

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



2254

1. Dist. Bhaktinagar P.S. Bhaktinagar Year 2025 FIR No. 398/25 Date 30-04-20252. i) Act. 106 BNS 23 Sections 106 BNS 23 ii) Act. - Sections -iii) Act. - Sections - iv) Others Acts & Sections -3. (a) Occurrence of offence : Day - Date From 13-01-2025 Date To -Time Period - Time From 17:15 PM Time To -(b) Information received at P.S. Date 30-04-2025 Time 14:10 hrs.(c) General Diary Reference : Entry No (s) 1525 Time 14:10 hrs.4. Type of Information Written Written / Oral5. Place of Occurrence : (a) Direction and Distance from P.S. - Beat No. -(b) Address Pragati Nursing Home PS-Bhaktinagar, Dist- Jalpaiguri

(c) In case outside limit of this Police Station, then the

Name of the P.S. - District -

6. Complainant / Informant :

(a) Name Indubhusan Ray(b) Father's / Husband's Name Gunadhar Ray(c) Date / Year of Birth - (d) Nationality Indian(e) Passport No. - Date of Issue - Place of Issue -(f) Occupation -(g) Address Subash Pathy, Hatimora, Near PAC Club, ward No-18, P.O. PS- Singuri, Dist- Barjeeling

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

(Attach separate sheet, if necessary) :- Dr. Pragati Nursing Home @ Dr. Bijay Kumar Agarwal, Managing Director of Pragati Nursing Home

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 complaint which is treated as FIR is attached herewith.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 SI- Agan Lepcha to take up investigation / refused investigation / transferred to P.S. Bhaktinagar PS (ASGOT), JAC 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 is on the written complaint.

15. Date & Time of despatch to the court :

DR No. 3365 Date 01/05/25
Bhaktinagar Police Station
SPCInspector in Charge
Bhaktinagar Police Station
Siliguri Police Commission

Signature of the Officer-in-Charge, Police Station

Name SHRI AMIT ADHIKARYRank : No. I/C-BHAKTINAGAR



M.P. case - 119/25
u/s 175(3) B.N.S.S.

Sri Indubhuran Roy vs. pragati
varying form and
others.

Order dated: 24-04-25

A report is received from **S/I Agen Lepcha of Ashighar Out Post under Bhaktinagar PS** in terms of order dt.19-04-25.

Perused the report and the record.

Having perused the report and the petition of the complaint, it appears to this court that the prayer of the complaint should be allowed.

Accordingly I/C, Bhaktinagar PS is directed to investigate the case after treating the petition of complaint as F.I.R.

Let a copy of order be sent to I/C, Bhaktinagar PS for information & compliance.

Fix 20-05-25 for report from the concerned PS.

D/c by me,

Forwarded to...
for taking necessary action

Bench Clerk
Court of the Chief Judicial Magistrate
JALPAIGURI
25/04/25

CJM, Jalpaiguri
Chief Judicial Magistrate
Jalpaiguri

S/I Agen Lepcha
Pl. take up

26/04/25

121/11

28/4/25



COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 94/25

INDUBHUSHN RAY VS PRAGATI NURSING HOME AND OTHERS

U/S 175(3) BNSS-2023

Order dated: 17-03-25

Complainant INDUBHUSHAN RAY has filed a petition praying for relief under Section 175(3) BNSS-23.

Complainant remains present and enquired.

Heard Ld lawyer for the complainant.

In view of Section 175(3) of BNSS-2023 I/C Bhaktinagar PS is directed to submit the report in respect of the complaint, filed by the complainant INDUBHUSHN RAY AGAINST PRAGATI NURSING HOME AND OTHERS within given period from the date of the communication of the order.

Let a copy of the complaint along with the copy of order be sent to I/C Bhaktinagar PS for information & compliance .

Fix 05-04-2025 for compliance report from P.S. concerned.

C.J.M., Jalpaiguri
Chief Judicial Magistrate
Jalpaiguri

Forwarded to I/c Bhaktinagar PS
for taking necessary action

dc Bhaktinagar PS
pls submit a compliance
report

SI Agem Lepika for
mark report
25/3/25

Received No. 8691 Date 18/03/25
Bhaktinagar Police Station
Siliguri Police Commissionerate

John Ray

IN THE COURT OF THE LD. CHIEF JUDICIAL MAGISTRATE AT JALPAIGURI

REF: MISC. PETITION NO.

OF 2025

IN THE MATTER OF:-

An application Under Section 173(4) of the Bharatiya Nagarik Suraksha Sanhita, 2023 r/w Section 175 (3) of Bharatiya Nagarik Suraksha Sanhita, 2023.

AND

IN THE MATTER OF :-

SRI INDUBHUSAN RAY

Son of Sri Gunadhar Ray, Resident of Subhash Pally, Hatimore, Near TAC Club, Ward No. 18 of S.M.C., Post Office & Police Station- Siliguri, District- Darjeeling, Pin: 734001.

...Complainant.

Vs.

