

FIRST INFORMATION REPORT

1518

1. Date: 21/2/2017
2. Act: I.P.C. Sections: 406/409/420/324/1 Act
3. a) General Diary Reference: Entry No. 1017
b) Occurrence of Offence: Day: Friday + Monday Date: 24/2/17 Time: 19:15 hrs
c) Information received Date: 21/2/2017 Time: 19:15 hrs G.D. No. 1017 at the P.S.

4. Type of Information: Written/Oral: By: Written.
5. Place of Occurrence: a) Direction and Distance from P.S. APPROX 6 KM. NORTH FROM P.S.
b) Address: BHARAT Hitech (Ceosent) Pvt. Ltd. PO. V. Nagar Bangalore
9/No. 65 HP Reshabdm Beat No. P.S. Purullai Dist. Purullai

6. Complainant / Informant:
a) Name: Manish Kumar Agarwal Authorized representative of M/s Bharat Hitech Pvt. Ltd.
b) Father's / Husband's Name: S/o Jagdish Prasad Agarwal
c) Date / Year of birth: not stated
e) Address: Bharat Hitech (Ceosent) Pvt. Ltd. Bangalore Purullai Dist. Purullai

7. Details of known/suspected/unknown accused with full particulars (Attach separate sheet if necessary):
① Smt. Nitu Sharmaji Amit Sharmaji
② Amit Sharmaji both with Pa. Banipura P.S. Sankrail Dist. Howrah Proprietor and dealing person of M/s Tirupati Balaji Enterprise having its office as above.
③ Rajib Kumar Roy s/o Royvillia, Prantik (Sakal) S, Noapara Ichapur Pa. Newabganj 247(N) 473

8. Reasons for delay in reporting by the complainant/informant:

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

10. Total value of properties stolen/involved:

11. Inquest report (I.O. Case no., if any):

12. FIR Contents: (Attach separate sheets, if required): original written (typed) complaint is attached M. FIR is enclosed here with

13. Action taken: Since the above report reveals commission of offence(s) u/s 406/409/420/324/120B I.P.C. registered the case and took up the investigation/directed SI. Gopal Ch. Men 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

Manish Kumar Agarwal
Signature/Thumb impression of
the Complainant/informant

Signature of the Officer-in-Charge: S. Shankar Kumar Banerjee
Name: S. Shankar Kumar Banerjee
Rank: S. of Police, O.C. Purullai Dist. Purullai
Number if any: 247(N) 473

DR No - 1662/17

DR No - 1662/17

Date: 20.03.2017

To
The Officer-in-Charge
Purulia Police Station (Muffasal)
Puruli, West Bengal.

Sub: Complaint against (1) Smt. Nitu Shaw, W/o Amit Shaw, having address Vill + P.O. – Banipur, P.S. – Sankrail, District – Howrah- 711304 (2) Mr. Amit Shaw, having address Vill + P.O. – Banipur, P.S. – Sankrail, District – Howrah-711304, being Proprietor and dealing person of M/s. Tirupati Balaji Enterprise having its office at Vill + P.O. – Banipur, P.S. – Sankrail, District – Howrah-711304 and (3) Rajib Kumar Roy, having residence at 'Roy Villa', Prantik (Sakal), 5, Noapara, Ichapur, P.O. Nawabganj, 24 Pgs (N), West Bengal – 743144 for cheating, criminal breach of trust, Fraud and criminal conspiracy by the above named persons for siphoning away Rs. 67,04,681/-

Respected Sir,

I, Manish Kumar Agarwal, son of Sri Jagdish Prasad Agarwal, being the authorized representative of M/s. Bharat Hitech (Cements) Pvt. Ltd., having its works at P.O. – V. Nagar, Bongabari, Purulia – 723147 and Corporate office at 16, Ganesh Chandra Avenue, Gandhi House, 4th floor, Kolkata – 700 013, do hereby inform you regarding the acts of cheating, criminal breach of trust, Fraud and criminal conspiracy committed by the abovenamed persons the details of which are enumerated as hereunder:

That the said M/s. Bharat Hitech (Cements) Pvt. Ltd. being the complainant company is a reputed manufacturer of cement in the eastern region of the country and markets its products under the brand name "Bharat Super Cement".

