

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

2910



P.S. Pradhan Nagar Year 2023 FIR No. 1039/23 Date 18/12/23
 of 1860 Sections 468, 471, 420 ii) Act IPC Sections

iii) Act Sections iv) Others Acts & Sections

3. (a) Occurrence of offence : Day 02 Date From 09/08/2023 Date To

Time Period At about 12:00 hrs Time To

(b) Information received at P.S. Date 19/12/23 Time 21:45 hrs

(c) General Diary Reference : Entry No (s) 1178 Time 21:45 hrs

4. Type of Information Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. North - 2 Km Beat No.

(b) Address Utpal Nagar, near Children Park, Ward No-96

SMC, PO+PS - Pradhan Nagar Dist - Darjeeling

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

Name of the P.S. District

6. Complainant / Informant :

(a) Name Uttam Poddar

(b) Father's / Husband's Name Shekhar Poddar

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

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

(f) Occupation

(g) Address Utpal Nagar, Champasari, PO Champasari PS Pradhan

Dist. Darjeeling

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

(Attach separate sheet, if necessary) :

① Arup Majumdar s/o Bisheshwar Majumdar
② Nibedita Majumdar w/o Bisheshwar Majumdar of
Kondal Dutt Road, Ashwarpata PO+PS, Sigen, Darjeeling

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

12. FIR Contents (Attach separate sheets, if required) :

The original written complain 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 Bisheshwar Bhowmik 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.

Noted in written complain.

14. Signature / Thumb impression of the Complainant / Informant

02 20/12/23

15. Date & Time of despatch to the court :

Signature of the Officer-in-Charge, Police Station

Inspector-In-Charge Arishan Bhattacharya

Pradhan Nagar Police Station Rank : No. Prep of Police

Siliguri Police Commissionerate



Uttam Poddar

Filed by
Biswajit Barman
16/12/2023

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL
MAGISTRATE AT SILIGURI, DISTRICT-DARJEELING

Misc. Petition Case No. 63 of 2023

Received on 19/12/23 vide PDM
PS WDE NO 1178/23 DT 19/12/23
and started PDM PS case NO
1039/23 DT 19/12/23 U/S 188, 471,
420 IPC and endorsed to SI
Bishwadeb Barman for his
investigation.

18/12/23
Inspector-In-Charge
Pradhan Nagar Police Station

1] **Name of the Complainant
with address:-**

IN THE MATTER OF:-

An information and/or complaint for
sending it to Pradhannagar Police
Station under Section 156(3) of Cr.
P.C for investigation after treating it
as FIR.

UTTAM PODDAR s/o Sri Shyamal
Poddar resident of Utpal Nagar,
Champasari P.O- Champasari & P.S.-
Pradhan nagar, Dist-Darjeeling,
734003.

2] **Name of the Accused
Persons with address:-**

1. Arup Majumdar S/o late
Bisheshwar Majumder.
2. Nibedita @ Nivedita Majumder
wife of of late Bisheshwar
Majumder, Both resident of
Kanaillal Dutta Road ,
Ashrampara, P.O & P.S - Siliguri,
District- Darjeeling ,Pin- 734005.

3] **Name of the Witness
with address:-**

1. Complainant himself
2. Lipika Biswas wife of Gagan
Biswas resident of Kanaillal
Dutta Road , Ashrampara, P.O &
P.S - Siliguri, District- Darjeeling
,Pin- 734005.

3. Documents attached herein.

Solemnly Affirmed & Declare
before me on identification

Kanchan Bhadra
NOTARY
Siliguri



- 2 -

Utpal Majumder

b/s
Bikesh Sharma
Adv

4] **Date, Time and
Place of occurrence:-**

09.08.2023 at around 12 PM at my
premise Utpal Nagar, Near Children
Park, Ward No. 46 S.M.C, P.O and
P.S-Pradhannagar, Siliguri-734003
District-Darjeeling,

5] **Offence Committed:-**

As per the information offence
committed may be incorporated by
the recording officer for committing
cheating, harming the
complainant's reputation, property
and cheating by personation
knowingly pretending to be some
other person by a forged document
of complainant and misused the
purported signature of the
complainant's.

The complainant above named begs to state as follows:-

1. That the complainant is the law abiding citizen of Indian
residing within the jurisdiction of this Ld. Court as
mentioned in the cause title.
2. That on 09.08.2023 at about 12.00 pm to the utter shock
of the complainant, some persons and employee attached
with West Bengal State Electricity Distribution Company
Limited (WBSEDCL) Champasari Office, visited
complainant's residential premises with a letter dated
21.07.2023 for disconnecting the electricity connection
supplying electricity to his house. In the said letter
complainant's signature was forged by the person/s who
have submitted the same before the concerned authority
and aadhar number was misused.
3. That upon perusal of the said letter, complainant came to
know that Arup Majumder son of late Bisheshwar
Majumder (Ph no- 91265-88559) along with her mother
Nibedita @ Nivedita Majumder wife of late Bisheshwar
Majumder both are resident of Kanaillal Dutta Road,
Ashrampara, P.O & P.S - Siliguri, District- Darjeeling, Pin-
734005 dishonestly and fraudulently makes a false
document with an intention to cause injury have used

*Solemnly Affirmed & Declare
before me on identification*

Kanchan Bhadra
NOTARY
Siliguri



- 3 -

and/or signed the document purported to be signature of the complainant.

