

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

2603

09/12/2022



1. Dis: SPC PS Bhaktinagar Year 2022 FIR No. 1306/22 Date 09/12/2022

2. (i) Act Sections 419/420/406/448/11 Act Sections -

(ii) Sections 465/468/471/506/120B (iv) Others Acts & Sections -

3. (a) Date From 31/10/2008 Date To 15.10.2022

Time From not mentioned Time To -

(b) Informant received at P.S. Date 09/12/2022 Time 00.05 hrs.

(c) General Diary Reference Entry No(s) 905 Time 00.05 hrs.

4. Type of Information Written / Oral Beat No. -

5. Place of Occurrence : (a) Direction and Distance from P.S. -

(b) Address 13 decimals of Land in c.s. khata no - 678, Mouza - Dasgram, Old PS - Rajganj, Dist - Jalpaiguri

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

6. Complainant / Informant:

(a) Name Sri Nima Lama

(b) Father's / Husband's Name lt. Pasang Lama @ Pasang Lama

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

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

(f) Occupation -

(g) Address Haiderpara, PO - Haiderpara, PS - Bhaktinagar, Dist - Jalpaiguri.

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary)

① Dilip Choudhury s/o - lt. Manhari Choudhury,
② Smt. Rupali Choudhury w/o - lt. Sudip Choudhury,
③ Nandalal Chhetri s/o - lt. Motilal Chhetri, all of Haiderpara PO - Haiderpara, 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 of the Complainant which is treated as F.I.R. is enclosed here with.

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 Sabin Youzan Tamang Inspector-in-charge Bhaktinagar Police Station

investigation / refused investigation / transferred to P.S. - Siliguri Police Commissionerate

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 DR No. 5836 Date 10/12/22 Bhaktinagar Police Station

Signature of the Officer-in-Charge Amresh Kumar Inspector-in-charge Bhaktinagar Police Station

Name: Amresh Kumar Rank: No. 1/c, Bhaktinagar PS.

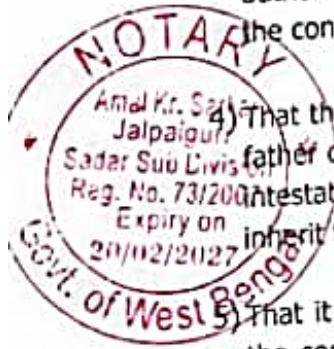
Nima Lama



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The humble petition on behalf of the above-named Complainant
Most Respectfully Sheweth:-

- 1) That the complainant submits that he is a peaceful and law abiding citizen of India and resident of Haiderpara, P.O. Haiderpara, P.S. Bhaktinagar, District- Jalpaiguri.
- 2) That the Complainant belongs to "Tamang Community" which is recognized as Scheduled Caste/Scheduled Tribe under the constitution (Scheduled Castes) order 1950 and the constitution (Scheduled Tribes) order, 1950 as amended by the Scheduled Castes and Scheduled Tribes List (Modification) order, 1956 and the Scheduled Castes and Scheduled Tribes order Amendment Act, 1976;
- 3) That one Pasang Lama @ Parsang Lama, Son of Late Pemba Lama who was/is the father of the complainant herein was empowered a patta in respect of land measuring 33 Decimal with a specific boundary appertaining to C.S. Khatian No.678, within Mouza- Dabgram, under old P.S. Rajganj, Dist. Jalpaiguri, by virtue of registered Deed vide No.2322, for the year 1953, registered in the office of the D.S.R., Jalpaiguri, executed by one Pallal Sing for unlimited period. That out of the said land measuring 33 Decimal, an area of 26 Decimals of land during the Revisional Settlement Operation was recorded in the name of the father of the complainant in the Records of Rights, in R.S Khatian No.736, identified as R.S. Plot No.176/752, under R.S Sheet No.12, Mouza-Dabgram, old P.S. Rajganj presently Bhaktinagar, Dist. Jalpaiguri and thereafter the father of the complainant constructed a pucca house consisting of 5 (Five) rooms on the said land having boundary wall with fixed gate at the front side and also obtained holding in his name in respect of the said property from the concerned authority and obtained electric connection in his name at the said residence from the concerned authority.



4) That the father of the complainant died intestate on 02-03-1991 and prior to the father of the complainant, the complainant's mother namely Fufu Lama had died intestate leaving behind the complainant their only son as their legal heirs to inherit the said land measuring 26 Decimals and house.

