

570

1. Dist. Talpaiguri P.S. NJP Year 2023 FIR No. 419/23 Date 08/05/2023

2. i) Act IPC Sections 354/354A/379/325/341/4271 ii) Act Sections 447/506/34 IPC iv) Others Acts & Sections

3. (a) Occurrence of offence : Day Date From Date To 16/04/2023
Time Period Time From Time To about 16.00 hrs
(b) Information received at P.S. Date 08/05/2023 Time 20:25h
(c) General Diary Reference : Entry No (s) 401 Time 20:25h

4. Type of Information Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. Beat No
(b) Address Tanatapara, Ward No. 35, Under SMC PS- NJP
Dist- Talpaiguri
(c) In case outside limit of this Police Station, then the
Name of the P.S. N/A District

6. Complainant / Informant :
(a) Name Dulali Mandal Sarkar
(b) Father's / Husband's Name Shyamal Sarkar
(c) Date / Year of Birth (d) Nationality Indian
(e) Passport No. Date of Issue : Place of Issue
(f) Occupation
(g) Address Tanatapara, Ward No. 35, Under SMC PS- NJP, Dt- Talpaiguri

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) : 1/ Upen Mohanta s/o not known 2/ Sushanta Mohanta s/o Upen Mohanta 3/ Uttam Mohanta s/o Upen Mohanta 4/ Rita Mohanta w/o Upen Mohanta 5/ Kusum Mohanta w/o Sushanta Mohanta 6/ Pinki Mohanta w/o Uttam Mohanta all are of Tanatapara, Ward no- 35, Under SMC PS- NJP, Dt- Talpaiguri

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

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :
Cash 1200/- (Rupees Twelve Hundred only)

10. Total value of properties stolen / involved

11. Inquest Report / U.D. Case No. If any Nil

12. FIR Contents (Attach separate sheets, if required) : The original written complt 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 ASI Dhruva K. Mishra of NJP PS. SPL 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.

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 : PARTHA SARATHI DAS
Rank : No. SI OF POLICE
etc NJP PS. SPL

on the original
written complt

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE JALPAIGURI

M.P Case No- 117/23

DULAL MANDAL SARKAR VS UPEN MOHANTA

Order dated 21-04-23

This day the complainant has filed a petition praying for passing necessary direction upon the concerned Police Station for treating the written complaint as FIR as per provisions of Section 156 sub-section (3) of the Criminal Procedure Code 1973.

The complainant is present and he is examined by this court.

Heard Ld lawyer for the complainant.

Series of documents(photo copies) have been filed. Affidavit as stipulated by law has been filed. It is apparent that the modalities of section 154 (3) and section 36 of Criminal Procedure Code 1973 has been complied with. Thus the directions of the Hon'ble Supreme Court given in *Lalita Kumari versus State of U.P [2014] 2 SCC 1* and *Priyanka Srivastava and another versus State of UP and others [2015] 6 SCC 287* have been complied with.

Meticulously examined the petition in which allegations of cognizable offence/s have been disclosed. The facts prima facie reveal that criminal complexion can certainly be conjured up. The nature of allegations also persuades me to hold that intervention by police authority is necessary and the cause of justice can only be served by detailed probe.

Hence the prayer is allowed.

The written complaint be sent to I/C, NJP P.S. Jalpaiguri and I/C, NJP P.S. is directed to conduct investigation following the modalities of law treating the complaint as FIR and to file compliance report to this end at the earliest.

Let a copy of this order along with the petition of complaint be sent to the I/C NJP P.S. Jalpaiguri who is directed to invest her own consideration to the facts alleged and he should not be influenced by the mere manifestation of the sections- If any- mentioned in the written complaint.

Be it mentioned here that if any police case has already been started on the basis of F.I.R. lodged by the complainant over the same facts as envisaged in the present complaint, in that event matter shall be reported to this Court and no fresh case shall be started until further order from this end.

Comply at once.

It is reiterated here that as per order of the Hon'ble High Court in CRM 4792/2019 FIR shall be drawn up at the police station not later than 24 hours from the date of receipt of order u/s 156(3) Cr.P.C. and non compliance of the same will entail action u/s 23 Police Act and departmental action also.

Fix 15-05-23 for compliance report from P.S. concerned.

CJM, Jalpaiguri

Chief Judicial Magistrate
Jalpaiguri

copy forwarded to
I/C NJP P.S. Jalpaiguri
for compliance

Received on 08/05/2023 at 20:25h vide
GDE NO. 101 dt 08/05/2023 and started
NJP P.S. case No. 119/23 dt 08/05/23 u/s 351/
351A/379/325/311/429/447/506/361 PC and
endorsed to ASI Dhruva K. Mishra of NJP P.S.
for its investigation.

21/4/23