4. That the accused persons with an intention to cheat, harm the complainant's reputation, property and cheating by personation knowingly pretending to be some other person by a forged document of complainant and misused the purported signature of the complainant for the purpose of disconnecting the electricity connection by adopting means of cheating by impersonation and thereby caused harm to the complainant's reputation in the society. (The xerox copy of the letter is annexed herewith and marked as annexure P/1)

5. That in this respect complainant had earlier lodged a written information before the local police station vide Pradhannagar Police Station dated 11.08.2023, but without any fruitful result and as per law and finding no other alternative way the complainant had been to the office of the Commissioner of Police, Siliguri Metropolitan Police had also lodged grievances on 23.09.2023, more than 48 Hrs has been elapsed but not effective efforts has been made to cause inquiry and/or investigation to book the culprits in accordance with Law.

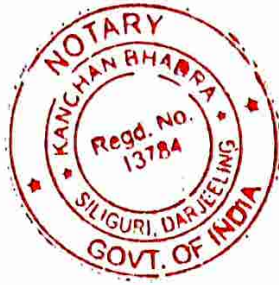
That the photocopies of the complaints dated 11.08.2023 and 23.09.2023 are annexed herewith respectively and marked as annexure p/2.

6. That the police authorities did not take any action against the above named accused and over the matter.
7. That factual matrix which gives arise the present situation are as follows;

"That Nibedita Majumdar is an old aged lady having a property mentioned in schedule herein mentioned "Land measuring 10 (Ten) Kathas recorded in R.S Khatian No. 3/1, L.R Khatian No. 28/1 appertaining to R.S Plot No. 27,28 L.R Plot No. 280/362, situated within Mouza-Dhaknikata, J.L No. 105 (Old) 83 (New), Pargana-Patharghata, Touzi No. 8(91), P.S-Pradhanagar, District-Darjeeling, Within the State of West Bengal," which shall be referred hereinafter in this application as "suit property".

*Solemnly Affirmed & Declared
before me on identification*

Kinchan Bhadra
NOTARY
Siliguri



- 4 -

Uttam Padhee

*by
Birey Sharma
Adv.*

That the Nibedita Majumdar in the month of April, 2019 express her intention and desire to sell the suit property in lieu on some consideration in open market of Champasari and its adjacent area.

That complainant along with one Vishal Sharma son of Sri Sovan Prasad Sharma resident of Narmada Bagan, Near-Anchal Office, Ward No. 46, Champasari, District-Darjeeling-734003, approached the Nibedita Majumdar to provide with papers and documents regarding the right, title and interest in and over the suit property, so the complainant can arrange any intended buyer for the Nibedita Majumdar.

That as the Nibedita Majumdar was/is old age and suffering from various old aged problem, she was unable to show the suit land to the intending purchaser as and when required by the intending purchaser, hence it was mutually agreed in between the parties i.e complainant, Nibedita Majumdar and Vishal Sharma that Nibedita Majumdar would execute a "General Power of Attorney" to and in favour of the Complainant and Vishal Sharma and upon agreed by the parties a general power of attorney being document No. 120/2019 dated 12/04/2019, was executed by the Nibedita Majumdar to and favour of the complainant and one Vishal Sharma contentions of which are self explanatory.

That subsequently in the month of August, 2019 the Nibedita Majumdar asked the complainant that she needs immediate funds for her medical treatment and other household requirement, if the complainant and Vishal Sharma could not be able to arrange the buyer/purchaser, complainant himself can purchase the suit property and considering the cordial relationship, Nibedita Majumdar would sell the same at Rs. 2000000/- (Rupees Twenty Lacs) only to the complainant and/or to Vishal Sharma.

*Solemnly Affirmed & Declare
before me on identification*

Kanchan Bhadra
NOTARY
Siliguri

That the complainant being in need of suitable plot of land for his own use and occupation therein had accepted the said proposal of the Nibedita Majumdar and agreed to purchase the suit land for the total consideration money of Rs. 2000000/- (Rupees Twenty Lacs) only.