5) That it is pertinent to mention here that at the time of death of the mother of the complainant, he was a minor and the father of the complainant brought a near relative namely Chandramaya Lama to look after the complainant said Chandramaya Lama was permitted to live in one room of the house standing on the said land to look after the complainant and was allowed to stay after the demise of the father of the complainant in the year, 1991 even she mutated her

Nima Lama



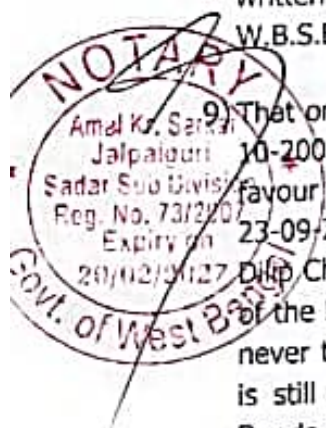
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name in the electric connection which was formerly in the name of the father of the complainant.

6) That the complainant was surprised after receiving an electric bill of the house in the name of Sudip Chowdhury which was in the name of Chandramaya Lama and asked for the reason of the change of her name in the electric bill and she disclosed that her neighbor, said Nandalal Chhetri used to visit Chandramaya Lama in the house and once dishonestly induced her to go with him and per his inducement accompanied him and put her R.T.I on some documents without understanding his wild motive and ill-will. Chandramaya Lama was illiterate and taking advantage of the same, he had used the documents for converting the same as General Power of Attorney in his favour personifying said Chandramaya Lama to be alleged wife of the father of the complainant and for committing the same, said Nandalal Chhetri has reached deep rooted conspiracy with Dilip Chowdhury, Sudip Chowdhury, Rupal Chowdhury, so that said Nandalal Chhetri shall thereafter transfer the said land to them.

7) That when said Chandramaya Lama understood the evil motive of said Nandalal Chhetri behind his dishonest inducement to make her put her RTI on some documents and converted the same as General Power of Attorney, she lodged a written complaint on 18-12-2009 with the Superintendent of W.B.S.E.D.C.L., Power House, Siliguri against the change of name in the electric connection in favour of said Sudip Chowdhury in place of said Chandramaya Lama and thereafter revoked the said General Power of Attorney by virtue of a registered Revocation of Power of Attorney vide No. IV-01, dated-08-06-2010.

8) That the said Chandramaya Lama thereafter on 08-07-2010, also lodged a written complainant over the same with the concerned Superintendent of W.B.S.E.D.C.L., Siliguri.



9) That on the basis of the said General Power of Attorney vide No.230, dated-31-10-2008, said Nandalal Chhetri sold and transferred 3.375 Khatas of land in favour of said Sudip Chowdhury by registered Deed of Sale vide No.2945, dated-23-09-2009 and also sold and transferred 3.375 Khatas of land in favour of said Dilip Chowdhury by registered Deed of Sale vide No.2946, dated-23-09-2009 out of the land total measuring 26 Decimals but the possession of the said land was never transferred and/or delivered to them rather the possession was lying and is still with/under the complainant and thus the aforesaid two separate Sale Deeds are sham transactions and void ab-initio.

10) That on the basis on the alleged Sale Deeds, on 17-01-2010, said Nandalal Chhetri in connivance and in collusion with the said Dilip Chowdhury and said Sudip Chowdhury came to his house and abused him and his family members in



Nima Lama

(13)

filthy languages and threatened to quit and vacate the said property and over the said incident, he lodged a written complainant with the O.C., Bhaktinagar Police Station and thereafter on 29-05-2010, said Rupali chowdhury, wife of Sudip Chowdhury and Nandalal Chhetri and with some anti- social elements again came to his house and forcefully entered into his house /land with split bamboos and bera/chatai and unlawfully started to build a room with the same in and over his said land breaking locks and ransacking all the materials and furniture inside the room of his house and ousted him and his family members and they threatened by saying that if they dare to enter their house then they will kill all of them and over the said incident on the same day, he lodged a written complainant with the O.C., Bhaktinagar P.S against them.

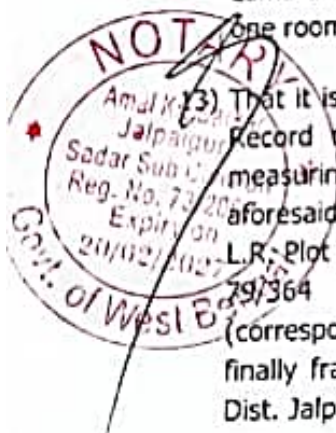
- 11) That the said Nandalal Chhetri dishonestly induced said Chandramaya Lama to put R.T.I. on some documents and used the said documents for converting the same as General Power of Attorney in his favour personifying said the complainant Chandramaya Lama to be alleged wife of her father and committing the same, said Nandalal Chhetri had deep rooted conspiracy with Dilip Chowdhury, Sudip Chowdhury and Rupali Chowdhury and thereafter on the basis of said General Power of Attorney, said Nandalal Chhetri transferred to said Dilip Chowdhury by way of alleged sale deeds and succeeded in their wild mission.

