

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

1. Dist. Darjeeling P.S. Matigara Year 2024 FIR No. 313/24 Date 26.8.2024
2. i) Act EN Sections 316(2)/319(4) ii) Act 336(2)/303B Sections 340(2)/341(1)/61(2)
iii) Act Sections iv) Others Acts & Sections

3. (a) Occurrence of offence : Day Date From End of 2020 Date To
Time Period Time From Time To

(b) Information received at P.S. Date on 26.8.2024 Time 21:55 hrs

(c) General Diary Reference : Entry No (s) 1507 Time 21:55 hrs

4. Type of Information Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. About 500 Metre North from PS Beat No.

(b) Address Care N Care Nursing Home, P.S. Matigara, Dist. Darjeeling

(c) In case outside limit of this Police Station, then the Name of the P.S. District

6. Complainant / Informant :

(a) Name Ajit Kumar Singh

(b) Father's / Husband's Name Shiram Singh

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

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

(f) Occupation

(g) Address Gumbajote near West Point School Matigara.

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

(Attach separate sheet, if necessary) : 1) Nilim Naik sp Shubash Naik of flat No. D-409 Magfair Grounds-2, Lezium More, Matigara. 2) Mahit Singh Choudhary sp Sahajit Singh of DO. 3) Achim Roy of Gajal-doba AP somewhere Patharghata Road/Khaprail More, Matigara, and some others

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) : Original written complaint which is treated as FIR is 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 PSI Abhijit Banik to take up investigation / refused investigation / transferred to P.S. Matigara Police Station on point of jurisdiction. FIR read over to the Complainant / Informant, admitted to be correctly recorded and the Complainant / informant free of cost. Siliguri Police Commissionerate

14. Signature / Thumb impression of the Complainant / Informant

15. Date & Time of despatch to the court :

Signature of the Officer-in-Charge, Police Station
Name ARINDAM CHATTACHARJEE
Rank Inspector in Charge
Matigara PS/PC

26.08.2024

To,
The Inspector-in-Charge,
Matigara Police Station
Siliguri Metropolitan Police

Sub - FIR

Sir,

I, Ajit Kumar Singh, son of Mr. Sriram Singh, resident of Tumbajote, near West Point School, Matigara, would like to lodge this written complaint as under:

That I was well acquainted with one Mr. Nitin Naik, son of Mr. Shubash Naik, resident of Flat No. D-409, Mayfair Greens - 2, Lexicon More, Matigara, Dist. Darjeeling, (earlier residing at Flat No. 203, Tower No. 7, HIG, Uttorayon, PO & PS Matigara, Dist. Darjeeling and permanent resident of D- 301, Tower D, AWHO, Harbhajan Vihar, Ansal Sector 114, Chapar Churi Khurd, Shas Nagar, Mohali, Punjab, 140307), since long as I used to work as marketing expert in medical field.

That then Mr. Nitin Naik was part of the establishment namely "CARE N CURE NURSING HOME" situated at 2nd Floor, Mousumi Complex, above SBI, Matigara Hat Branch, (Near Matigara PS), Khaprail More, at PO & PS Matigara, Dist. Darjeeling, PIN - 734010.

That at the end of the year 2020 Mr. Nitin Naik told me that it has become very difficult for him to pay salaries of the staffs, litigation costs and also to pay the creditors of the aforesaid Nursing Home as a case of this nature was pending against the doctors / staffs of the aforesaid nursing home.

Received on 26.8.24 at 21:55 hrs
vide G.D.E No-1507 and started Matigara PS
Case No- 513/24 Dt-26.8.24 u/s- 316(2)/318/
1336(2)(3)/338/340(2)/341(1)/61(2) of Cr.P.
PSI Abhijit Banik will investigate the
Case.

