

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

4163

At Bhaktinagar 2021 File No. 1252/21 Date 23/09/2021

141/149/223/326/2021/341/379/506/511/34 -

21/09/2021 - 22/09/21

at 22.50 hrs

3. Information received at P.S. Date 23/09/2021 Time 17.10 hrs

4. Complaint No./Reference Entry No. 1165 Time 17.10 hrs

5. Type of Information Crime / Other

6. Name of Complainant (to) Location and Distance from P.S. (to) P.S. Ashraf Nager PS Bhaktinagar, Jaipur

7. Name of the person (to) the Police Station (to) the

8. Name of the person (to) the Police Station (to) the

9. Name of the Complainant (to) the Police Station (to) the

10. Name of the Complainant (to) the Police Station (to) the

11. Name of the Complainant (to) the Police Station (to) the

12. Name of the Complainant (to) the Police Station (to) the

13. Name of the Complainant (to) the Police Station (to) the

14. Name of the Complainant (to) the Police Station (to) the

15. Name of the Complainant (to) the Police Station (to) the

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

(1) Md. Adnan (2) Anam S/O Mughaz Alam of Ashraf Nager PS Bhaktinagar

(3) Md. Shaukat S/O Mq. Nuzul Islam of Court near Bus Stand PS, Bilgaon, Dargaching. (4) Md. Saadique @ Muter S/O

not known of Ashrafnagar PS Bilgaon, (5) Md. Azad @ Sepu S/O not known of

not known of Thakur, Baridwar Road, Dargaching PS Bilgaon

17. Total value of properties stolen / damaged

18. Inquest Report / U.D. Case No. if any

19. FIR Contents (Attach separate sheets, if required)

The original written complaint which is reported as FIR is enclosed herewith / reproduced over leaf.

20. 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 SUDIP K R SAHA

investigation / referred investigation / transferred to P.S.

prohibition / if read over to the Complainant / informant admitted to be correctly recorded and a copy given to the Complainant

returned back to

14. Signature / Thumb impressions of the Complainant / Informant

15. Date & Time of receipt by the Station

DR No. 5505 DT 24/9/21 DAWA Inspector-in-Charge Bhaktinagar Police Station Bilgaon Dargaching PS Bilgaon

SI OF POLICE 1516 N PS 15PC



COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No-262/ 2021

MD SABIR AND MD ADNAN @ANAM AND 4 ORS

21.09.21

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 IC BHaktinagar PS, Jalpaiguri and IC BHaktinagar PS, Jalpaiguri 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 BHaktinagar PS, Jalpaiguri who is **directed to invest his 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 29.10.21 for compliance report from P.S. concerned.

Sd/-

C.J.M. , Jalpaiguri

Copy forwarded to IC Bhaktinagar PS ,Jalpaiguri

C.J.M. ,Jalpaiguri

MP 262/21

21/9

IN THE COURT OF LD. C J M Jalpaiguri



4908-101

MISC. PETITION NO. /2021

NAME AND ADDRESS OF THE COMPLAINANT

Md. Sabir
(Aged about 38 years)
S/O Md. Yusuf
Resident of Ashraf Nagar, Masjid
Road, Ward No.40, P.S Bhaktinagar,
Dist Jalpaiguri

NAME AND ADDRESS OF ACCUSED PERSONS

1. Md. Adnan @Anam
S/O Majhar Alam,
R/O Ashraf Nagar, Masjid Road,
Ward No.40, P.S Bhaktinagar, Dist
Jalpaiguri
2. Md. Shanewaz
S/O Md. Nurul Islam
R/O Court more, Near Bus Stand,
P.S Siliguri, Dist Darjeeling.
3. Md. Sarique @ Mister
S/O Not Known
R/O Ashraf Nagar, Masjid Road,
Ward No.40, P.S Bhaktinagar, Dist
Jalpaiguri
4. Md. Azad @ Sonu
S/O Not known
R/O Ashraf Nagar, Masjid Road,
Ward No.40, P.S Bhaktinagar, Dist
Jalpaiguri
5. Md. Sadiq Hussain
S/O Not Known
R/O Thokar, Burdhawan Roan,
Over Bridge, P.S Siliguri, Dist
Darjeeling

29/10

Received on 23/10/21 at 17:10h
vide order no 1165 of 23/10/21
and started B.M.P.S. Case no
1252/21 of 23/10/21 J.S.
147/149/303/326/307/341/371/501
34 J.P. and ordered to send
to SI Sudip for further
investigation

Inspector in Charge
Bhaktinagar Police Station
Siliguri Metropolitan Police



12 1 SEP 2021

Md. Saad

DATE OF OCCURANCE OF OFFENCE

From 20.08.2021 and still continuing.

OFFENCE U/S :-

147/149/323/326/307/341/379/506/511/34 of I.P.C

PETITION U/S 156 (3) Cr.P.C.

The complainant begs to state as follows:

1. That the contents of the complaint inter alia is that on Friday 20/08/2021 at about 8:30pm Complainant, along with his friends and relatives were watching the Muharram procession near Khanka Masjid, Ashraf Nagar, Masjid Road, Ward no. 40, P.S. Bhaktinagar, District Jalpaiguri, the above named accused persons suddenly came out of the procession and attacked the complainant and his family members and friends with the sharp weapons and lathis held in their hands. As they were known to the complainant, Complainant tried to ask them as to why they had actually attacked upon complainant but by that time, the accused no. 1 had already struck the complainant on his head with a stick in his hand. Thereafter, the father of the accused person and his uncle continuously told the accused to use the sword in the hands of the accused no.4.

