

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



1. P.S. Bhaktinagar Year 2022 FIR No. 1304/22 Date 08/12/2022
2. i) Sections 365 ii) Act - Sections -
(iii) Act - Sections - (iv) Others Acts & Sections -

3. (a) Occurrence of Offence : Day Monday Date From 21/11/2022 Date To -
Time Period - Time From 16.00 hrs. Time To -
(b) Information received at P.S. Date 08/12/2022 Time 18.05 hrs.
(c) General Diary Reference : Entry No(s) 891 Time 18.05 hrs.

4. Type of Information - Written / Oral -
5. Place of Occurrence : (a) Direction and Distance from P.S. - Beat No. -
(b) Address Radhakrishna Pally, Hatidanga, 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 Prasenjit Barman
(b) Father's / Husband's Name Nipen Barman
(c) Date / Year of Birth 24 years (d) Nationality Indian
(e) Passport No. - Date of Issue - Place of Issue -
(f) Occupation -
(g) Address Hatidanga, Radhakrishna Pally, PS - Bhaktinagar, Dist Jalpaiguri.

7. Details of known / suspected / unknown accused with full particulars
(Attach separate sheet, if necessary) : Sankalpa Mallick s/o - Sajal Mallick of Jaleswari, Hatidanga, PO - Ghoghalmali, Asighar, 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) : -

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 ASI Ujjal Mandal of Asighar of on point of 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 med in original Complaint. of the Complainant / Informant
Signature of the Officer-in-Charge, Police Station 08/12/2022
Bhaktinagar Police Station
Siliguri Police Commissionerate

Name : Prasenjit Barman
Rank : No. SI of Police.

15. Date & Time of despatch to the court :

COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No-408/22

PRASENJIT BARMAN VS SANKALPA MALLICK

Order dated: 05-12-22

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 I/C Bhaktinagar 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.

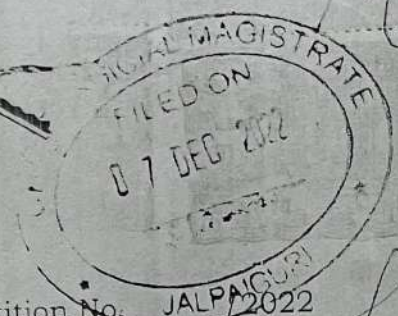
Comply at once.

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 05-01-2023 for compliance report from P.S. concerned.

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

IN THE COURT OF THE LEARNED CHIEF JUDICIAL MAGISTRATE,
JALPAIGURI



M.P - 408/22
Prasenjit Barman
5/12/22
Prasenjit Barman

Misc. Petition No. JALPAIGURI 2022

Handwritten numbers: 12, 12, 13917/22

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

NAME OF THE PETITIONER

Prasenjit Barman aged 24 yrs.
S/o Nipen Barman
Resident of Hatiadanga,
Radha Krishna Pally
P. S. - Bhaktinagar
Dist. - Jalpaiguri.

NAME OF THE ACCUSED PERSON

Sankalpa Mallick,
S/o - Sajal Mallick
Vill. - Jaleswari, Hatiadanga
P. O. - Ghoghomali, Asighar
P. S. - Bhaktinagar
Dist. - Jalpaiguri.

05/01/23

NAME OF THE WITNESSES :

- 1) Uttam Roy
S/o Nil Kanta Roy
- 2) Nipen Barman
S/o - Bera Barman
- 3) Sanjib Das
S/o Fani Das
- 4) Manik Roy
S/o Malin Roy

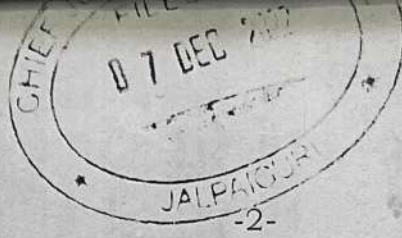
All of Hatiadanga, P. S. - Bhaktinagar
Dist.- Jalpaiguri.
&
Others



Place, Date and time of the Offence

Radha Krishna Pally, on 21.11.22 at 4.00 p.m.

