

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

4229



SPC

P.S. Bhaktinagar Year 2021 FIR No. 1317/21 Date 08/10/2021

IPC

Sections 323/324/307/506/34 Act Sections

Sections (iv) Others Acts & Sections

(a) Occurrence of Offence : Day Date From 28/09/2021 Date To
Time Period at 21.00 hrs Time From Time To

(b) Information received at P.S. Date 08/10/2021 Time 13.05 hrs

(c) General Diary Reference : Entry No(s) 424 Time 13.05 hrs

4. Type of Information : Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. Beat No. 1

(b) Address Smt Sadikan Bewa @ Khatun w/o Lt Md Ishtiaq
of Iskon mandir Road, PS Bhaktinagar PS, Dist. Jalpaiguri

(c) In case outside limit of this Police Station, then the
Name of the P.S. District

6. Complainant / Informant :

(a) Name Smt Sadikan Bewa @ Khatun w/o Md Ishtiaq

(b) Father's / Husband's Name F.S. Yeon

(c) Date / Year of Birth (d) Nationality Indian

(e) Passport No Date of Issue Place of Issue

(f) Occupation

(g) Address Iskon mandir Road, PS Bhaktinagar, Dist. Jalpaiguri

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

(Attach separate sheet, if necessary)

① md Unis S/O Lt Md Ishtiaq. ② Rehana Khatun w/o Md Unis
③ md Usup ④ md Shahin both of S/O md Unis all of Iskon
mandir Road, PS Bhaktinagar, Dist. Jalpaiguri

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

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
faceted by PIR is enclosed herewith/
reproduced over leaf.

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 HARISH CH. BASAK 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
Noted in original complaint
5748 9/10/21
DR No. DT
Bhaktinagar Police Station
Siliguri Police Commissionerate
Inspector-in-Charge, Bhaktinagar Police Station
Siliguri Metropolitan Police
Name : DAWA TSHERTIN SHERPA
Rank : No. SI OF POLICE
BKN PS/SPC

15. Date & Time of despatch to the court :

COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No-279/ 2021

SADIKAN BEWA@KHATUN AND MD UNIS AND 3 ORS

05.10.21

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 she 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 **03.11.21** for compliance report from P.S. concerned.

Sd/-

C.J.M. , Jalpaiguri

Chief Judicial Magistrate
Jalpaiguri

Copy forwarded to IC Bhaktinagar PS Jalpaiguri

C.J.M. , Jalpaiguri

Chief Judicial Magistrate

Jalpaiguri

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



MP 279/21

KT 9
Sadikun Bawa
[Signature]

Misc. petition No. / 2021

IN THE MATTER OF
an application U/S.
156 (3) Cr.P.C,
1973.

IN THE MATTER OF

Sadikun Bawa
Sadikan Bawa @ *Khatun*
w/o. late Md. Israil,
aged about 75 years,
by caste- Muslim,
by occupation- housewife,
of Iskan Mandir Road,
P.O. Sevoke Road,
P.S. Bhakti nagar,
Dist. Jalpaiguri.
.....complainant.

V.S.

- 1. Md. Unis
S/o. late Md Israil,
 - 2. Rehana Khatun
w/o. Md. Unus
 - 3. Md. Usup,
 - 4. Md. Shahin,
- both s/o. Md Unis,
All are residing at
Iskan Mandir Road,
P.O. Sevoke Road,
P.S. Bhakti Nagar,
Dist. Jalpaiguri.
.....O.Ps.

Received on 08/10/21 at 13.05 hr
vide Gdt NO 424 dt 08/10/21 and
started Bkn PS case No 1217/21
dt 08/10/21 U/S 323/324/307/500/24
IPI on & endorsed the same to SI
Harish Ch. Basak for its
investigation

0.8/10/21.
Inspector-in-Charge
Bhaktinagar Police Station
Siliguri Metropolitan Police



05 OCT 2021



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Name of the Address of the Witnesses

1. Samina Khatun w/o. Md. Toufir of Iskan Mandir Road, P.S. Bhaktinagar, Dist. Jalpaiguri.
2. Nigar Parween d/o. Najir Siddique of Iskan Mandir Road, P.O. Sevoke Road, P.S. Bhakti Nagar, Dist. Jalpaiguri.
3. Md. Juber Alom s/o. Md. Nazrul of Durga Nagar, P.O. Sevoke Road, P.S. Bhakti Nagar, Dist. Jalpaiguri.

