

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

1882



1. Dist. SFS P.S. Matigara Year 2023 FIR No. 1008/23 Date 08/10/23  
2. i) Act. T.P.C. Sections 406/409/420 ii) Act. \_\_\_\_\_ Sections \_\_\_\_\_  
iii) Act. \_\_\_\_\_ Sections \_\_\_\_\_ iv) Others Acts & Sections \_\_\_\_\_

3. (a) Occurrence of offence : Day \_\_\_\_\_ Date From April-2022 Date To May-2022  
Time Period \_\_\_\_\_ Time From \_\_\_\_\_ Time To \_\_\_\_\_

(b) Information received at P.S. Date 08/12/23 Time 11:05 hr

(c) General Diary Reference : Entry No (s) 420 Time 11:05 hr

4. Type of Information Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. \_\_\_\_\_ Beat No \_\_\_\_\_

(b) Address Nischinapur Tea Estate, PS-Matigara, Dist-Darjeeling.

(c) In case outside limit of this Police Station, then the N/A

Name of the P.S. \_\_\_\_\_ District \_\_\_\_\_

6. Complainant / Informant :

(a) Name Neetu Tamang

(b) ~~Father's~~ / Husband's Name Sangeet Tamang

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

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

(f) Occupation E.O. E.P.O. R.O. Siliguri

(g) Address Vill- Batabia, PO- Ghoom, Dist- Darjeeling.

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

(Attach separate sheet, if necessary) :

① Goxind Garg ② Sorerer Garg.

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

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

Rs- 8,12,073/-

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 which is treated as FIR is enclosed/reproduced overleaf.

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 Chhabal Sinha Matigara Police Station to take up

investigation / refused investigation / transferred to PS Siliguri Police Commissionerate an 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 Noted in original complaint. Signature of the Officer-in-Charge, Police Station SI Chhabal Sinha

15. Date & Time of despatch to the court : On 09/12/23 at 11:00 hr. Rank : No. Inspector of Police MT&PS



कर्मचारी भविष्य निधि संगठन  
EMPLOYEES' PROVIDENT FUND ORGANISATION  
श्रम एवं रोजगार मंत्रालय, भारत सरकार  
Ministry of Labour and Employment  
Government of India



BHAVISHYA NIDHI BHAWAN, HILL CART ROAD, PRADHAN NAGAR, SILIGURI-734003

To,

The Officer -in-Charge

Name of the Police Station Matigara

Siliguri Police Commissionerate

Sub- Complaint under Section 405(Explanation 1) Punishable under Section 406/409 I.P.C. against  
(1) Sri Govind Garg, (Dir), (2) Sri Saurav Garg, Director Director of M/s NISCHINTAPUR TEA ESTATE, MATIGARA for an offence of criminal breach of Trust.

Sir,

It is submitted that I am a Provident Fund Inspector within the meaning of section 13 of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (hereinafter referred to as the Act.) M/s NISCHINTAPUR TEA ESTATE, MATIGARA (hereinafter referred to as the establishment) is covered under the EPF & MP 1952 Act, under code No. JL/SLG/1577 The Establishment is required by virtue of provisions of Section 6 of the Act read with Par-38 of the Employee Provident Fund Scheme, 1952 (reproduced below for ready reference) to pay the Employees share of Provident Fund Contribution deducted from the salaries/wages of the employees on or before 15 of the following months.

**Extract of Para 38 of E.P.F. Scheme, 1952 .**

"38. Mode of payment of contributions -(1) The Employer shall, before paying the member his wages in respect of any period or part of period for which contributions are payable, deduct the employee's contribution from his wages which together with his own contribution as well as an administrative charge of such percentage of the pay (basic wages, dearness allowance, retaining allowance, if any, and cash value of food concessions admissible thereon) for time being payable to the employees other than and excluded employee, and in respect of which Provident Fund contributions are payable as the Central Government may fix, he shall within 15 days of the close of every month pay the same to the Fund by separate bank drafts, ECR or cheques, on account of contributions and administrative charge "

