

## FIRST INFORMATION REPORT

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Septembliany Reference : Entry No. 38   Other Offices: Day   Dogstendary   Date   Defected in Right   Hary   2023	0	×	therects & Sections	<b>X</b>	X Sections.	m A~
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In the Court of Ld. Chief Judicial Magistrate, Purulia, West Bengal,

Ref: Misc. Petition No......3.9......of 2024

#### Petition U/S- 156(3) Cr.P.C

Allower.

## Name and Address of the Complainants thorough. Authorised Representative

GTL Infrastructure Limited, having its registered office at 3<sup>rd</sup> Floor, Global Vision, Electronic Sadan-II, MIDC TTC Industrial Area, Mahape, Navi Mumbai - 400710, Maharashtra, and Circle Office at 'Shaila Tower', 7th Floor, Plot – J1/16, Block – EP & GP, Sector- V, Saltlake, Kolkata – 700091

Name of Authorised Representative

Kallol Sarakar, son of Sri Kalyan Kumar Sarkar, working as Acquisition Officer, of West Bengal Circle at its Circle Office at 'Shaila Tower', 7<sup>th</sup> Floor, Plot – J1/16, Block – EP & GP, Sector- V, Saltlake, Kolkata – 700091.

#### Name and Address of the Accused Persons:

型nknown miscreant or miscreants

#### **Date and Place of Occurrence:**

At the Telecom Site situated at J.K. College Road, bearing Holding No. 897, N.G. Chaudhury Road by lane, P.O. Purulia, comprised in Dag no. 801, Khatian no. 4, Mouza Ketika, P.S. Purulia (T), District Purulia

#### Offence committed:

#### Name and Address of the witnesses:

- 1) Sri Madhab Chandra Mahato, son of Late Sristhidhar Mahato, aged about 45 years, working as Technitian at Circle Office situated at 'Shaila Tower' 7<sup>th</sup> Floor, Plot No. J1/16, Block EP & GP, Sector- V, Kolkata 700091.
- 2) Mr. Saba Ahhamad Ansari, son of Mr. Salauddin Ansari, aged about 25 years, working as Technician at Circle Office situated at 'Shaila Tower' 7<sup>th</sup> Floor, Plot No. J1/16, Block EP & GP, Sector- V, Kolkata 700091.
- 3) Sri Aniruddha Sinha, son of Late Aamar Kumr Sinha, aged about 59 years, working as Law & Order Officer at Circle Office situated at 'Shaila Tower' 7<sup>th</sup> Floor, Plot No. J1/16, Block EP & GP, Sector- V, Kolkata 700091.

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# THE COMPLAINANT ABOVE NAMED MOST RESPECTFULLY SHEWETH::-

- under the Companies Act, 1956 and is having its registered office at 3<sup>rd</sup> Floor, Global Vision, Electronic Sadan-II, MIDC TTC Industrial Area, Mahape, Navi Mumbai, 400710, Maharashtra and its Circle Office at 7<sup>th</sup> Floor, 'Shaila Tower', Plot J1/16, Block- EP & GP, Sector- V, Saltlake, P.S. Electronic Complex, West Bengal, PIN 700091 and is engaged in the business of installation and maintenance of passive infrastructures viz. Telecom Towers for the licensed telecom operators across the Union of India including the telecom Circle of 'ROWB' in pursuance of the Registration Certificate issued by the Department of Telecommunications, Ministry of Communications and I.T., Government of India.
- (2) That this present complaint case is filed through the authorized representative and authorized signatory namely Sri Kallol Sarkar, son of Sri Kalyan Kumar Sarkar, presently posted as Acquisition Officer for West Bengal and duly authorized by Complainant Company through a Letter of Authority dated 23<sup>rd</sup> November, 2022, bearing No. GIL/WB/LEGAL/2022/1149 being Authorized vide Letter of Authority read with the Board Resolution dated 10<sup>th</sup> November, 2022, and, therefore, competent to institute the present proceeding on behalf of the Complainant Company.