That in usual course of business, in and around March, 2016, our company was approached by one Mr. Amit Shaw and his wife Mrs. Nitu Shaw being the Proprietor of one M/s. Tirupati Balaji Enterprise, having its office at Vill. & P.O. – Banipur, P.S. Sankrail, District – Howrah, Pin – 711304, who have visited our office

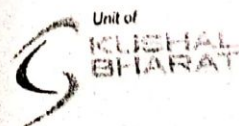
BHARAT HITECH (CEMENTS) PVT. LTD.

AN ISO 9001 : 2008 Certified Company

Corporate Office :
GANDHI HOUSE, 4th Floor, 16, Ganesh Chandra Avenue, Kolkata-700013.
Tel : 91-33-2225 6101/102, Fax : 91-33-22256454

Works :
P.O. V. Nagar, Bongabari, Purulia (WB). Pin - 723147.
Tel : +91-3252-313155, Fax : +91-3252-222494

CIN - U51900WB1999PTC098270



situated at 16, Ganesh Chandra Avenue, 4th floor, Gandhi House, Kolkata – 700 013. The said persons have been received/dealt by one Mr. Rajib Roy, Marketing officer of our company, being the abovenamed accused no. 3. The aforesaid persons had thereafter introduced themselves as the Proprietor/Authorized representatives of the said M/s. Tirupati Balaji Enterprise. The said Mr. Amit Shaw further represented that he looks after and take care of the entire day to day affairs and Management of the said M/s Tirupati Balaji Enterprise and they deal in building materials and have an excellent network in and around the region of Howrah. Further, the said Mr. Amit Shaw and Mrs. Nitu Shaw have represented that there is huge demand of Cement in the local market in and around the Howrah region and through their network and connections they can supply huge quantities of cement in the region there. They further represented that in order to meet the market demand, they would require constant supply of huge quantities of Cement and had requested our said Marketing Officer Mr. Rajib Roy to appoint them as our C&F Agent. The accused no. 1 & 2 had then assured that they would place demand of the said material i.e. Cement as per their requirement and would make payment in lieu thereof immediately upon realization of money from the market.

That in order to further induce our company, the said Mr. Amit Shaw and Mrs. Ritu Shaw had requested the said Mr. Rajib Roy to visit their Office/Godown at Vill. + P.O. – Banipur, P.S. – Sankrail, District – Howrah 711304 and accordingly the said Mr. Rajib Roy of our company went to the office/godown. The aforesaid persons, thereafter, took the said Mr. Rajib Roy of our company throughout the Office/Godown complex wherein primarily somewhat considerable activities were found upon which provided assurance to our company that the said M/s Tirupati Balaji Enterprise was a running concern and it would be feasible for us to appoint them as our C&F (Carrying & Forwarding) Agents. In the said office, the aforesaid accused persons again re-assured and reiterated their earlier representations including that of prompt repayment of money immediately upon realization from the market i.e. from the distributors or sub-distributors under them.

In view of such constant representations made by the aforesaid persons, we had agreed to supply cement manufactured to the said Mr. Amit Shaw and Mrs. Nitu Shaw. Thereafter as per the orders placed by the said Mr. Amit Shaw and Mrs. Nitu Shaw, we had supplied cement in various quantities to them during the period of April, 2016 to May, 2016, vide various invoices totaling to a value of Rs. 24,25,900 (Rupees Twenty Four Lakh Twenty Five Thousand and Nine Hundred only). The aforesaid persons, thro

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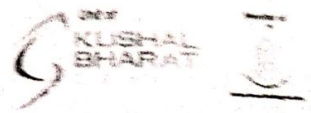
their company, M/s. Tirupati Balaji Enterprise and thereafter in between April, 2016 & Nov, 2016 the said Mr. Amit Shaw and Mrs. Nitu Shaw had initially made payments to the tune of Rs. 27,75,000/- worth Seventeen Lakh Seventy Nine Thousand and Eight Hundred only) in order to win our trust against the said Mr. Amit Shaw and Mrs. Nitu Shaw had stated that further they would realize their dues of goods worth Rs. 24,25,900/- lakhs and thus after winning our confidence and inducing us to believe in the said Mr. Amit Shaw and Mrs. Nitu Shaw, we had gained confidence about cement from us often on credit until the realization of money from the market so that they could reach to the maximum market share extending upto the untapped market which would only be possible by regular unhindered supply of cement by us.