26.8.24
Inspector-in-Charge
Matigara Police Station
Siliguri Police Commissionerate

Ajit Kumar Singh

That thereafter he started asking money from myself and one of our common friend Mr. Sanjay Pandit of Siliguri as financial help and assured us that very soon he will refund our loan amount. Purely with an intention to rescue Mr. Nitin Naik from his financial debacle we jointly paid him to the tune of Rs. 40 lakhs in several small transactions in cash.

That when after a considerable period of time passed when we asked Mr. Nitin Naik to refund our loan amount he told that his financial condition is still not good and he was unable to refund our money in near future and instead gave us a proposal to become partners in the aforesaid Care N Cure Nursing Home.

That thereafter I and our friend Sanjay discussed and decided to accept his offer of partnership as there was no possibility to get our money back in near future. I along with Sanjay visited the nursing home and after a thorough discussion we accepted his proposal and we entered into Care N Cure Nursing Home as partners with Mr. Nitin Naik, on 28/06/2021 and the terms and condition of the aforesaid partnership business was laid down in a Partnership Deed signed and entered on the same date and the our share of capital on our loan amount and our Profit & Loss sharing Ratio was 50% for Mr. Nitin Naik, 30% for Mr. Sanjay Pandit and 20% for myself.

That thereafter most of day to day operations were controlled by Mr. Naik. He used to collect money from the business of the nursing home and pay expenses which includes salaries of the staffs / rent / purchases / doctors share of the fees / repairing jobs / miscellaneous expenses etc. Though as per him there was not much profit but in the initial days the operations of the aforesaid Nursing Home everything seemed smooth and we were happy. Later Mr. Nitin Naik informed us that he is willing to engage his Brother-in-Law Mr. Malkeet Singh Chawla (Mobile No. +91 9805997963), S/O Mr. Sarbjeet Singh, permanent resident of Village Sarah The Dharamsala, Chakban Sarah (349), PO.Sarah, PS.

Mit Kumar

Dharamsala, Dist. Kangra, Himachal Pradesh, PIN - 176215 presently residing with Mr. Nitin Naik at Flat No. D-409, Mayfair Greens - 2, Lexicon More, Matigara, Dist. Darjeeling, as a manager of this nursing home as he was sitting idle at home and there won't be any financial liability on the nursing home. He will pay his remuneration from his portion of profit and one of his old staff Mr. Ashim Roy (+91 8101297035 / +91 7679466824) permanent resident of Gajaldoba, presently residing somewhere nearby Patharghata Road / Khaprail More, Matigara as his assistant and we shall pay Ashim's salary from nursing home account. As till then there no issue in between us so we didn't understand his malafide intention of doing so and gave our consent.

That thereafter in the month of November, 2023 Mr. Nitin Naik informed us that his wife is missing from his house and he faced some legal issues at Mohali and he needed an additional financial help for a sum of Rs. 10 lakhs under the pretext of expenses and in good faith again we have paid him a sum of Rs. 4 lakh in cash as we couldn't arrange the asked amount. Later on we came to know that his wife is staying with him normally as if nothing has happened.

That after this period he started avoiding us and whenever we have asked for day to day / monthly / quarterly account he always avoided it used to tell us that business is very down. We are not being able to cover even our monthly expenses so the question of profit doesn't arise and we believed his words.

That thereafter on enquiry with some staffs we found that the nursing home used to full with patients. They also told that the entire dealings and transactions used to done by keeping separate records by Mr. Nitin Naik, Malkeet Singh and Ashim Roy and they used to destroy a major portion of records to hide their illegal earnings and kept a part record just to justify the business they used to inform us. On enquiry I came to know that an average monthly business of the

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nursing home was somewhere between 30 - 40 lakhs approximately since last 15 - 18 months.

That thereafter we started enquiring properly about the aforesaid misappropriations and in our utter disbelief we found one Trade License issued by Matigara-II Gram Panchayat vide Trade Registration number 4766, dated 07.05.2024 for the period of 3 years i.e. from 2024 - 2027 in the name of Mr. Nitin Naik in his personal name and as proprietor. On verification from the said Panchayat Office it is found to be correct and by doing this Mr. Naik has committed fraud upon the Government Office / Matigara-II Gram Panchayat too by suppressing our Partnership Deed.