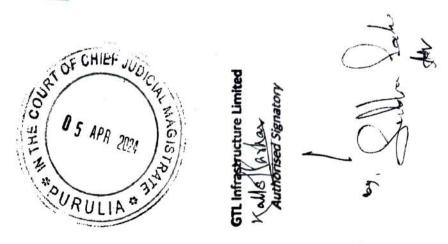
Hereto annexed and marked as **Annexure** "A" is the copy of the said Letter of Authority dated 23<sup>rd</sup> November, 2022 along with the said Board Resolution dated 10<sup>th</sup> November, 2022.

(3) The GTL Infrastructure Limited (in short 'GIL'), the Complainant Company hereof, for the installation of its Telecom Tower being an expensive "Roof Top Tower" had contacted one Sri Madhusudan Ghosh son of Late Golok Behari Ghosh, (hereinafter referred to as the "Landlord") for a space at his building located at J.K. College Road, bearing Holding No. 897, N.G. Chaudhury Road by lane, P.O. Purulia, comprised in Dag no. 801, Khatian no. 4, Mouza Ketika, P.S. Purulia (T), District Purulia, (hereinafter referred to as the said "Telecom Site") and a License Agreement dated 12th February, 2010 was executed in that effect.

Your Complainant Petitioner craves leave to show the photocopy of the said License Agreement dated 12<sup>th</sup> February, 2010 if required and directed by Your Honour during the time of Hearing.



- (4) That in pursuance of the said License Agreement, The Complainant Company had installed a Mobile Tower, viz. a Roof Top Tower upon the said Site. The Telecom Operator to whom the said Mobile Tower has been given for installing their/ its equipments and instruments have also fitted their/its equipments and instruments upon the said Mobile Tower.
- (5) The Complainant Company namely GTL Infrastructure Limited (GIL) states that since Telecom Industry has seen a drastic and unbelievable downfall since last few years, few of the mobile operators (who were customers of GIL) have stopped their operations from 'ROWB' Telecom Circle and the said downfall has grossly impacted GTL Infrastructure Ltd. The Operator on the said site due to downfall, stopped paying landlord rentals (landlord rentals were reimbursable by the Operator to GIL) and in turn GIL was unable to pay the rent of the land owners, however the said rent i.e. License Fees was paid till its operation. This downfall situation was well appraised to the landowner by GIL.
- visited to the aforesaid Site on 31st May, 2023 and during the said inspection, it was found that the said entire Mobile Tower along with its allied equipments installed by the Complainant Company i.e. one No. of Roof Top Tower, various allied Electricidal Fittings and Equipments have been Stolen (hereinafter referred to as "Stolen Assets") from the said Telecom Site. The Complainant Company upon due enquiry has found out that the said assets have been stolen by some unknown miscreants. Hereto written morefully hereunder and marked as Schedule 'A' is the list of the assets installed and/or erected by the Complainant Company which have been theft from the said Telecom Site.
- (7) That the said Tower and other ancillary equipments and materials, etc., lying at the said Site were legitimate assets (more properly described in **Schedule** 'A' hereto) belonging to the Complainant Company. The Complainant Company hereby states that as per the Accounts maintained by the Complainant Company during the normal course of its business, the Written Down Valuation (WDV) of the Stolen Assets is costing to the tune of Rs. 2,02,018/- (Rupees Two Lakhs Two Thousand Eighteen only).
- (8) That the tower theft was a "Roof Top Tower" in category which was considered as critical installation and services provided through the same are "Essential Public Utility Services" utilized by Central and State Security



Agencies and public at large for internet services, office works, emergencies and educations and for other wireless telecom services.