That considering the said suit property and price so offered by the Nibedita Majumdar, complainant



- 5 -

Uttam Paudyal

by
Bikesh Sharma
Adv.

agreed to purchase the suit land upon execution a written document dated 06/09/2019 by and between the complainant and Nibedita Majumdar. The complainant on being induced by the offer and request of the Nibedita Majumdar accepted the same and agreed to purchase the suit land.

That in pursuant to the said agreement for sale, the complainant herein on 06/09/2019 paid a sum of Rs. 500000/- (Rupees Five Lacs) only to the Nibedita Majumdar as an earnest money through cheque vide Cheque No. 033456 which was duly acknowledge by the Nibedita Majumdar by issuing money receipt/acknowledge dated 06/09/2019.

That the encashment of said cheque being 033456 was duly done by the Nibedita Majumdar on 10/09/2019 which would reflect from the statement of bank account being Account No. 50170995383 standing in the name of the complainant.

That again in the same month on 19/09/2019 at the behest and request of the Nibedita Majumdar, complainant paid a sum of Rs. 500000/- (Rupees Five Lacs) only in cash to the representative of the Nibedita Majumdar sent by the Nibedita Majumdar on the pretext that the Nibedita Majumdar is in a private nursing home at Chennei and requires financial fund, believing the words to be true which comes out from mouth of old aged mother like personality.

That the Nibedita Majumdar contracts with the complainant in writing to transfer her suit property for the total consideration of Rs. 2000000/- (Twenty Lacs) only.

That out of the said total consideration of Rs. 2000000/- (Rupees Twenty Lacs) only, the complainant has paid Rs. 1000000/- (Rupees Ten Lacs) only, in two equal part and in furtherance of the said agreement, the complainant has taken physical possession of the suit land.

solemnly Affirmed & Declares
before me on identification

Kanchan Bhadra
NOTARY
Siliguri

That since then the complainant, is in peaceful possession of the suit land, has constructed the dwelling house and obtain the electricity connection vide Consumer Id-000402341217 and thereby has invested a huge amount of money.



Uttam Dasgupta

By
Birey Sharma
Adv

- 6 -

That thereafter time and again the complainant verbally informed the Nibedita Majumdar to materialized the things done in a proper and effecting manner i.e to complete the registration of the sale deed to and in favour of the complainant.

That complainant in furtherance of the same also published notices in two local news paper i.e Dainik Jagran and Uttarbanga Sambad dated 08/11/2019, wherein and whereby the complainant informed all concerned that the complainant is purchasing the land from the Nibedita Majumdar.

That after publishing the notice the complainant received a letter of objection dated 20/11/2019 address to the then Ld. Counsel of the complainant Sri Dipankar Roy issued for and on behalf of one Smt. Meena Agarwalla, through her Ld. Lawyer Sri Atri Deo Sharma, said Smt. Meena Agarwalla w/o Sri Ashol Kumar Agarwalla, claimed herself to be the actual owner of the suit land.

That thereafter on 20/12/2019 Sri Atri Deo Sharma, the Ld. Counsel of Smt. Meena Agarwalla was informed in witting through the then Ld. Counsel of the complainant to furnished the copies of documents for perusal to ascertain the veracity of the claim of Smt. Meena Agarwalla.

That since thereafter neither the said Smt. Meena Agarwalla nor any person/s claiming under her has ever disturbed the peaceful possession of the complainant in any manner whatsoever.

That thereafter since December, 2019 to February, 2020 on so many occasion complainant requested the Nibedita Majumdar to complete the registration of the sale deed. Even the complainant personally visited the house of the Nibedita Majumdar in the month of December, 2019.

*Solemnly Affirmed & Declared
before me on identification*

Kinchan Bhadra
NOTARY
Siliguri

That thereafter a moment come in everyone's life, where the complainant along with entire nation witness an extra ordinary situation which was never foreseen by any of us. The entire Nation was put on hold in a spur of moment.

That, since March 2020 there was complete Nation Wide Lockdown, which affects every field of human life and the registration of the sale deed of the suit



- 7 -

Uttam Padbar
By
Bikesh Sharma
Adv

was postpone due to reason not under the control of the either parties.

That again when the life of the Nation resume and tried to getting the things under control, the state Govt. issued a notification and thereby Stamp Duty was reduced, and that time again complainant showed his eagerness to get the registration of the sale deed of the suit land done, but the Nibedita Majumdar showed complete lethargic attitude to perform her part performance.

That since the Nibedita Majumdar was/is old aged mother like figure, the complainant could never smell the cunning nature of the Nibedita Majumdar, till the complainant received a notice from her Ld. Counsel on 14/06/2023.

That on 23/06/2023 the complainant replied to the notice dated 10/06/2023 sent by the Ld. Counsel for and on behalf of the Nibedita Majumdar.

That the said notice was duly received by the Nibedita Majumdar on 27.06.2023 although Nibedita Majumdar received the said notice but failed to render the requisite assistance to get the registration of the sale deed done for the suit land to and in favour of the complainant.

