

# FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



Dist. Darjeeling P.S. Siliguri Year 2023 FIR No. 755/23 Date 12-9-2023  
Sections X (ii) Act X Sections 420/468/471  
Sections X (iv) Others Acts & Sections 120-B IPC

3. (a) Occurrence of Offence : Day ..... Date From ..... Date To 23.8.2023  
Time Period ..... Time From ..... Time To not noted  
(b) Information received at P.S. Date 12.9.2023 Time 21:55 pm  
(c) General Diary Reference : Entry No(s) 830 Time 21:55 pm  
4. Type of Information : Written Written / Oral  
5. Place of Occurrence : (a) Direction and Distance from P.S. 3 KM. APPROX Beat No. -  
(b) Address 88, Rash Behari Sarani, Khelaghar more, Hakimpara, P.O. & P.S. - 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 Sukuman Ghosh  
(b) Father's / Husband's Name Late Sudhir Chandra Ghosh  
(c) Date / Year of Birth : ..... (d) Nationality Indian  
(e) Passport No. .... Date of Issue : ..... Place of Issue .....  
(f) Occupation .....  
(g) Address 88, Rash Behari Sarani, Khela Ghar More, Hakimpara, P.O. & P.S. - Siliguri, Dist. - Darjeeling.

7. Details of known / suspected / unknown accused with full particulars 1. Smt. Dipa Ghosh, w/o - Late Chandan Ghosh, 2. Sri Swadhin Ghosh, s/o - Late Sudhir Chandra Ghosh, 3. Sri Subrata Ghosh, s/o - Late Sudhir Chandra Ghosh, 4. Sri Palatak Ghosh, s/o - Late Sudhir Chandra Ghosh, all are resident of 88, Rash Behari Sarani, Khelaghar more, Hakimpara, P.O. & P.S. - Siliguri, Dist. - Darjeeling.  
(Attach separate sheet, if necessary) :

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

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

10. Total value of properties stolen / involved .....

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

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 S.I. Dapi Ch. Dey 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.

15. Date & Time of despatch to the court : On 13.9.2023 at 10:30 pm

KK 12.9.2023  
Signature of the Officer-in-Charge, Police Station  
Name : DEBABRATA KUMAR  
Rank : No. SI OF POLICE

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE

SILIGURI

Misc. Petition Case no. 57 of 23.

SUKUMAR GHOSH

Versus

SMT DIPA GHOSH AND 3 OTHERS

Order dt. 05/09/2023

This is an application u/s. 156(3) Cr.P.C. filed this day by the petitioner duly supported by an affidavit against the persons mentioned in such petition through Ld. Advocate along with vokalatnama and photo copy of some documents 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 has been tendered to the Commissioner of Police, SPC, Siliguri. On perusal of the petition, it appears that such discloses the commission of cognizable offences and such allegations have been raised on affidavit. At this stage, this Court should not enter into the question of veracity of the allegations but should confine to the question as to whether such allegations discloses a cognizable offence requiring investigation by the police. 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. If a specific case has already been started over the allegations, the OC Panitanki TOP shall inform such to this Court without registering another FIR on the same incident.

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 14.09.2023 for report of compliance.

Addl. Chief Judicial Magistrate  
D&S  
Siliguri

sd/-


Addl. Chief Judicial Magistrate  
Siliguri

DR. NO. 3854 Dt. 12/9/23  
INSPECTOR - Office  
SILG. Court - SPC.

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE

SILIGURI  
No. - 4519/23 . dt:- 12/09/23.

Copy forwarded to :- The OC, Panitanki TOP under Siliguri PS.

  
12/9/23  
ACJM, Slg.

Addl. Chief Judicial Magistrate  
Siliguri



Sukumar Ghosh

Filed by

SANJIV MANDAL  
Advocate / Siliguri

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

REF : MISC. PETITION NO. 57 / 2023

IN THE MATTER OF : AN APPLICATION U/S - 156 (3) of  
Cr.P.C.

NAME & ADDRESS OF THE COMPLAINANT : SRI. SUKUMAR GHOSH  
S/o. Late Sudhir Chandra Ghosh  
88, Rash Behari Sarani, Khela Ghar  
More, Hakimpara, P.O. & P.S. Siliguri,  
Dist. Darjeeling, Pin - 734003.

- NAME & ADDRESS OF THE ACCUSED PERSONS :
1. SMT. DIPA GHOSH  
S/o. Wife of Late Chandan Ghosh
  2. SRI SWADHIN GHOSH  
S/o Late Sudhir Chandra Ghosh
  3. SRI SUBRATA GHOSH  
S/o Late Sudhir Chandra Ghosh
  4. SRI PALATAK GHOSH  
S/o Late Sudhir Chandra Ghosh

All are Residents Of 88, Rash Behari  
Sarani, Khela Ghar More, Hakimpara,  
P.O. & P.S. Siliguri, Dist. Darjeeling,  
Pin - 734003.