During my inspection of the said establishment on Dt. 8/12/23 it has been noticed that the employer(s) of M/s, NISCHINTAPUR TEA ESTATE, MATIGARA has/have deducted as per details enclosed , a sum of Rs. 12,25,604/- Rupees Twelve Lakh Twenty Five Thousand Six Hundred Four only from the salary/wages of the employees as employees share of Provident Fund contribution for the period from April-22 to Nov-2022. Out of which Rs. 413531/- has been deposited by the establishment and the amount of Rs. 8,12,073/- have not yet deposited with the statutory fund, in violation of Section 6 of the Act read with Para 38 of the Employees Provident Fund Scheme.' Non-remitting of the provident money after deducting the Employees share from their salary/wages tantamount to an offence of Criminal Breach of Trust as defined under Section 405 (explanation-1) I.P.C. Section 405 (Explanation-1) I.P.C. is reproduced below for ready reference:

Section 405 ( Explanation-1 ): A person, being an employer who deducts the employee's contribution from the wages payable to the employee for credit to the Provident Fund or Family Pension Fund established by any law for the time being in force, shall be deemed to have been entrusted with the amount for the contribution so deducted by him and if he makes default in the payment of such contribution to the said fund in violation of the said law, shall be deemed to have dishonestly used the amount of the said contribution in violation of a direction of law as aforesaid.

Matigara Police Station

GD No. 420 Date: 08/12/23

Duty Officer

[2]

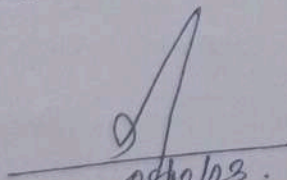
It is thus clear that M/s NISCHINTAPUR TEA ESTATE and the following persons who are responsible for the conduct of business of establishment have committed a cognizable, non-compoundable and deemed offence under Section 405(Explanation-1) punishable under Section 406/409 I.P.C.

1. Sri Govind Garg, Director
2. Sri Saurav Garg, Director

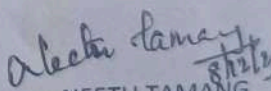
I Neetu Tamang, Enforcement Officer, therefore request you to register F.I.R. under Section 154 Cr.P.C. for prosecution under Section 406/409 I.P.C. against the Following....

1. M/s, NISCHINTAPUR TEA ESTATE, MATIGARA, DARJEELING
2. Sri Govind Garg, (Dir)S/o, Lt. Ami Lal Garg  
R/o, 15, College Street, 12A, Netaji Subhash Chandra Road, Kolkata, 700012
3. Sri Saurav Garg, (Dir)S/o, Govind Garg  
R/o, 15, College Street, 12A, Netaji Subhash Chandra Road, Kolkata, 700012

Received on 08/12/23 at 11:05 hrs vide mtb.  
PS CASE NO- 420 Dt- 08/12/23 & started mtb  
PS CASE NO- 1008/23 Dt- 08/12/23 w/s- 406/409/420 IPC  
& endorsed to SI Chabilal Sinha for it's investigation.

  
08/12/23.  
Officer-in-Charge  
Matigara Police Station  
Siliguri Police Commissionerate

Yours faithfully,

  
NEETU TAMANG  
ENFORCEMENT OFFICER  
REGIONAL OFFICE, SILIGURI

नीतु तामांग, प्र.अ.  
NEETU TAMANG, E.O.  
क.प्र.वि.स. / E.P.F.O.  
बे.का., सिंगुरी / R.O., Siliguri  
सिलीगुरी / Siliguri-734003

Husband's name - Sargesh Tamang  
Father's name - S.K. Tamang  
Permanent - Add - Vill - Batasia,  
P.O - Ghoom, Dist. Darjeeling  
Mobile No. 9832086843

Cont.....3

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ANNEXURE-1

Details of Employees Share deducted from the Salary/Wages of Employees in respect of M/s NISCHINTAPUR TEA ESTATE JL/SLG/1577

MONTH(S)	AMOUNT
APRIL-22	121489
MAY-22	165947
JUNE-22	129293
JULY-22	136678
AUG-22	7977
SEP-22	62149
OCT-22	5735
NOV-22	182805
TOTAL	812073

*Neetu Tamang*  
8/12/23

NEETU TAMANG  
ENFORCEMENT OFFICER  
REGIONAL OFFICE, SILIGURI

नीतु तामांग, प्र.अ.  
NEETU TAMANG, E.O.  
क.प्र.नि.स. / EPRO  
क्षे.का., सिलीगुड़ी / R.O.  
सिलीगुड़ी / Siliguri-734003