In view of payments made by the said Mr. Amit Shaw and Mrs. Nitu Shaw, we had gained confidence about the genuineness of the representations made by them and as such we were induced to supply cement against further orders from them. Again in around July-2016, the said Mr. Amit Shaw and Mrs. Nitu Shaw had paid a sum of Rs. 3,00,000/- (approx). In this manner, the aforesaid accused persons gained our trust and thereafter had started placing orders for supply of various quantities of cement which we did accordingly.

That thereafter, we had supplied the quantities of cement to the said Mr. Amit Shaw and Mrs. Nitu Shaw as and when and in whatever quantities instructed by them in good faith and in this manner a huge amount of Rs 67,04,681/- lakhs (approx.) became payable by the accused. After being enquired upon the payment of such huge outstanding, the said Mr. Amit Shaw and Mrs, Nitu Shaw had now started to evade their real motives which they had in mind since the beginning which were to cheat and deceive us. The said Mr. Amit Shaw and Mrs, Nitu Shaw have started to withhold our payment for days and then for months despite of repeated requests to them in this regard. However, after repeated persuasions and follow-ups by our officials, the accused had in order to buy time from us assured us that they would soon clear all the dues which they could not due to slow realization from the market.

Meanwhile, it is pertinent to mention here that the abovenamed accused no. 3 Mr. Rajib Roy who had been an employee in our company and who was the person who had recommended and appointed the said Mr. Amit Shaw and Mrs. Nitu Shaw for our C&F Agency, has been involved in some illegal gratification from them in the form of a percentage of commission over their sale proceeds. It is also, noteworthy here to mention that the said Mr. Rajib Roy was the person who had approved numbers of unauthorized dispatches

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of cement consignments to the said Mr. Amit Shaw and Mrs. Nitu Shaw on credit in gross misuse of his authority consecutively despite of non-clearance and/or repeated failures on their part to clear their earlier dues. This fact came to our knowledge while pursuing the said Mr. Amit Shaw repeatedly for payments whereby he clearly mentioned to our officials that they had been paying a percentage upon the sale proceeds to Mr. Rajib Roy to manage the situation in their favour and also to continue receiving supplies from our company on further credits. The said fact of misuse of authority by Mr. Rajib Roy had also been further verified in our Auditor's Report.

Further, the role of the said Mr. Rajib Roy, becomes more apparent by the fact that while our internal audit was being conducted and the facts of him acting in collusion and in conspiracy with the other accused came to light, he has stopped coming to our office all of sudden without informing and later he became untraceable as he started to avoid even the phone calls from our office. All this time the said Mr. Rajib Roy had been acting as hand in gloves with the other accused for his unjust, unlawful and personal enrichment at the detriment of our company.

In such circumstances, officers of our company visited the Office/Godown premises of M/s Tirupati Balaji Enterprise and met the said Mr. Amit Shaw and Mrs, Nitu Shaw who were present there and after much persuasions, they had issued certain cheques, particulars of which as follows:

Date	Bank	Cheque No.	Amount
24.02.2017	UCO Bank , Banipur Branch	195584	27,00,000=00
24.02.2017	UCO Bank , Banipur Branch	195586	27,00,000=00
24.02.2017	UCO Bank , Banipur Branch	195562	5,00,000=00
24.02.2017	UCO Bank , Banipur Branch	195564	5,00,000=00
24.02.2017	Axis Bank Ltd, Andul Branch	096981	3,00,000=00

They had further represented that since they were in some difficulties at that point of time, the said cheques were now handed over and could be placed for encashment on the date mentioned in the said cheques and assured that those would be honoured under all circumstances. The officials of our company duly accepted the said cheques believing upon the assurance of the said Mr. Amit Shaw and Mrs. Nitu Shaw yet again only to be duped later as when the said cheques were presented for encashment before our bank on 24.02.2017 and 27.02.2017 respectively, but the same had been dishonoured with the remark "Payment Stopped by the Drawers". This clearly reflected that the Mr. Amit Shaw and Mrs, Nitu Shaw being well aware

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about the paucity of funds in their Bank Account, had issued the said cheques with the sole intention of committing fraud upon our company.

That further on 17.03.2017 at around 12.11 P.M. to 1.15 P.M., I have received calls from an unknown number 033-28610832 and immediately upon receiving the same the person at the other end of the phone has started to abuse me in filthy language and had threatened me over the phone with my life stating that "Agar tum log shaw babu se paisa ka tagada band nahi kiya toh apna kafan ka liye paisa jutaane layak nahi rahega".