That said Chandramaya Lama during her life time filed her examination-in-chief by way of affidavit in Title Suit No.21/2010 in the Court of the Civil Judge (Junior Division) at Jalpaiguri instituted by the Complainant against the above-named persons deposed/reiterated the above facts.

- 12) That Chandramaya Lama died on 03-10-2016 and during her lifetime has solemnly affirmed and declared by way of an affidavit, dated- 13-01-2010 before the Executive Magistrate, Jalpaiguri that Nima Lama is the son of Pasang Lama and Fufu Lama and after the death of Pasang Lama, his son Nima Lama permitted to live in one room of his house and living with him in his care and custody.

13) That it is pertinent to mention here that the complainant recorded his name in the Record of Rights the said land measuring 13 Decimals out of the land total measuring 26 Decimals including the purported and sham transferred land and aforesaid on the basis of the purported Power of Attorney and new Khatian being L.R. Plot No.458 (corresponding to R.S. Khatian No.736), indentified as L.R. Plot No. 79/364 (corresponding to R.S. Plot No.176/752) under L.R. Sheet No.64 (corresponding to R.S. Sheet No.12) J.L. No.2, P.S. Bhaktinagar, Dist. Jalpaiguri finally framed and opened in his name by the office of the B.L.&L.R.O., Rajganj, Dist. Jalpaiguri.

- 14) That the complainant have been paying the land revenue paying regularly to the Govt. of West Bengal to respect of the said land and also mutated his house in the electric connection and paying the electric bills.



Nirmal Jena

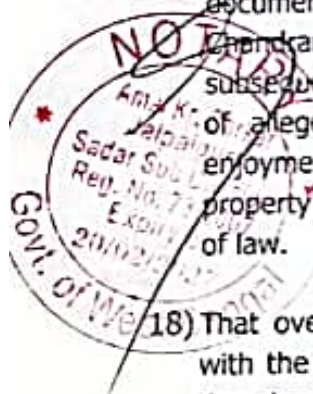


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15) That since few days said Dilip Chowdhury and said Rupali Chowdhury, Wife of said Sudip Chowdhury and Nandalal Chhetri claiming to be owners of the said land on the basis of aforesaid false, forged, manufactured, sham, purported and fabricated documents forcefully and illegally trying to enter into the said land measuring 13 Decimals of the complainant and trying to take forceful possession of the said land with an ill motive to grab the said land and to illegally dispossess the complainant and his family members from his lawful possession and enjoyment but due to the strong protest by the complainant and his family members, they have not yet succeeded in their wild mission.

16) That on 15-10-2022, said Dilip Chowdhury and Rupali Chowdhury, Wife of said Sudip Chowdhury in collusion with Nandalal Chhetri claiming to be owners as aforesaid forcefully and illegally tried to enter into the said land measuring 13 Decimals of the complainant and tried to take forceful possession of the said land and to illegally dispossess him and his family members from his lawful possession but the complainant along with his family members strongly protested their illegal activities but they became furious and angry and abused the complainant and his family members in filthy languages and they even abused and threatened the complainant and his family members that they will come again with more men and will forcefully take possession of the said land and if the complainant make any attempt to foil their wild mission they would not hesitate to commit any serious action against the complainant and his family members.

17) That said Nandalal Chhetri entered into deep rooted conspiracy with said Dilip Chowdhury, said Dilip Chowdhury and said Rupali Chowdhury by dishonestly inducing said Chandramaya Lama made her to put her R.T.I. on some documents and converted the same as General Power of Attorney personifying Chandramaya Lama to be the alleged wife of my father, said Pasang Lama and subsequently transferred the said tribal land in their names and on the strength of alleged, purported and sham sale deeds seriously interfering with the enjoyment of the rights of the complainant with respect to the said tribal property which amounts to atrocities upon the tribal people as per the provision of law.



18) That over the aforesaid incident, the complainant lodged a written complaint with the I/C, Bhaktinagar Police Station, Dist. Jalpaiguri on 17-10-2022 against the above-named persons but inspite of receiving the same and awaiting for considerable period of time, the Bhaktinagar P.S. has not started specific case under the specific provision of law against them.

Nima Jena



(6)

19) That the complainant finding no other alternative way, over the aforesaid incident, the complainant again lodged a written complaint with the Siliguri Police Commissioner, Siliguri Police Commissionerate, Mallaguri Police Line, Siliguri on 1-11-2022 against the above-named persons but inspite of receiving the same and awaiting for considerable period of time, the Police Commissioner did not take any action against the aforesaid persons till date as per the provision of law for the reasons best known to him.

