

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

3438

1. Dist. Talpaiguri P.S. NXP. Year 2024 FIR No. 38/2024 Date 17.1.24

2. i) Act IPC Sections 341/323/307 ii) Act _____ Sections _____
 iii) Act _____ Sections 354/379/34 IPC iv) Others Acts & Sections _____

3. (a) Occurrence of offence : Day _____ Date From _____ Date To 27.11.23.
 Time Period _____ Time From _____ Time To _____
 (b) Information received at P.S. Date 17.1.24. Time 17.55 H.
 (c) General Diary Reference : Entry No (s) 776 Time 17.55 H.

4. Type of Information _____ Written / Oral _____

5. Place of Occurrence : (a) Direction and Distance from P.S. _____ Beat No. _____
 (b) Address Jabravita, P.S. NXP, 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 Utsab Dey
 (b) Father's / Husband's Name Utpal Dey
 (c) Date / Year of Birth _____ (d) Nationality Indian.
 (e) Passport No. _____ Date of Issue _____ Place of Issue _____
 (f) Occupation Chumbari, Bedidanga, P.S. Panchagarh,
 (g) Address Dist. Darjeeling.

7. Details of known / suspected / unknown accused with full particulars
 (Attach separate sheet, if necessary) : _____

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 compelt which is treated as FIR is NIL

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 Asst. Mang. Majumdar of NXP B. 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.

On the original written compelt.

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 SARITA SARATHI DAI
 Rank : No. SI OF POLICE
OF NXP B. SPC

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 371/23

UTSHAV DEY VS MIRA SARKAR (DEY) AND OTHERS

Order dated: 14-12-23

That 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 PS and I/C NJP PS . 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 PS 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 15-01-2024 for compliance report from P.S. concerned.

CJM, Jalpaiguri

Chief Judicial Magistrate
Jalpaiguri

Forwarded to I/C NJP PS
for taking necessary action

থানা - নিউ জলপাইগুড়ি,

জেলা - জলপাইগুড়ি ।

৩) শ্রী মনোজ সরকার,

