

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

5505



1. Dist. SPD P.S. Pradhannagar Year 2023 FIR No. 04 Date 01/01/2023
2. i) Act. I.P.C. u) Sections 188/447/465/ ii) Act. Sections 468/471/34 IPC. (iv) Others Acts & Sections
3. (a) Occurrence of Offence : Day 09/12/2022 Date From 09/12/2022 Date To 09/12/2022
- Time Period 14.35 hrs. Time From 14.35 hrs. Time To 14.35 hrs.
- (b) Information received at P.S. Date 01/01/2023 Time 14.35 hrs.
- (c) General Diary Reference : Entry No(s) 28/23 Time 14.35 hrs.
4. Type of Information : Written Written / Oral
5. Place of Occurrence : (a) Direction and Distance from P.S. Beat No. Mouza : Shisabari, P.S. - Pradhannagar, Dist. Darjeeling
- (b) Address Mouza : Shisabari, P.S. - Pradhannagar, Dist. Darjeeling
- (c) In case outside limit of this Police Station, then the Name of the P.S. District
6. Complainant / Informant :
- (a) Name Samin Aich
- (b) Father's / Husband's Name S/O - Late Manindra Nath Aich
- (c) Date / Year of Birth : (d) Nationality Indian
- (e) Passport No. Date of Issue : Place of Issue
- (f) Occupation
- (g) Address Haripal More, Haider Para, P.S. - Bhaktinagar, Dist. Jalpaiguri
7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary) :
- Sri Rajesh Pradhan s/o, Sri Krishna Prasad Pradhan at Toklang Hallanay, Soureni Bazar, P.S. Mirik Dist. Darjeeling and his associates.
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 N/A.
11. Inquest Report / U.D. Case No., if any
12. FIR Contents (Attach separate sheets, if required) : Original written Complaint which is treated as F.I.R. is enclosed herewith.
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 S.I., Bandhan Roy to take up investigation / refused investigation / transferred to P.S. on point of jurisdiction. FIR read over to the Complaint/ 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 written complaint.

15. Date & Time of despatch to the court : 02/1/2023 at 10.00 hrs

Signature of the Officer-in-Charge Police Station
S.I., Pradhan Nagar, P.S. Pradhannagar
 Name : S.I., Pradhan Nagar, P.S. Pradhannagar
 Rank : No. Sub-Impr. of Police.

To,
The Officer-in-Charge
Pradhannagar Police Station
Siliguri, Dist. Darjeeling

Date: 01.01.2023

Sub: F.I.R. (First information report)

Sir,

With due respect I Sri. Samir Aich, son of Late Manindra Nath Aich, resident of Haripal More, Hairderpara, P.O. Rabindra Sarani, P.S. Bhaktinagar, District- Jalpaiguri, being the constituted attorney of Sri. Shyam Sundar Dutta, son of Sri. Ganesh Chandra Dutta, resident of Haripal More, Hairderpara, P.O. Rabindra Sarani, P.S. Bhaktinagar, District- Jalpaiguri, would like to inform you that:-

1. That Sri. Shyam Sundar Dutta is the absolute and recorded owner in possession of a plot of land measuring 5 Kattha or 8.25 Decimal appertaining to and forming part of R.S. Plot No. 58 corresponding to L.R. Plot No. 130 and 131 recorded in L.R. Khatian No. 2096 under Mouza-ShishaBari, J.L. No. 41, Pargana - Patharghata, P.O. & P.S. Pradhannagar, District- Darjeeling, and he has become the owner of the land on 20.03.2013 by virtue of sale Deed No. 2483 for the year 2013, registered in the office of the A.D.S.R Siliguri-II at Bagdogra and his name is duly recorded in the L.R R.O.R/ Khatian.
2. That on 09.12.2022 at about 09.30 AM I got an information from one of my well-wishers that 12-15 persons under the leadership of Sri. Rajesh Pradhan, son of Sri. Krishna Prasad Pradhan, resident of Toklang Hallanay, Soureni Bazar, P.S. Mirik, District-Darjeeling, PIN-734227, have come to the land of Sri. Shyam Sundar Dutta and planning and preparing for creating brick boundary wall over the cemented plinth work existing in the boundary line of the aforesaid land to take forceful possession of the said land.
3. Upon receiving the information, I being the constituted attorney as well as the brother-in-law of Sri. Shyam Sundar Dutta rushed to the spot and found that 12-15 persons who are mostly known as land grabbers in the locality, and acting under the leadership of Sri. Rajesh Pradhan are loitering in the aforesaid land and planning to take forceful possession of the land of my brother-in-law. It is pertinent to mention that out of that 12-15 persons I found four to five faces who had also tried earlier on 28.11.2020 to encroach in the said land, but failed due to strong protest from me and my friends and well wishers. I have also lodged a written complaint on 02.12.2020 over the said incident.
4. However, on 09.12.2022 as soon as they saw me, they threatened me stating that if I interfere in their work they will cut me in 3(three)pieces and will bury me in the said land. In such a situation I felt extremely scared and was shouting for

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help from the neighbors and local peoples. Gradually few people interfered in the matter and supported me and the ownership of Sri. Shyam Sundar Dutta, then said Sri. Rajesh Pradhan further threatened me that today he is stopping his work but within few days he will drop 10 trucks of bricks in the said land and required amount of sand for creating boundary wall. On that day if anyone comes in the land, he will not be able to return to his house on his own legs. I have also lodged a written complaint over the said incident to your police station.