By that time many people of the locality assembled around the complainant and his family members and rescued the complainant from the assailants. Your complainant went to the Bhaktinagar P.S. with a written complaint about the incident and there was told to go to Siliguri Hospital for Medical Check-up first

Your complainant was then taken to the Siliguri Hospital by his brother Md. Ashique on his scooter for immediate medical help. Soon as the complainant and his brother reached Siliguri Hospital, complainant saw accused no.2 i.e. Md. Shanewaz waiting for complainant with some unknown boys. Said accused no.5 stopped the complainant and his brother and prevented them from entering into the hospital.

The other accused reached the spot and once again the complainant and his brother were assaulted. The police personnel at the outpost inside the hospital heard the hue and cry and started coming towards them i.e. complainant and his brother. Seeing the police the accused person fled away with a threat to return with more men and finish the complainant and his family on the score of the long standing boundary dispute.





Md. Sachin

Complainant went to the hospital Emergency and was treated there by the on-duty Doctor and after taking necessary medicines and the first aid Complainant returned to the Bhaktinagar P.S. for lodging the complaint. This time the officer on duty refuted the complainant, saying the incident took place in front of the Siliguri Hospital which is not under their area and thus your complainant should approach the Siliguri P.S. with that written complaint.

Thereafter, Complainant went to the Siliguri P.S. where he was asked to rewrite the complaint, which your complainant did and the duty officer took both the copies of the complaint and assured him i.e. complainant with action only after preliminary investigations.

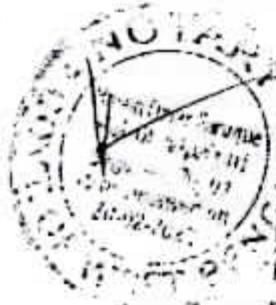
On 21/08/2021, Complainant received several threat calls over phone from unknown numbers threatening the complainant of dire consequences if at all he went to the Bhaktinagar P.S. pursuing the complaint. Some elderly of complainant's locality also visited his house and showed their concern about complainant and told that the accused persons are very notorious and influential and they would continue with their nefarious activities in the locality and can harm the complainant and his family members. Thus complainant should consider mitigation of the matter, amicably.

From about 2-3 PM onwards on 22/08/2021, complainant started receiving crank calls over his phone on behalf of accused persons and sometime thereafter Md. Hasnat S/o Md. Hasim (Secretary of Minority Unity) of our locality along with accuseds who are of our locality came to complainant's house and started threatening your complainant out loud for having lodged a complaint against the accused persons and also threatened to mobilize their contacts in the police and implicate the complainant and his family in false criminal cases and denigrate their social standing using their i.e. accused's contacts in the media.

Thereafter, at about 10:30 PM on 22/08/2021, while complainant was returning home from work, accuseds along with Md. Azad @ Sonu of the same locality along with other associates intercepted complainant on his way near Payal Cinema Hall, 2nd Mile, Sevoke Road and dragged complainant out of his car showing dagger which was held by accuseds. The accused persons assaulted the complainant with fist blows and kicks and threatened him further of dire consequences and forced the complainant to withdraw the written complaint from the Bhaktinagar P.S. The accused persons snatched away complainant's gold chain worth Rs.70,000/- and his folio bag which contained some valuable documents and some cash.

Complainant somehow escaped from the spot in his car and went straight to the Bhaktinagar P.S. and told the I.C about the misery. As the complainant's Complaint was already with him, the I.C Bhaktinagar advised your complainant to go home immediately and assured him i.e. complainant to send force forthwith. The I.C Bhaktinagar also told complainant to identify the accused persons.

At about 11:45 PM on 22/08/2021, complainant along with his brother and 2 others went to Ashraf Nagar along with the police party from the Bhaktinagar P.S. soon as the police party arrived in front of the house of the accused no.1,



CHIEF JUSTICE
21 SEP 2021

MD. SADI

complainant identified the house to the police personnel and the police tried to enter the house of the accused no.1 main gate of which was locked from inside.

Soon thereafter a car zoomed in and stopped at a distance and in a flash accelerated again and tried to run over the complainant and the police personnel standing on the road and the complainant and his associates escaped death narrowly. While the car brushed the complainant, he identified accused no.1 who was driving the car and another accused was sitting on the other side of the driver.

Seeing that the accused persons fleeing the spot, having no other alternative the police party left the spot without any investigation. As the police party left the complainant and his friend ran towards complainant's car and went to Bhaktinagar P.S. all over again.

The accused persons rang up again and reiterated their threat to mobilize their contacts in the police and implicate the complainant and his family in false criminal cases and denigrate their social standing using their i.e. accused's contacts in the media.

Complainant went to the Bhaktinagar P.S. and met the I.C several times but to no avail as no specific case has been registered against the accused persons.

And thereafter complainant lodged a complaint on 31.08.2021 before Siliguri Commissionerate of Police, P.S Matigara, Dist Darjeeling but this too was in vain.

Though the complaint disclose cognizable offences but the Police did not take any legal steps and as such the complainant file this petition before this I.d. Court u/s 156(3) of Cr.P.C for proper redress.

It is therefore prayed that your Honour would graciously be pleased to treat the complaint as FIR and pass an order by directing the I.C Bhaktinagar P.S. Jalpaiguri to investigate into the matter for the ends of Justice.

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

NOTARY
[Signature]



V E R I F I C A T I O N

I, Md. Sabir (Aged about _____ years), S/O Md. Yusuf, Resident of Ashraf Nagar, Masjid Road, Ward No.40, P.S Bhiaktinagar, Dist Jalpaiguri, do hereby beg to state that the statements made above are true to the best of my knowledge and belief and I sign this verification on this _____ at Jalpaiguri.

Md Sabir

