

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

9613



P.S. Bhaktinagar Year 2022 FIR No. 1149/22 Date 24/10/2022

Sections 341/324/325/326/307/427/ Sections

Sections 506/379/411/208/34 Others Acts & Sections

3. Commencement of Offence : Day Monday Date From 10/10/2022 Date To

Time Period Time From 08.30 pm Time To

(b) Information received at P.S. Date 24.10.2022 Time 20.55 hrs.

(c) General Diary Reference : Entry No(s) 1168 Time 20.55 hrs.

4. Type of Information : Written / Oral

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

(b) Address Eastern Bypass near Asligar Petrol Pump,
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 Sudeb Mandal

(b) Father's / Husband's Name Shyampada Mandal

(c) Date / Year of Birth 27 years. (d) Nationality Indian

(e) Passport No. Date of Issue : Place of Issue

(f) Occupation

(g) Address B.R Ambedkar Sarani, Shanti Nagar, Boubazar, Ward No-36,
PS- Bhaktinagar, Dist- Jalpaiguri.

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

(Attach separate sheet, if necessary) : ① Sushanta Barman S/O- Tapan Barman,
② Pintu Barman @ Raju S/O- Ramesh Barman, ③ Manab Sarkar
S/O- Ranjit Sarkar, ④ Manoj Sarkar S/O- Unknown, ⑤ Chha-
ttu Sarkar S/O- Unknown, ⑥ Bidyut Sarkar S/O- Unknown all
are Niramjan Nagar, PS- Bhaktinagar, Dist- Jalpaiguri.

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

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

① Motor cycle bearing reg. no- WB 74AN/2188, ② Mobile phone (vivo
Y50), cash Rs-6500/- and one gold chain.

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 of the
Complainant which is treated as F.I.R 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 SI Biswajit Biswas of ASG OP Inspector 24/10/22
investigation / refused investigation / transferred to P.S. Bhaktinagar Police Station
jurisdiction. FIR read over to the Complainant/ Informant, admitted to be correctly recorded and a copy given to the Complainant /
Informant free of cost. Siliguri Police Commissionerate
on point of

Mandal in original Complaint.

14. Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station 24/10/22
Bhaktinagar Police Station
Name : Inspector Biswajit Biswas
Rank : No. 1/c Bhaktinagar PS

15. Date & Time of despatch to the court :

COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 371/22

(370/22)

SUDEB MANDAL VS SUSHANTA BARMAN

Order dated: 20-10-2022

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.

Hear 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 Bhaktinagar PS and I.C Bhaktinagar 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 Bhaktinagar who is **directed to invest her own consideration to the facts alleged and she 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 20-11-22 for compliance report from P.S. concerned.

C.J.M. , Jalpaiguri

Chief Judicial Magistrate
Jalpaiguri

8503/22



No. 27/2022

SUDEB. MANDAL

Th. Agwuli. P. S.

(Adv)

20/10/2022

A Petition under section 156(3) of Cr. P.C.

Name and Address of the complaint

Sri Sudeb Mandal aged about - 27 years
S/O Shyampada Mandal
Resident of B.R.Ambedkar Sarani,
Shanti Nagar, Boubazar, Ward No.- 36,
P.S.- Bhaktinagar, Dist - Jalpaiguri

Name and Address of the Accused Persons

1. Sushanta Barman
S/O Tapan Barman
2. Pintu Barman @ Raju
S/O Ramesh Barman
3. Manab Sarkar
S/O Ranjit Sarkar
4. Manoj Sarkar
S/O Unknown
5. Chhattu Sarkar
S/O Unknown
6. Bidyut Sarkar
S/O Unknown

Received on 24/10/22 at 20:55 hrs.
vide Bhaktinagar PS GDS No - 1168
and started Bhaktinagar PS
Case No - 1145/22 date 24/10/22
u/s - 341/324/325/326/367/427/
506/379/411/120B/34 IPC. SI
Biswanjit Biswas of Aswighar of
will investigate the case.

All are resident of
Niranjan Nagar, P.S.- Bhaktinagar
Dist - Jalpaiguri

24/10/22
Inspector-In-charge

Bhaktinagar Police Station
Siliguri Police Commissionerate

Name and Address of the Witnesses

1. Sri Surajit Mallick
S/O Gobinda Mallick
2. Sri Shambhu Das
S/O Pradip Das

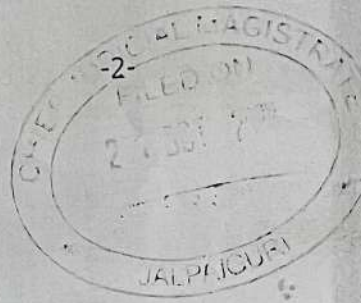
All resident of Shanti Nagar,
Boubazar, Ward No.- 36,
P.S.- Bhaktinagar, Dist - Jalpaiguri

&

Others

Date of Occurrence :- On 10.10.2022





SUDEB. MANDAL

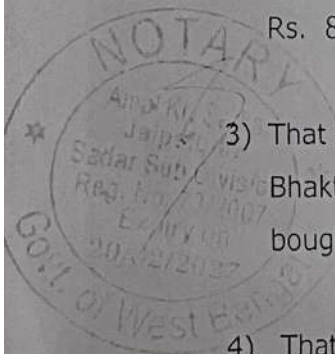
T.L. Dasgupta
(P.D.O.)
20/10/2022

Place of Occurrence :- In Eastern Bypass near Ashigar Petrol Pump
P.S.- Bhaktinagar, Dist – Jalpaiguri

Offences Committed under Sections : - 341/324/325/326/307/427/506/379/
411/120B/34 of I.P.C.