*True copy
S. J. Ray*

*Received on 30.04.2025 at 1410hrs vide
GDE No - 1525 Dt:-30.04.2025 and start
Bhaktinagar AS Case No-398/25 Dt:-30-04-25
U/s-106 of BNS, 23 and endorsed to SI-Agen
Lepcha for investigation.*

30.04.25
**Inspector-in-Charge
Bhaktinagar Police Station
Siliguri Police Commissionerate**

1. PRAGATI NURSING HOME

2. DR. BIJAY KUMAR AGARWAL

Managing Director of Pragati Nursing Home.

Sl. No. 1 & 2 has their office at Iskcon Road, Baneshwar More, Near Siliguri Club, Ward No. 41 of S.M.C., Post Office- Sevoke Road, Police Station- Bhaktinagar, District- Jalpaiguri, Pin: 734001.

.....Accused Persons.

OFFENCE COMMITTED - UNDER SECTION- 105 OF BNS.

The humble petition on behalf of the above named complainant.

Most Respectfully Sheweth :-

- 1) That the complainant is a law abiding citizen of India, he is Advocate by profession and an esteemed member of Siliguri Bar Association.

- Prabhat Ray*
- 2) That a tragic motor vehicle accident occurred on 13.01.2025 at around 5:15 p.m. at eastern bypass resulting in the untimely demise of the complainant's minor son namely Master Vivan Ray, aged 6 years and the complainant wife also suffered grievous injury and the incident was reported to the Ashighar Out Post under Bhaktinagar Police Station and a specific case was initiate being Bhaktinagar P.S. Case No. 45 of 2025 dated 14.01.2025 u/s. 281, 125, 106(1) of BNS, 2023 was initiated.
 - 3) That immediately after the unfortunate motor vehicle accident the complainant wife with her broken right arm and holding the complainant grievously injured son in her lap reached Pragati Nursing Home in a Toto the said nursing home is situated at the address mentioned in the cause title and Dr. Bijay Kumar Agarwal is the managing director of the nursing home.
 - 4) That it is pertinent to mentioned that when the complainant's wife reached Pragati Nursing Home alongwith grievously injured child of the complainant in order to seek urgent medical care and attention the said accused nursing home and the managing director i.e. Accused No. 2 denied to give any medical care, nether provide any basic fasted and denied them to provide an a ambulance which would transferred them to another medical institution.
 - 5) That being desperate from help the complainant's wife being denied with an ambulance by the accused persons went to Anandaloke Multispecialty Hospital, Sevoke Road, Siliguri in a Toto but by the time the complainant's wife and child reached Anandaloke Multispecialty Hospital the condition of the complainant son deteriorated and the child expired shortly after arrival.
 - 6) That if the accused person would have provided timely appropriate medical care to the complainant's son, the complainant son's life would have been saved.
 - 7) That it was within the ambit of knowledge of the accused no. 2 being a registered medical practitioner, that such denial of treatment of the minor son of the complainant may result in the death of the complainant son even though he and his institution i.e. Accused No. 2 & 1 denied treatment to the complainant minor son.

- Dr. J. J. J.*
- 8) That the complainant prays that the CCTV footage of Pragati Nursing Home of 13.01.2025 between 5:00 p.m. to 8:00 p.m. be seized and preserved so that the actual scenario can be seen and the footage of surrounding areas should also be seized so that the situation can be seemed in which the complainant's wife did bring her minor son who was battling with life to Pragati Nursing Home and was denied treatment i.e. accused no. 1 & 2.
 - 9) That the complainant lodged a written complaint before the Officer-In-Charge, Ashighar Out Post under Bhaktinagar Police Station on 21.01.2025 but for the best reasons known to Bhaktinagar Police they failed to initiate a specific case against the accused persons.
 - 10) That thereafter on 05.03.2025 the complainant informed the commissioner, Siliguri Metropolitan Police Under section 173(4) of BNSS, 2023 but even then no specific case has been initiated till now.
 - 11) The complaint discloses commission of a cognizable offence hence the Bhaktinagar Police Station.....

Under the above circumstances your Honour would be graciously pleased to pass necessary order/orders for directing the Inspector-In-charge Bhaktinagar Police station to register the aforesaid complaint as F.I.R. immediately under section 175(3) of BNSS, 2023 and investigate the matter and report to the Ld. Court within 15 days from the date of filing of this complaint.

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

Dated: 17.03.2025

AFFIDAVIT

I, **SRI INDUBHUSAN RAY**, Son of Sri Gunadhar Ray, aged about 33 years, Hindu by religion, resident Subhash Pally, Hatimore, Near TAC Club, Ward No. 18 of S.M.C., Post Office & Police Station- Siliguri, District- Darjeeling, Pin: 734001- do hereby solemnly affirm and declare as follows :-

- 1) That I am the Complainant and I am well acquainted with the facts and circumstances of this case.

.....This is true to my knowledge.

- 2) That the statements made in paragraph 1 to 11 are true to my knowledge and belief and the statements made in rest of the paragraphs are my humble submission before this Ld. Court.

.....This is true to my knowledge.

And I swear and sign this affidavit on this the 17th day of March, 2017 at Jalpaiguri Court premises.



Deponent.
Identified by me:

Advocate