20) That the complainant is an old aged belongs to tribal community and is the victim of crime and atrocities committed by the accused person is furtherance of evil intention and the averments in the complaint makes out of offence punishment under Indian Penal Code and SC/ST (Prevention of Atrocities Act) which are cognizable offence and police authorities were required to register the FIR against the accused persons under the relevant sections on the complaint lodged by the complainant on 17-10-2022 and subsequently on 01-11-2022 but due to negligence, the police did not take any action against the accused persons and only entered the complaint in the public complaints register maintained is the police station though under Section 154(1) of Cr.P.C. Bhaktinagar P.S. is required to register FIR in respect of receipt of information regarding commission of cognizable offence but in the prevent case the Police clearly violated the provision of the Criminal Procedure Code of not registering of the case on the complaint of the complainant despite the fact that the same discloses the commission of cognizable offences for which accused persons were liable to proceed as per law.

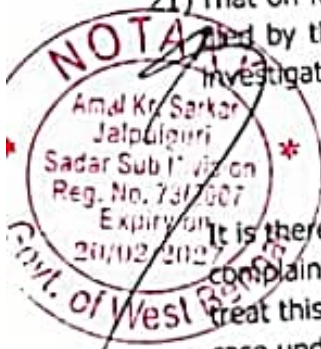
21) That on failure of the police in registration of the FIR, the present application is filed by the complainant for sending the present complaint for registration and investigation of the case to the Bhaktinagar P.S. under Section 156(3) of Cr.P.C.

PRAYER

It is therefore prayed that your Honour may be pleased to forward the present complaint and to direct the Inspector-in-charge of Bhaktinagar Police Station to treat this petition of complaint as an FIR and to register and investigate the case under Section 156(3) of Criminal Procedure Code for the ends of justice.

And for this act of kindness the complainant as in duty bound shall ever pray.

Certified that, this petition has been drafted by me, as per the instruction and version of the complainant and the petition is computerized, typed and printed in my office and the contents of this petition is read over and explained in



COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 409/22

NIMA LAMA VS DILIP CHOWDHURY AND OTHERS

Order dated:05-12-2022

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.

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 E.L.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 20-12-2022 for compliance report from P.S. concerned.


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



Bengali Language to the complainant and he admitted that it is correctly written and therefore, he put his signature in this petition in my presence.

Nina Jena
Signature of the complainant



Nima Lama

17/39/18/2

17/39/18/2

IN THE COURT OF THE LEARNED CHIEF JUDICIAL MAGISTRATE AT JALPAIGURI

Ref: Misc. Petition Case No. 409/22 of 2022

IN THE MATTER OF:-

A complaint under Section 156(3) of Cr.P.C. for sending the same to I.C. Bhaktinagar Police Station with a direction to treat this complaint as an F.I.R. for registration and investigation of the case.

AND

IN THE MATTER OF:-

SRI NIMA LAMA,
Son of Late Pasang Lama @ Parsang Lama,
resident of Haiderpara, Post Office- Haiderpara,
Police Station- Bhaktinagar,
Dist. Jalpaiguri

----- Complainant

Vs

1) DILIP CHOWDHURY,
Son of Late Manhari Chowdhury,

2) SMT. RUPALI CHOWDHURY,
Wife of Late Sudip Chowdhury

3) SRI NANDALAL CHHETRI
Son of Late Motilal Chhetri
-all are resident of Haiderpara, P.O.
Haiderpara, P.S. Bhaktinagar,
Dist. Jalpaiguri.

-----Accused Persons

AND

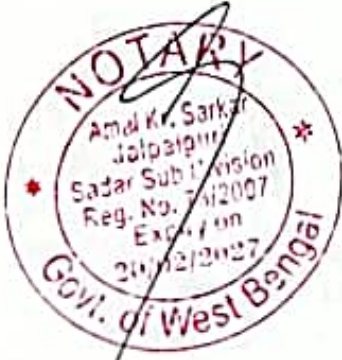
IN THE MATTER OF:-

An offence punishable under Section 419/420/406/448/465/468/471/506/120B of the Indian Penal Code.

Received on 09/12/22 at 00-05hrs. vide BWP/S GDE NO-905 and started Bhaktinagar PS case No- 3306/22 date 09/12/22 u/s- 419/420/406/448/465/468/471/506/120B IPC. SI Robin Yanjou Tamang will investigate the case.



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Inspector-In-charge
Bhaktinagar Police Station
Jalpaiguri Police Commissionerate
09-12-22