He further stated that

"Purulia mein baithkar tum log bach nahi payega, goli maar dega".

Upon being informed about the dishonour of the said cheque, the said Mr. Amit Shaw and Mrs. Nitu Shaw had requested the officers of our company to come to their Office/Godown premises on 18.03.2017 and they further promised to pay the amount mentioned in the cheques by way of Pay Order and/or cash. In view of such promise made by the accused persons, I along with Sri Nandan Chandra Mishra visited the Office/Godown of M/s Tirupati Balaji Enterprise on 18.03.2017 at about 10-30 a.m. When we entered the said Office/Godown, the said Mr. Amit Shaw and Mrs. Nitu Shaw told to wait in one of the corner rooms as the money was being arranged. After keeping us waiting for more than half an hour at about 11-30 a.m., Mr. Amit Shaw along with 3/4 other anti social elements, being equipped with chain and iron rods, stormed into the said room and started screaming and abusing in filthy languages by saying - "Bahut paisa ki garmi aa gya tum logo mein, aaj tumhe marke sab chukka dunga". Soon thereafter, they started beating mercilessly by fists and kicks and thereafter assaulted us with iron rods and chains. When Sri Nandan Chandra Mishra tried to resist them, at that time the said Mr. Amit Shaw suddenly wielded out a pistol from his pocket and aimed the same towards Sri Nandan Chandra Mishra and further screamed by saying - "Phone pay dham kaaney ka bhi asar nahi hua, Aaj tum logo ko marke laash ko thikane laga denge". On seeing such conduct, we started praying for mercy for our life. Hearing the same, said Mr. Amit Shaw told the others that they should not kill us if we should not demand any further money from them and agreed to sign on some blank papers. They thereafter asked us to sign on some blank papers. Finding no alternative, we signed on four blank papers and managed to escape from there though they chased us for far distance. We were so frightened about our life and suffered trauma that we decided run away and reach Purulia Directly.

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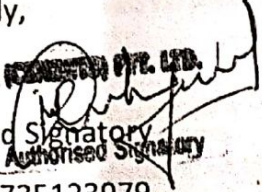
CIN - U51900WB1999PTC098270

I have been tremendously terrorized by such incident and am living in complete fear of my life and limb and that of my family.

In such circumstances, it is apparent that the accused persons made false and fraudulent representations to the officers of our company with the sole intention of cheating and defrauding our company in collusion and in conspiracy with each other. Being induced by such false and fraudulent representations, our company caused supply of consignment to the company of the accused persons namely M/s Tirupati Balaji Enterprise. However, despite receiving the consignment of such huge value, the accused persons deliberately did not pay the entire value thereof and instead, tried to buy time by issuing cheques which were however, dishonoured. In fact we could come to learn subsequently that in order to induce us, the accused persons had taken us on a visit to their Office/Godown and on such date, they had run the business on hired helps in order to give an impression of great activity level in their Office/Godown. In this manner, the accused persons had cheated our company to the tune of Rs. 67,04,681/-. Our company would not have had caused supply of such huge consignment to the accused persons, if it had not been so defrauded by the accused persons and thereby suffered wrongful loss while the accused persons by misappropriating the supplied goods, have gained wrongfully. Moreover our officers were mercilessly beaten up and threatened and forced to sign on blank papers, which would be used against the interest of our company.

Sir, under the facts and circumstances stated above, it is apparent that the aforesaid accused persons had misrepresented to us and had also received the misappropriated goods with the intention to cheat us with the aforesaid amount of money which they had intended to do since the inception. In the aforesaid circumstances, I request you to kindly register a First Information Report and initiate proceeding against the aforesaid accused persons under Sections 406/409/420/324/386/387/120B of the Indian Penal Code and/or other relevant provisions of the law and apprehend the accused persons at the earliest.

Yours Truly,

HARAT HITECH (CEMENTS) PVT. LTD.

Authorized Signatory
Mobile -9735123979

HARAT HITECH (CEMENTS) PVT. LTD.

Received on 21/3/17
at 19.15 hrs. and
started case no-
406/409/420/324/386/387/120B IPC
65117 at 21/3/17
Office in Charge
MULLA (M) P.S.
Dist-Purnia

Unit of

Member of