogether invested a sum of Rs.28,62,400/- (Rupees Twenty-Eight Lakhs Sixty-Two Thousand Four Hundred) only in their company.
- 7) That unfortunately after maturity when your complainant including the above named 46 (Forty-Six) members/agents contacted with the above named accused persons and told them either to give their maturity amount or to give them gold of the same amount.
- 8) That at that time the above named accused persons denied to give

Solemnly Affirmed & Declared  
before me on identification  
SAMBHUNATH MODAK  
Notary (Govt. of India)  
Siliguri, Darjeeling

Contd.....4/-





Machumda  
Sarkar



FILED BY  
KLOK DAS  
Additional Magistrate  
Siliguri  
Email: klockdas@gmail.com  
Ph. No.: 98301 12345

to your complainant including the above named 46 (Forty-Six) members/agents that they need some time to return the same.

- 9) That thereafter as per their instructions your complainant and others agents/members waited for couple of months but till now they have not paid the aforesaid amount and right now the above named accused persons do not contact with your complainant including the above named 46 (Forty-Six) members/agents and also they avoided their phone calls.
- 10) That from the aforesaid activities of the accused persons this is crystal clear that the above named accused persons after making some criminal conspiracy they intentionally cheated your complainant including the above named 46 (Forty-Six) members/agents after showing a fake company in the name of "**Holy Gold Jewellery Pvt. Ltd.**" and also breach their trust and due to aforesaid criminal activities your complainant including the above named 46 (Forty-Six) members/agents spend their days in very bad conditions.
- 11) That thereafter no other alternative way the above named complainant including the above named 46 (Forty-Six) members/agents tried to lodged a written complainant and informed the above noted whole matter to the Pradhan Nagar Police Station but the attending duty officer of the said police station refused to start a specific case against the above noted accused persons and concern Police Station till now did not take any action against the above named accused persons.
- 12) That thereafter no other alternative way your complainant on 22/03/2023 lodged a written complainant before the commissioner of police, Siliguri police commissionarte but till today no action taken against them by any concern authority / police.
- 13) That this complaint is made bona fide and for the ends of justice.

Under the above facts and circumstances, it is, prayed that Your Honour would graciously be pleased to consider this application u/s 156(3) of Cr.P.C directing I/C, Pradhan Nagar Police Station to treat this complaint as F.I.R and to start a specific case against the accused person under proper sections of law and to investigate the case properly and sincerely or to pass such other order/orders as Your Honour may deem fit and proper for the ends of justice.

Solemnly Affirmed & Declared  
before me on Identification  
14/5/23  
SAMBHUNATH MODAK  
Notary (Govt. of India)  
Siliguri, Darjeeling

Contd...5/-



Fled by :

ALOK DAS  
Advocate, Siliguri  
E-mail : advalokdas@gmail.com  
Ph. No. : 98324-33436

And for this act of kindness, your petitioner/complainant as in duty bound shall ever pray.

### VERIFICATION

I, Smt. Madhumita Sarkar, W/o. Late Nitish Sarkar, the complainant above named do hereby verify that the above statements are true to the best of my knowledge and belief and the rest is my humble submission before this Ld. Court and I sign on this verification on this the 10<sup>th</sup> day of May, 2023 at Siliguri.

*Madhumita Sarkar*  
Deponent

Read over & explained to the party  
And typed in my office.

*Alok Das*  
Advocate, Siliguri

Solemnly Affirmed & Declare  
before me on identification  
*Amud*  
10/5/23  
SAMBHUNATH MODAK  
Notary (Govt. of India)  
Siliguri, Darjeeling



### AFFIDAVIT

I, Smt. Madhumita Sarkar, W/o. Late Nitish Sarkar, R/o. Dakshin Shantinagar, 2 no. Dabgram, P.O. Dabgram, P.S. Bhakti Nagar, Dist. Jalpaiguri, aged about 48 years, Hindu by Religion, Homemaker by occupation, do hereby solemnly affirm and declare as follows :

1. That I am the complainant in this case and as such well acquainted with the facts and circumstances of this case.
2. That the statements made above from Para No. 01 to 13 are true to the best of my knowledge and belief and the rest are my humble submission before this Ld. Court.
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12/5/23 3. That I swear this affidavit for the purpose of affirming the contents of the above statements.

I sign on this affidavit on this the 19<sup>th</sup> day of April, 2023 at Siliguri.

Madhumita Sarkar  
Deponent

Identified by me,

Filed by :

Alok Das  
Advocate, Siliguri  
E-mail : alokdassg@gmail.com  
Ph. No. : 98324-33436



**AFFIDAVIT**  
Solemnly Affirmed Before me  
By..... Smt. Madhumita Sarkar  
of..... Dabgram  
Identified by..... Alok Das  
on this the..... 19 day of..... May 2023

Solemnly Affirmed & Declare  
before me on identification

10/05/23  
**SAMBHUNATH MODAK**  
Notary (Govt. of India)  
Siliguri, Darjeeling

being witnessed by  
3821 3148 6919 and  
verified by me,  
10/05/23

**SAMBHUNATH MODAK**  
Advocate/Notary  
Siliguri, Dist. Darjeeling