- (9) That due to this planned, unlawful theft of the said Assets at the said Site by these miscreants/ unknown persons, the Company has faced and is facing huge financial loss. It is pertinent to mention that the Company has and/ or had never any intention to dismantle the said tower at the said Site nor Company has authorized any third party for the same.
- (10) That this criminal act committed is a serious offence and is punishable under various sections of the Indian Penal Code including but not limited to Trespassing, dishonest and fraudulent removal or concealment of property Mischief and finally to Theft with offence as per Section 25 of Indian Telegraph Act, 1885.
- (11) This is a case in which proper police investigation is required by treating this petition as an FIR. The Complainant has tried to lodge a First information Report (F.I.R.) by informing the concerned Purulia (Town) Police Station as on immediate basis on 1<sup>st</sup> June, 2023 itself upon aforesaid information of the serious theft but no action was taken by the said P.S. in spite of visits of representatives of the Complainant on several dates. Finally the Complainant Company has served its written police complaint dated 17<sup>th</sup> November, 2023 vide Speed Post which was served at the said Purulia (T) P.S. on 20<sup>th</sup> November, 2023, however the police authority, i.e. the said Purulia (T) P.S. has not taken any action or registered the F.I.R. in this matter for reasons best known to them. Hence the Complainant is filing the present criminal complaint for directing the Police to take cognizance of the offence by registering F.I.R. against the unknown miscreants who have stolen assets.

Hereto annexed and marked Annexure "A" is the copy of the aforesaid Complaint served by the Complainant along with postal receipt and Postal Track Report of Indian Postal Department thereto. The said Complaint is signed and verified by Mr. Kallol Sarkar, being the authorized representative of the Complainant.

(12) That the Complainant states that the Complainant being aggrieved by the inaction of the concerned Purulia (T) Police Station while registering the First information Report was constrained to issue a copy of the letter / written complaint dated 6<sup>th</sup> March, 2024 to the Superintendent of Police, Purulia informing that the Complaint has been filed by the Complainant before the concerned police station to take cognizance of the said serious



offence of theft by registration of an FIR, however the same too has not been registered in due course whereas the said written complaint was duly served to the said Office on 13th March, 2024.

Hereto annexed and marked **Annexure "B"** is the copy of the said written Complaint dated 6<sup>th</sup> March, 2024 issued by the Complainant Company to the Superintendent of Police, Purulia along with Postal Receipt, and its Postal Tracking of Indian Postal Department thereto.

- (13) That this Complaint is Not barred by Limitation.
- (14) That the Complainant submits that in the given facts and circumstances, the Complainant being a victim is left with no alternative but to approach this Learned Court for justice as the police have failed to act in the matter of the complaint.
- (15) That as the offence is committed within the territorial jurisdiction of this Learned Court, the Learned Court has jurisdiction to take cognizance of the offence and direct the concerned Purulia (T) Police Station to investigate the offence by registering F.I.R.
- (16) That in the facts and circumstances of the case it is evident that the accused person/ persons had committed the offences punishable under various provisions of the Indian Penal Code including theft and he/ they are liable to be punished for the same which falls well within the jurisdiction of this learned Court.
- (17) That inspite of receiving the said written complaints the police authority did not take any steps till date.
- (18) That the petitioner states that if the orders as prayed for are not passed, the petitioner will suffer irreparable loss and injury and that the business of the petitioner is also at stake because of the opposite Party.
- (19) That the petition before the Ld. Court is made bona fide and for the ends of justice.

In these circumstances, the Complainant prays that your Honour may be pleased to direct the Inspector-in-charge, Purulia (Town) Police Station to treat this Petition of Complaint as F.I.R. and to investigate the same as per Provisions U/s. 156(3) Cr.



P. C. and to pass such other and further order/orders as your honour may deem fit and proper.

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

#### (Description of the site address and stolen properties)

Site Address: - At J.K. College Road, bearing Holding No. 897, N.G. Chaudhury Road by lane, P.O. Purulia, comprised in Dag no. 801, Khatian no. 4, Mouza Ketika, P.S. Purulia (T), District Purulia.

### (Description of Mobile Tower and other Ancillary Equipments as owned by the Company with the WDV of theft materials excluding service cost)

Type of Telecom Tower: Roof Top Tower

Sr. No.	Particulars	Quantity	Total WDV in INF
1.	TOWER (50 MTR) 180 KMPH	01 No.	
2.	Electrical equipments & fittings	various	Rs. 2,02,018/- [Rs. 4,52,510/- "COST" less \$2,50,492/- "Depreciation Reserve"]
	Grand Total		vo Lakhs Two Thousan Eighteen Only.