That on further verification we also found that Mr. Naik has opened a Bank Account in ICICI Bank Ltd, Shivmandir branch vide Current Account No. 728305000345 as a proprietor of Care N Cure nursing Home by using the aforesaid forged and illegally procured documents thus committed fraud upon ICICI Bank Ltd too.

That probably he has also opened a Current Account vide number 258250713124 in IndusInd Bank, Sevoke Road Branch, Siliguri by using aforesaid same forged and illegally procured documents and committed fraud upon IndusInd Bank Ltd too. He had issued a Cheque of aforesaid account of ICICI Bank Ltd (vide number 728305000345) amounting Rs. 7 lakhs in the name of IndusInd Ltd, Sevoke Road Branch New Account.

That later on suddenly I came to know that Nitin Naik has started a Nursing Training Center in the name and title of 'Dr. Nitin Skill Development School' at First Floor, Laxmi Complex, Opposite Smriti Guest House, Khaprail More, Matigara. We were literally surprised that he is not paying anything to us since long by saying that business is down. Further he kept on asking money in many petty pretexts and here he has started a Nursing Training Centre in his own

Ajit Kumar

name. Later we came to know that Mr. Naik has with wrongful intention diverted the fund of our nursing home into the aforesaid skill center and deceived us.

That he has converted our aforesaid partnership firm into a proprietorship firm in his own name without our consent. He had interpolated the terms and condition of the aforesaid Partnership Deed which is a valuable security for a partnership firm and converted the very nature of the partnership firm. It is pertinent to mention here that Nitin Naik by using the trade license in his own name and also using his own Pan Card (though we have a Pan Card in Care N Cure Nursing Home's name) and some other forged documents which bears the interpolated seal i.e., seal of "CARE N CURE NURSING HOME" as proprietor which were placed before the two Banks for creating a new bank accounts and in furtherance to which both accounts were opened.

That when I and Sanjay went to our nursing home to meet Mr. Naik we saw that his brother-in-law Malkeet Singh and his assistant Ashim Roy has taken complete control and charge of the day to day affairs of the Nursing Home under the direction of Nitin Naik. It is painful to report that they refused to produce day to day accounts book for our perusal. Mr. Naik with the help of Malkit Singh Chawla, Ashim Roy and some others hatched up a criminal conspiracy by forging several documents with a criminal intention to convert our partnership business into a proprietorship business to refrain us from being the partners of the said Nursing Home and the aforesaid persons had diverted our fund for their own benefits and in furtherance to such conversion and fund diversion without our knowledge and consent I and Sanjay has sustained huge loss.

Considering the facts and circumstances mentioned above reveals that Mr. Nitin Naik, Mr. Malkit Singh Chawla, Mr. Ashim Roy and Others deceived us

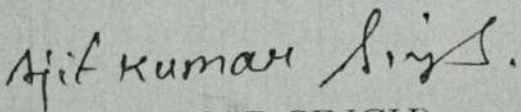
Ajit Kumar

and for this purpose they had prepared and procured false documents and used those forged documents as genuine documents for the purpose of defrauding us. They have also forged our valuable security of the said partnership business to deceive us for their own benefits with an intention to curtail our rights. They also made a counterfeit seal against our firm and misrepresent the firm as proprietor in the name of Nitin Naik and conspire to use such forged instruments / documents fraudulently and dishonestly along with counterfeit seal as genuine for the purpose of cheating / fraud.

Therefore you are please be requested to take necessary action in accordance with law against Mr. Nitin Naik, Malkit Singh Chawla, Ashim Roy and some others those who are part of this conspiracy.

Thanking you,

Yours Faithfully


(AJIT KUMAR SINGH)

Mobile: 9609077526

Enclosure: As above