DATE, TIME AND PLACE OCCURANCE :-

ON 29. 09. 2021 at about 10.30 a.m. at Iskan Mandir Road, P.O. Sevoke Road, P.S. Bhakti Nagar, Dist Jalpaiguri.

Offence Committed:-

U/S. 323, 324, 307, 506, 34 I.P.C

The humble complainant
Most Respectfully Sheweth :-

1. That Your complainant is an indigent peace loving and law abiding citizen of India.
2. That at present the life of the complainant and the witness no. 1 have been spent miserable life due to torture and illegal acts by the accused persons.
3. That the complainant is the widow having 75 years of old. The petitioner is the owner of the land measuring 11 dec of land in khatian no. 714, plot no. 627/1057 of sheet no. 8, of mouza- Dabgram, P.S. Bhakti Nagar, Dist. Jalpaiguri.

That the complainant's husband died in the year 2017 leaving behind 3 sons and one daughter as his legal heirs. The complainant is the owner of the land and the complainant constructed her residential house there on, consist of two rooms. 2 sons of the complainant are living in distance place with their family.



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S. K. Bhowmik
T.N.

4. That after the death of the husband of the complainant the accused person no. 1 along with their family i.e. the accused persons no. 2, 3, 4 came to the house of the complainant and requested to the complainant that the accused no. 1 would maintain the livelihood of the complainant and took care of the complainant in every sorts of requirements of the complainant and the complainant trusted upon the words of the accused no. 1 and permitted the accused persons to live another room and the complainant and her daughter are living other room.

5. That after some time the O.P. NO. 1 did not provide maintenance i.e. food, clothing, treatment, and medical attendance to the complainant. The witness no. 1 somehow maintenance to her oldage mother and the complainant maintain her livelihood all most all begging door to door.

6. That the accused no. 1 and his wife and two sons i.e. the O.P. Nos. 2, 3 and 4 off and on beaten the petitioner mercilessly. due to torture the of the accused persons some time the complainant lost her sense and the witness no. 1 took care of the complainant and this incident recurrently going on and the complainant bear all this tortures with a hope that the accused persons would rectify themselves and stop the inhumane behaviour towards upon the complainant. The accused persons are occupying the room without paying any rent more over they created torture upon the complainant.

7. That the accused persons including the accused no. 2, 3 and 4 did not rectify their character and more over the accused no.1 and the accused nos. 2, 3 and 4 created mounted pressure upon the complainant to transfer the property in the name of the accused no. 1, otherwise, the accused persons jointly put fire upon the complainant. The complainant regarding the matter lodged several diaries to the Bhakti nagar Police station dated 02. 07. 2020, 19.05. 2021, 05. 06. 2021 and on 11.09.2021 but the police of Bhakti Nagar Police Station did not take any cognizable offence against the accused persons till today.

8. That the accused persons increased their torture upon the complainant due to indulgence by the Bhakti Nagar Police, all the accused persons on 28.09.2021 at about 9.00 p.m started tremendous torture both physically and mentally upon the complainant and stated to the complainant that the complainant can transfer the property in the name of the accused no. 1 the complainant refused to same. Thereafter, the accused persons with a view to kill the complainant jointly tried to put fire upon the complainant. The witness no. 1 some



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how resisted them from the illegal acts. On the following day the complainant and the witness no. 1 went to office of the Commissioner of Police of Siliguri and narrated the incident caused by the accused persons and lodged a written complaint dated 29.09.2021.

9. That due to grudge the above noted accused persons done this illegal acts by putting fire upon the complainant but due interference of the witness no. 1 somehow save the complainant.

10. That the complainant is an indigent widow and she is unable to attend the Id. court day to day at time of hearing and her all source of income has been ruined due to illegal acts.

11. That this application is made bonafide and for the interest of justice.

It is, therefore, prayed that Your Honour would be pleased to direct the I/C, Bhakti Nagar Police Station to investigate the matter and start a case against the accused persons u/s. 156 (3) Cr. P.C. for the interest of justice.



VERIFICATION:-

Sadikan Bewar
@Khalun
I Sadikan Bewar/w/o. late Md. Israil, the complainant do here by declare that the statement made above are true to the best of my knowledge and I put my I T I on the verification on this the 5th day October, 2021 at Jalpaiguri.

LT 9 of
Sadikan Bewar

Declarant.