The Petitioner/Complainant above named MOST RESPECTFULLY States as follows :-

- 1) That the Complainant is a peace loving citizen.
- 2) That on 10.10.2022 at about 08.30 p.m. when the Complainant along with his cousin Surajit Mallick and Shambhu Das were returning home the accused persons blocked their way in Eastern Bypass near Ashigar Petrol Pump and started to abuse them in filthy language. Accused No.- 1 took loan of Rs. 50,000/- from Shambhu Das. When Shambhu Das said that accused persons should not talk in that manner rather should pay back the loan amount if Rs. 50,000/- , the accused persons unitedly started to assault the Complainant and his companions with fist, kick blow , iron rod and knife and stabbed the Complainant on his back with a knife with a intend to kill the Complainant. The Complainant fell down and got unconscious. On the next morning the family members of the Complainant recovered him and took him to hospital where doctor treated the Complainant for his fatal injuries and the Complainant still is under the treatment of the doctor for his injuries. The accused persons also damaged the motor cycle of the Complainant bearing No.- WB 74 AN-2188 and took away the same along with the mobile phone of the Complainant of VIVO Y 50 make and snatched away the purse of the Complainant having amount of Rs. 6500/- and also snatched away the gold chain of the Complainant worth of Rs. 80,000/- (Eighty Thousand).
- 3) That disclosing all these facts the Complainant went to lodge a complainant with Bhaktinagar Police Station Police Station but Police, in spite of receiving the same bought time with one excuse and another and has not taken any action as yet.
- 4) That finding no alternative the Complainant informed the matter to the Commissionarte of Police, Siliguri on 13.10.2022 and requested him to take necessary action.





SUDEB. MANDAL
74 Sudeb Mandal
(Adv)
20/10/2022

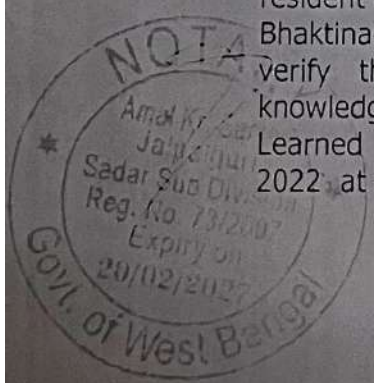
- 5) That the complainant waited so long with a hope that police authority will take necessary step but with no avail for which delay has been caused in filing this Complaint before this learned Court.
- 6) That the accused persons making a deep rooted conspiracy blocked the road of the Complainant; assaulted him mercilessly with fist, kick blow, iron rod and knife and stabbed the Complainant on his back with a knife with a intend to kill the Complainant. The accused persons also damaged the motor cycle of the Complainant bearing No.- WB 74 AN-2188 and took away the same along with the mobile phone of the Complainant of VIVO Y 50 make and snatched away the purse of the Complainant having amount of Rs. 6500/- and also snatched away the gold chain of the Complainant worth of Rs. 80, 000/- (Eighty Thousand) and thereby committed offences punishable under Section 341/324/325/326/307/427/506/379/411/120B/34 of I.P.C.
- 7) That the witnesses are well conversant with the facts and circumstances of the case.

Under the circumstances it humbly prayed that your Honour would graciously be pleased to send the complaint to the I.C., Bhaktinagar Police Station with a direction to treat this application as F.I.R. under provision of 156(3) of Cr. P. C.

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

VERIFICATION

I, Sri Sudeb Mandal, S/O Shyampada Mandal, aged about - 27 years, resident of B.R.Ambedkar Sarani, Shanti Nagar, Boubazar, Ward No.- 36, P.S.- Bhaktinagar, Dist - Jalpaiguri the Complainant of the instant case do hereby verify that the statements made in Paragraph No 1 to 7 are true to my knowledge and belief and the rest is my humble submission before this Learned Court and I sign this verification on this 20th day of October, 2022 at Jalpaiguri.



SUDEB. MANDAL



A F F I D A V I T

I, Sri Sudeb Mandal, S/O Shyampada Mandal, resident of B.R.Ambedkar Sarani, Shanti Nagar, Boubazar, Ward No.- 36, P.S.- Bhaktinagar, Dist - Jalpaiguri, Hindu by religion, aged about 27 years, a gold ornament maker, do hereby solemnly affirm and declare as follows :-

1. That I am the Complainant of the instant Petition and well conversant with facts and circumstances of the same.

This is true to my knowledge.

2. That the statements made in Paragraph No 1 to 7 are correct and known to me.

This is true to my knowledge.

3. That the prayer portion is my humble submission before this Hon'ble Court.

This is true to my knowledge.

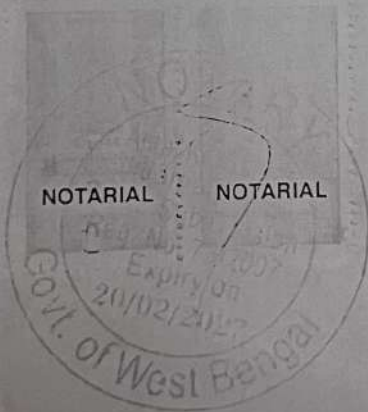
I sign on this affidavit on this 20th day of October, 2022 at Jalpaiguri.

SUDEB. MANDAL

Declarant

Identified by me

[Signature] 20/10/2022
Advocate, Jalpaiguri



Solemnly affirmed before me on proper identification

[Signature]
Amal Kumar Saikar, NOTARY
Govt. of W.B., Jalpaiguri
Regd. 73107

20 OCT 2022
29 OCT 2022