NAME & ADDRESS OF THE WITNESSES : 1. SRI TAPASH GHOSH,  
S/o. Late Santosh Ghosh  
Resident Of Near Harisabha  
Mandir, Hakimpara, P.O. & P.S.  
Siliguri, Dist. Darjeeling, Pin -  
734003.



Sole Proprietor  
SIBANI CHAKRABORTY  
Notary, Siliguri  
Appointed by Govt. of India  
Siliguri, Dist. Darjeeling

Received on 12-9-23 at 21:55 hr, vide  
Siliguri Ps, GDE No. 830,  
date - 12-9-2023

2. SRI GOURAV GHOSH  
S/O. Sukumar Ghosh  
Resident of 88, Rash Behari  
Sarani, Khela Ghar More,  
Hakimpara, P.O. & P.S. Siliguri,  
Dist. Darjeeling, Pin - 734003.

and started Siliguri Ps, case no. 755/23  
date - 12-9-23, u/s 420/468/471/120-B IPC  
S. Bapi Ch. Day has been endorsed for investigation  
for investigation  
Police Station  
Police Station

Receive the petition vide Panchnama TOP-1  
GDE No. 163, dt 12-9-23 at 19:45 hrs & for  
forward the petition to I/O, SLG PS, SPC  
to start a case under proper section  
of law.  
12.9.23, Officer In-Charge  
Panitanki Top-1  
Under Siliguri P.S.S.P.C.

Gukulnar - Ghosh.

Filed by

SANDIP MANDAL  
Advocate / Siliguri

&

**OTHERS**

**OFFENCE COMMITTED** : U/S - 420, 468, 471, 120B of I.P.C.

The complainant above named begs to state as follows :-



1. That the complainant along with his mother Bimala Bala Ghosh (since deceased), his one of the sister-in-law Smt. Sikha Ghosh and his three brothers i.e. the accused no. 2, 3 and 4 and another Sister-in-law i.e. the accused no. 1 and others being the co-owners of a G+3 storied building popularly known as 'Air View Hotel' situated at Hill Cart Road, Siliguri out of some temporary family settlement, the complainant along with his deceased mother and the accused persons have decided to enter into a tenancy agreement with the accused no.1 for running a bar cum restaurant business under the name and style "M/s. Madira Bar Cum Restaurant" in respect of a space measuring about 2333 sq. ft. situated in the ground floor of the said G+3 storied building.
2. That the complainant and the accused persons and the deceased mother of the complainant have entered into a memorandum of tenancy on 05.07.2014 for running the said business and getting the necessary permission of License from the Excise Department and the accused no.1 has started to run the said Bar cum Restaurant business being License No. 178-2/SLG/98-99 accordingly.
3. That the accused no.1 in connivance with the accused no. 2, 3 & 4 have forged the signature of my mother for preparing an agreement on 01.11.2021 in respect of a space measuring about 2700 sq. ft. on the rooftop of a G+5 Storied building popularly known as 'Air View Lodge' which is situated just adjacent to the said Air View Hotel and both the said valuable immovable property are the joint undivided properties and the said agreement dated 01.11.2021 which was notarized and authenticated before the Notary Public at Siliguri.
4. That apart from that the accused persons have also forged the signature of mother of the complainant in an affidavit dated

SOLEMNLY AFFIRMED & DECLARED  
 BEFORE ME ON 04/09/23  
 SANDIP CHAKRABORTY  
 Notary, Siliguri  
 Associated by Govt. of India  
 Siliguri, Dist. Darjeeling

Sukumar Ghosh

Filed by

16.12.2021 which was notarized and authenticated before the Notary Public at Siliguri.

- 5. That apart from that the accused persons have also forged the signature of the mother of the complainant in a rent receipt dated 05.12.2021.
- 6. That apart from that the accused persons have also forged the signature of the mother of the complainant in a building sketch map for the said extension of business and which was approved by the Excise Department, Darjeeling.
- 7. That the accused persons have forged the signature of the mother of the complainant and manufactured those documents as stated above for extending the said Bar and Restaurant business on the rooftop of said G+5 storied building known as Air View Lodge building keeping the complainant in dark.
- 8. That after manufacturing those purported documents, the accused persons have submitted the same to the Superintendent of Excise, Darjeeling and other government offices for obtaining the necessary permission of extension in respect of the said Bar cum Restaurant business on the rooftop of said G+5 storied building.



STATEMENT MADE & DECLARED  
BY THE DEAN OFFICE  
09/12/21  
SIBANI CHAKRABORTY  
Notary, Siliguri  
Appointed by Govt. of India  
Siliguri, Dist-Darjeeling

9. That on the basis of the said purported documents the accused persons have somehow managed the concerned department for obtaining the necessary permission for extension of the said Bar cum Restaurant business.