Offences U/ S 365 I P C



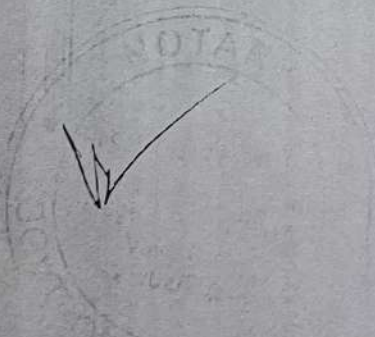
Handwritten text: "Barman" and "S. 121.3" with a signature.

The humble petition of the Petitioner

Most Respectfully Sheweth :

- 1) That the Petitioner has his family where his wife Dipika Barman was living in the care and custody of Petitioner.
- 2) That on 21.11.2022 at 4.00 p.m. , Petitioner's wife ~~Dipika Barman~~ aged about 23 years , went to Market of that locality from Petitioner's house but with the passing of times , when she was found not coming to her matrimonial home in time , Petitioner and others started searching for her here & there but no one could find her. On 22.11.22 the matter was reported to O/C , Ashihar Outpost under Bhaktinagar Police Station.
- 3) That subsequently on heavy search , Petitioner came to know that Petitioner's wife Dipika Barman was abducted by the accused person and she was confined in the house of accused.
- 4) That hearing these , on 24.11.22 at 11 a.m. Petitioner along with witnesses went to the house of accused person to recover Smt. Dipika Barman from the house of accused person. When Petitioner reached at the house of accused he saw his wife in the said house but he was not allowed by accused to talk to his wife. The accused seeing the Petitioner , became violent and was about to assault the Petitioner. The situation got deteriorated and Petitioner had no alternative but to leave place in fear of his life.
- 5) That on the next day Petitioner went to Ashihar Outpost to lodge a F I R against the accused but P. S. did not receive the F I R . The matter was then reported to Police Commissioner. , Siliguri Metropolitan Police but no specific case has yet been started.

It is prayed that your Honour would be pleased to pass order directing the I/C , Bhaktinagar P. S. to start investing treating the Petitioner as F I R U/S 156(3) Cr. P. C.





AFFIDAVIT

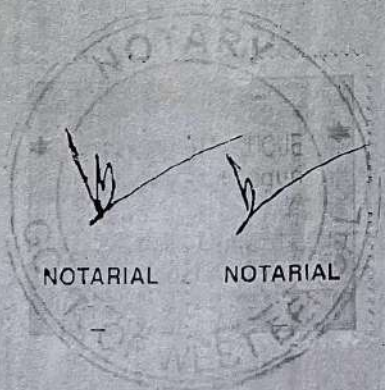
I, Prasenjit Barman, aged about 24 years, S/o - Nipen Barman, Vill. - Hatidadanha, Radha Krishna Pally, P.O. - Ghoghomali, P. S. - Bhaktinagar, Dist. - Jalpaiguri do hereby solemnly affirm and declare as follows :

- 1) That I am the Petitioner of this case and well conversant with the facts and circumstances with this case.
- 2) That on the basis of the above incident neither any Police case nor any court case has yet been started.

All these statements are true to my knowledge and belief and I sign this Affidavit on .12.2022. at Jalpaiguri.

Prasenjit Barman

Declarant



Solemnly affirm and declared before me on proper identification

Hasan Chandra Das, NOTARY
Dist. Jalpaiguri
Regd. No- 28102, Apply on- 20/02/2027
Governing West Bengal

Identified by me
Sitashu Pharyal
Advocate, Jalpaiguri.

Received on 08/12/22 at 18.05 hrs.
vide BLN PS GDS No- 891 and started
Bhaktinagar PS case no- 1304/22
date 08/12/2022 u/s- 365 IPC.
Asi Ujjal Mandal of Asiglar B.P
will investigate the case.

Sitashu Pharyal
08/12/22
Inspector-In-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate

08-12-22