



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

Darjeeling PS Siliguri Year 2023 FIR No 509/23 Date 27.6.2023 Sections * a) Act IPC Sections 406/420/34 Sections * (iv) Others Acts & Sections * Date From 2014 Date To 01.2.2023

3 (a) Occurrence of Offence Day Time Period (b) Information received at P.S Date 27.6.2023 Time From Time To (c) General Diary Reference Entry No(s) 1732 Time 21:55 hrs.

4 Type of Information Written 5 Place of Occurrence (a) Direction and Distance from P.S. 02 KM (approx) Beat No (b) Address Subhas pally, Ward No. 17 of SMC, 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 Sri Subrata Mondal (b) Father's / Husband's Name Late Kartick Chandra Mondal (c) Date / Year of Birth (d) Nationality Indian (e) Passport No. Date of Issue Place of Issue (f) Occupation

(g) Address Saras Apartment, 2nd floor, A.T. Mukherjee Road, Subhas Pally, Ward No. 17 of SMC, Siliguri, Dist - Darjeeling. 7 Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary): 1) Sri Uttam Ghosh sp - Late Kalipada Ghosh, 2) Smt. Manisha Ghosh @ Mili, W/o - Sri Uttam Ghosh, 3) Sri Rajdeep Ghosh, sp - Sri Uttam Ghosh @ 4) Sri Rupdeep Ghosh, sp - Sri Uttam Ghosh, Attached separate sheet

8 Reasons for delay in reporting by the Complainant / Informant All are resident of Himkanya Apartment 2nd Floor, Ramkrishna Sarani, Deshbandhupara Siliguri, PO Siliguri Town, PS-Siliguri Dist-Darjeeling Pin-734004



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 has been 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 ASI Kazi Rezaul Karim 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 original complaint.

Signature of the Officer-in-Charge, Police Station Name: DEBARAJA SIKHUPA Rank: No. SI OF POLICE

15 Date & Time of despatch to the court : On 28.6.2023 at 10:30 hrs

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

Ref: - Misc. Petition Case No. 37 of 2023.



IN THE MATTER OF:-

An Application Under Section -
156(3) of Cr.P.C.

IN THE MATTER OF:-

SRI SUBRATA MONDAL,

Aged about 58 years,

Son of Late Kartick Chandra Mondal,
Resident of Sarat Apartment, 2nd
Floor, A.T. Mukherjee Road, Subhas
Pally, Ward No. 17 of S.M.C., Siliguri,
P.O. & P.S. Siliguri, Dist. Darjeeling.

----- Complainant

Vs.

1. SRI UTTAM GHOSH

Son of Late Kalipada Ghosh,

2. SMT. MANISHA GHOSH @ MILI

Wife of Sri Uttam Ghosh,

3. SRI RAJDEEP GHOSH

Son of Sri Uttam Ghosh,

4. SRI RUPDEEP GHOSH

Son of Sri Uttam Ghosh,

All are resident of Himkanya
Apartment, 2nd Floor, Ramkrishna
Sarani, Deshbandhu Para, Siliguri,
P.O. Siliguri Town, P.S. Siliguri, Dist.
Darjeeling, Pin: 734004.

5. AND OTHERS

----- Accused Persons

OFFENCE COMMITTED:-

Under Section - 406/420/506/120B
of I.P.C.

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

Since in the year of 2014 to
01.02.2023 and on 04.02.2023 and
till date at Subhas Pally, Siliguri, P.S.
Siliguri, Dist. Darjeeling, as well as
at Ramkrishna Sarani, Deshbandhu

Received on 27.6.2023 at 21:55 hrs
vide Siliguri P.S. GDE No. 1732,
date - 27.6.2023 and started
Siliguri P.S. case no. 509/23,
date - 27.6.2023, u/s 406/420/34
IPC. ASI Kazi Rajaul Karim has
been endorsed for investigation.

27.6.2023

Inspector-In-Charge
Siliguri Police Station
Siliguri Police Commissionerate

Nabendu Narayan Datta
Notary Govt. of India
Siliguri, Darjeeling

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 is a businessman and he has been carrying and running on a business of Construction as an enlisted Govt. Contractor.
3. That during the course of his aforesaid business, the Complainant got acquainted with the Accused Persons above named, through their relative namely Malay Dutta.
4. That on being acquainted with the Accused Persons, the Accused No. 1 introduced himself as a Merchant of Gold Products as a wholesaler and during the conversation in between the Complainant and the Accused Persons, they have started to induce the Complainant to invest his money in the Gold Products and kept the same as a future investments plan and they have also stated that if the Complainant invest his money in the said Gold Products at present, he would definitely be benefited after few years as the rate of the gold would be increased in higher range in future and day by day, they tried their level best to induce the Complainant to invest his money in the said Gold Product and subsequently, the Accused Persons have succeeded to induce the Complainant to invest his money in their said scam.
5. That on being induced by the Accused Persons, the Complainant has agreed and decided to purchase some Gold Products as a investment deposit from the Accused No. 1 for the amount of Rs. 7,00,000/- (Rupees Seven Lakhs) only and accordingly, the Complainant had paid a sum of Rs. 7,00,000/- (Rupees Seven Lakhs) only to the Accused No. 1 by issuing a Cheque being Cheque No. 32307, Dated: 01.08.2014, Drawn on Uttar Banga Kshetriya Gramin Bank, Rathkhola Branch, Siliguri and the Complainant has handed over the said cheque from his residence as mentioned above to the Accused Person and the Accused No. 1 has also acknowledged the said amount as having received and at the time of receiving the said amount through cheque, the Accused Persons have assured the Complainant that the Accused No. 1 would deliver the actual Gold Products valued Rs. 7,00,000/- only in favour of the Complainant within a very short period but very surprisingly, even