That recently it has come to the knowledge of the complainant that the Nibedita Majumdar with a malafide intention to cause loss and injury to the complainant is trying to sell the suit land at a higher price to the person/persons of her choice behind the back of the complainant.

That from the above facts and circumstances the complainant is always ready and willing to perform his remaining part performance of the contract with regard to the suit land, but it is the Nibedita Majumdar who have failed and neglected to perform her part of the said contract for her and person claiming under her, illegal and unlawful gain.

*Solemnly Affirmed & Declared
before me on identification*

Kanchan Bhadra
NOTARY
Siliguri

That it is learnt by the complainant that the Nibedita Majumdar is going to sell the suit land or create a third party interest and as such an immediate order of injunction is necessary to be passed against the Nibedita Majumdar, restraining her from transferring the suit land to any person/s.



- 8 -

Uttam Poddar
by.
Bikesh Sharma
Adv.

PRAYER

It is therefore prayed that your Honour may be pleased to direct the Officer -in-charge of Pradhan nagar Police Station to investigate into the offence after treating this petition of the complainant as an F.I.R. and to submit the report before your Honour under Section 156 (3) of Criminal Procedure Code for the ends of justice.

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

Certified that, this petition has been drafted by me, as per the instruction and version of the complainant Sri Uttam Poddar and the petition is computer typed and printed in my office and the contents of this petition is read over and explained in English to the complainant and he admitted that it is correctly written and therefore, he put his signature in this petition in my presence.

Bikesh Sharma.
Advocate, Siliguri.

*Solemnly Affirmed & Declare
before me on identification*

Kanchan Bhadra
NOTARY
Siliguri



- 9 -



AFFIDAVIT

I, **SRI UTTAM PODDAR (Age 40 Years)**, S/O- Sri Shyamal Poddar, Resident of Utpal Nagar, Near Children Park, Ward No. 46 S.M.C, P.O and P.S-Pradhannagar, Siliguri, District-Darejeeling, 734003, the complainant above named do hereby verify that the statements made above in paragraphs 1 to 5 are true to my knowledge and rests are my submissions before this Ld. Court and I sign this verification on this the 25 day of September, 2023.

I, do hereby solemnly affirm and state as follows:-

- 1) That I am the petitioner of the instant application.
- 2) That the instant application has been prepared as per my instruction and I am well conversant with the statements made in the foregoing paragraph of the instant application.
- 3) That I have not filed any application U/s 156(3) of Cr. P.C. save and except in filing of this application on before this Ld. Court.
- 4) That the above statements are true to my knowledge and belief and rest are my humble submission before the Ld. Court.

*Solemnly Affirmed & Declared
before me on identification*

Kanchan Bhadra
NOTARY
Siliguri

AFFIDAVIT

Solemnly Affirmed before me

By.....*Uttam Poddar*.....

At.....*Siliguri*.....

Identified by.....*Bikesh Sharma*.....

This the.....*25*..... day of.....*September*..... 20.....*2023*.....

Uttam Poddar
DEPONENT

Prepared in my Office and

Identified by me
Bikesh Sharma
(Advocate)
F/617/611/2023

Uttam Poddar

**IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE COURT AT
SILIGURI, DISTRICT-DARJEELING**

On behalf of, UTTAM PODDAR s/o Sri Shyamal Poddar resident of Utpal Nagar, Champasari P.O- Champasari & P.S.- Pradhan nagar, Dist-Darjeeling, 734003. Know all men by these present that by this power I /We the undersigned appoint, authorize and empower the Advocate named below or any of them as my / our lawful Advocate or Advocates for filling the above filed by the above named applicant petitioner for entering in conducting claim compromising and arguing the same, for depositing or withdrawing any money in connection therewith, for putting in papers, petitions etc on my / our behalf, for filling or taking back any documents, for withdrawing Suit or Applications , Appeals, Rules and for doing all acts that may be necessary to be done in connection with the said claim/petition and I/ We further say that any act done by my / our said Advocate/s or any one of them after accepting this Power shall be considered as my /our own true and lawful act. Be it understood that I /We shall pay in full the fees as settled to the said Advocate(s) and that otherwise the said Advocates shall not be bound to do any of the said acts at any stage or circumstances. To the above effect I/ We execute this power.

R.KSHARMA & ASSOCIATES
NAME OF THE ADVOCATES

RAJESH KUMAR SHARMA 7001211744
KAMALIKA SHARMA
BICKEY SHARMA 6297831242
JANADAN PERIWAL 9749061888

Email Id :- firstsourcerajesh@gmail.com



Received the Vakalatnama from the petitioner and accepted by me/us.



Advocate/s

Bickey Sharma.

F/617/611/2023

6297831242

bickeysharma335@gmail.com