10. That since the month of January, 2020 the mother of the complainant was seriously ill and she was in a bed ridden condition due to various old age ailments and she was not in a position to move and walk alone and her signature bears in the said purported documents not at all her genuine signature and due to her such serious illness she was also not in a position to appear before the notary public at Siliguri for subscribing her signature in the said purported agreement of tenancy dated 01.11.2021, affidavit dated 16.12.2021 and at the relevant time the mother of the complainant was in a unconscious state of mind to subscribe her signature in those purported documents and physically appear before the Notary Public at Siliguri on

Sukumar Ghosh.

Filed by

SANDIP MANDAL  
Advocate / Siliguri

12.12.2021 and 16.12.2021 respectively for authentication her signature in those above mentioned documents .

11. That beyond the knowledge of the complainant, those documents were manufactured for the specific ulterior motive of the accused persons.

12. That the mother of the complainant died on 09.11.2022 at the age of her 85 years.

13. That the complainant came to know that the above mentioned practice of fraud of the accused persons when the complainant received the notice from the Court of the Ld. Civil Judge Junior Division at Siliguri in connection with T.S. No. 174/2023 and 184/2023 which are filed by the accused no. 1 in connivance with the accused no. 2, 3 & 4 and they relied those documents as genuine one knowingly well that they have manufactured those documents by forging the signature of the mother of the complainant and copy of those documents were handedover to the complainant on 23.08.2023 in the usual course of hearing of the above mentioned suits.

14. That the accused persons have purposefully and with the specific motive with the common intention, they forged the signature of the mother of the complainant and manufactured the above mentioned documents and fraudulently used those documents by submitting to the government office and court of law as genuine which they know that those documents are forged and manufactured documents.

15. That the complainant has tried to lodge a written complaint to the O.C. Panitanki T.O.P. on 27.08.2023 but the concerned duty officer refused to receive the said complaint and thereafter the complainant lodged a complaint to the Commissioner of Police, Siliguri Police Commissionerate on 28.08.2023 but till this day no action has been taken by the concerned police authority against the accused persons.

16. That the accused persons are the habitual offender in regard to the forging of signature and previously the accused no. 2, 3 & antoher forged the signature of the complainant for removing the complainant from the directorship of a company and on the basis of the complaint of the complainant one case has been started being Siliguri P.S. Case No. 364/2022 dated 14.04.2022, U/S - 420/465/467/468/471/120B of I.P.C. against the accused no. 2,



SOLEMNLY AFFIRMED & DECLARED  
BEFORE ME ON IDENTIFICATION  
He 09/09/23  
SANDIP CHAKRABORTY  
Notary, Siliguri  
Appointed by Govt. of India  
Siliguri, Dist. Darjeeling

ed by

SANDIP MANDAL  
Advocate / Siliguri

Sukumar Ghosh

Filed by

SANDIP MANDAL  
Advocate / Siliguri

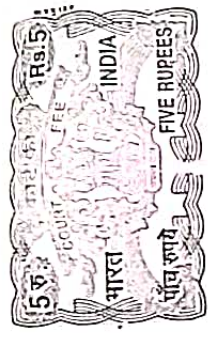
3 & another and after investigation I.C. Siliguri Police Station has submitted the charge-sheet.

17. That the complainant has no other option but to file this present complaint before this Ld. Court.

18. That the complaint is bonafide one and for the ends of justice.

Under the above circumstances it is prayed that your Honour would graciously be pleased to send this complaint to the O.C. Panitanki TOP under Siliguri Police Station with a direction to investigate the matter after treating this complaint as FIR as per the provision of section 156 (3) of Cr.P.C. for the ends of justice.

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



**AFFIDAVIT**

I, **SRI SUKUMAR GHOSH**, S/o. Late Sudhir Chandra Ghosh, aged about 03 years, by faith Hindu, Business by Occupation, Residing at 88, Rashbehari Sarani, Khelaghar More, Hakim Para, Siliguri, P.O. & P.S. - Siliguri, Dist. Darjeeling, do hereby solemnly affirm and declare as follows:

1. That I am the complainant of this present case.
2. That the statements made in paragraph no. 1 to 18 are true to the best of my knowledge and belief.
3. That no case has been started against the complaint dated 28.08.2023.

I sign this affidavit on this 04<sup>th</sup> day of September, 2023.

Sukumar Ghosh

Deponent  
Identified by me

Romath Baha.

Advocate / Siliguri  
Enroll:- DG/496/2013.

**AFFIDAVIT**  
Solemnly Affirmed Before Me  
By Sukumar Ghosh  
of Siliguri  
Identified by S. Saha  
This is on 4<sup>th</sup> day of Sept 2023  
At Siliguri

SANDIP MANDAL  
NOTARY, Siliguri  
Appointed by Govt. of India  
Siliguri, Dist: Darjeeling