5. I have also come to know from my reliable source that Sri. Rajesh Pradhan has fraudulently and dishonestly prepared a false deed by causing impersonation of one Smt. Kamana Saha by another women and got a false deed executed and registered in his name with respect to the land of Smt. Kamana Saha which is also comprised in L.R. Plot No. 130. Said original owner Smt. Kamana Saha has already lodged FIR against Sri. Rajesh Pradhan. Having failed to grab the land of original 'Kamana Saha' said Sri. Rajesh Pradhan has hatched a criminal conspiracy to grab our land because it is known to him that Sri. Shyam Sundar Dutta who is residing in Kolkata will not be able to take care and look after his property for long time.
6. On 10.12.2022 said Sri. Rajesh Pradhan dropped bricks, sands and cements in the aforesaid land and started construction of boundary wall over the said land. However, on 11.12.2022 at about 1:30pm I got information of such unlawful act of Sri. Rajesh Pradhan and his associates. As soon as I got the information, I rushed to the police station and sought their assistance describing the situation in the aforesaid land. It is to mention here that with the help of your police station the unlawful act of Sri. Rajesh Pradhan and his associates was stopped, but before Your Police Station stopped the construction work, they became successful in raising a substantial length of boundary wall in one side of the aforesaid land. But thereafter, said Sri. Rajesh Pradhan and his associated land mafias threatened me hat within three days they will complete the construction of boundary wall.
7. On 12.12.2022, having no alternative, I, being the constituted attorney of Sri. Shyam Sundar Dutta, filed a Title Suit against said Sri. Rajesh Pradhan, praying for Declaration, Permanent Injunction, and Consequential Reliefs, stating the aforesaid facts, and the said suit has been registered as Title Suit No. 113 of 2022 and presently pending before the Court of Ld. Civil Judge Senior Division at Siliguri. On 14.12.2022 the Ld. Court upon being moved by my Advocate, granted *Ad-interim* order of *Status-quo* with respect to the land as stated above. The operative part of the order as follows :-
 "That both the parties to this suit are directed not to change the nature and character of the suit property as on this date till 13.01.2023".

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8. That yesterday at about 3:30pm I got information that said Sri. Rajesh Pradhan and his associate Sri. Raju Basnet and Sri. Ram Saha and others despite of being aware of the order passed by the Ld. Court, deliberately violated the order and forcibly entered into the aforesaid land and constructed boundary wall and installed iron gate in the suit property by force and thereby changed the nature and character of the suit property deliberately violating the status quo order passed by the Learned Civil Judge, Senior Division at Siliguri.
9. The aforesaid acts of Sri. Rajesh Pradhan, Raju Basnet, Ram Saha and their associates amounts to forgery by making false documents and impersonation and trespass to the land of Sri. Shyam Sundar Dutta and violation to the solemn order of the Learned Civil Judge, Senior Division at Siliguri.
10. In the above facts and circumstances, you are requested kindly to take strict and legal action against them for unlawfully grabbing the aforesaid land and also for violation the order of the Ld. Court and to punish Sri. Rajesh Pradhan, Sri. Raju Basnet, and Sri. Ram Saha and their men and associates.

Thanking You.

Your's faithfully

Received on 01.01.2023 at 14.35 hrs.
 vide PDN PS GD Entry no. 28 date 01.01.2023
 and started PDN PS Case no. 04/23 date 01.01.2023
 u/s- 188/447/465/468/471/34 IPC
 and endorsed S.I. Bandhan Roy for
 investigation.

Samir Aich

SRI. SAMIR AICH

son of Late Manindra Nath Aich, resident of
 Haripal More, Haiderpara, P.O. Rabindra
 Sarani, P.S. Bhaktinagar, District- Jalpaiguri.
 Mob No: 9832532535

inspected by
 Pradhan P.S.
 Siliguri Police Commissionerate

Enclosure:

1. Order dated 14.12.2022 passed by the Learned Civil Judge, Senior Division at Siliguri in Title Suit No. 113 of 2022.
2. Plaint of Title Suit No.113/2022.
3. Deed No.2483/2013 in the name of Sri. Shyam Sundar Dutta.
4. L.R. Khatian of Sri. Shyam Sundar Dutta.
5. Conversion Certificate in the name of Sri. Shyam Sundar Dutta.
6. Power of Attorney executed by Sri. Shyam Sundar Dutta in my name.

Address of the Accused person:

1. Sri. Rajesh Pradhan, son of Sri. Krishna Prasad Pradhan, resident of Toklang Hallanay, P.O. Soureni Bazar, P.S. Mirik, District- Darjeeling.
2. Sri. Raju Basnet, son of Dhan Bahadur Basnet, Kolabari, Debidanga, P.O. Champasari, P.S. Pradhannagar, District- Darjeeling.
3. Sri. Ram Saha, son of Sri. Kanai Saha, Pakurtala More, Ashram Para, Siliguri- 734001, P.O. and P.S. Siliguri, District- Darjeeling.