after elapse of time, the Accused No. 1 has failed to deliver the said Gold Products in favour of the Complainant and day by day, he delayed the matter on different pretext by making some stories and sometimes, the Accused No. 1 delayed the matter by saying that he has already collected the said Gold Products and the same is in his custody at Kolkata but due to his busy schedule and some unavoidable circumstances, he was unable to deliver the said product in favour of the Complainant and he always gave false hope and assurance to the Complainant that within a very short span of time, he would manage to deliver the said Gold Product at the rate fixed in the year of 2014 in favour of the Complainant for the amount of Rs. 7,00,000/- only which the Complainant has already paid to the Accused No. 1 but every time, he has failed to keep his said promise and in this way, the Accused No. 1 delayed the matter again and again but at that time, the Complainant did not lodge any complaint against the Accused Persons with a hope that they will definitely deliver the same in favour of the Complainant as at that time, the Complainant had blind faith upon the Accused Persons considering their organized/systematic false words.

6. That in the mean time, during the period of 2020 to 2021, the entire world was facing a difficult situation of pandemic "COVID-19" and India was also affected equally and in order to minimize the spread of the outbreak, the Government has announced Lockdown and the period of Lockdown was extended time to time and during that period, everybody had suffered a huge financial loss especially those who were engaged in business, self employed and doing jobs in private sector. Except Govt. employees, every person of the country have suffered a huge financial loss and was struggling to feed their respective family members and during that period also, the Complainant requested the Accused Persons to deliver the said Gold Products but considering the said situation, the Complainant did not make any protest against them as they have assured the Complainant that after overcoming from the said situation, either the Accused No. 1 will deliver the said Gold Products to the Complainant or he will return back the said amount of Rs. 7,00,000/- only in favour of the Complainant which he had paid to the Accused No. 1 for purchasing the said Gold Products but again the Accused No. 1 has failed to deliver the same in favour of the Complainant.
7. That finding no other alternative, again on 01.02.2023, the Complainant has sent a message to the Accused No. 1 through WhatsApp and requested him to return back entrusted amount of the Complainant for the amount of Rs. 7,00,000/- (Rupees Seven Lakhs) only which, he has paid to the Accused No. 1 through cheque as mentioned aforesaid for purchasing the Gold Products but the

used No. 1 did not bother to reply the same even after receiving/seen the said message on his WhatsApp.

8. That thereafter, again on 04.02.2023, the Complainant has sent another message to the Accused No. 1 through WhatsApp in continuation of his earlier message and asked the Accused No. 1 to return back the entrusted amount of the Complainant and on the very day, the Accused No. 1 replied the same and assured the Complainant that within a month, he will return back entrusted amount of the Complainant positively as he could not deliver the said Gold Products in favour of the Complainant but inspite of repeated request and demand made by the Complainant, the Accused No. 1 did not make any payment till date with an intention to misappropriate the hardest earned money of the Complainant and thereby, the Accused No. 1 in conspiracy with the other Accused Persons have cheated and deceived the Complainant and it is the strong apprehension of the Complainant that the Accused Persons in conspiracy with each other have misappropriated hardest earned money of the Complainant in a preplanned manner and they are passing their lifestyle lavishly by using the hardest earned entrusted amount of the Complainant.

9. That thereafter, finding no other alternative, the Complainant went to the Siliguri Police Station for lodging a written complaint against the Accused Persons above named but the concerned duty officer has refused to acknowledge the said written complaint without assigning any reason and thereafter, finding no other alternative, the Complainant has sent the said written complaint to the I.C. of Siliguri Police Station through Registered Post.

10. That the Complainant had also lodged a written complaint before the Commissioner of Police, Siliguri Police Commissionerate narrating the entire facts with a request to direct the I.C. of Siliguri Police Station to investigate into the matter after treating my written complaint as an FIR and also to take legal action against the Accused Persons but till date, no actions has been taken from the concerned authority.

11. That the Accused Persons are very influential and adamant in nature and they are the prominent anti-socials of the locality.

12. That the Accused Persons have several criminal antecedents as stated in the aforesaid paragraphs and it can easily be understood that the Accused Persons have been in preplanned manner, induced the Complainant to entrust his money and subsequently, they have cheated, deceived and misappropriated a huge amount of Rs.

7,00,000/- only of the Complainant for their wrongful and illegal gain.

13. That the Complainant above named, has no other alternative, but to knock your Honour's court to get justice.
14. 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 Your Honour would 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.

Subrata Mondal

Signature of the Complainant.

Drafted as per instruction of the Complainant and the contents of the above Complaint read over and explained to the Complainant by me in his own language and on being satisfied with the same, the Complainant put his signature in my presence.

Chinmy Caba
Advocate, Siliguri.