

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

Dist. SPC PS Bhaktinagar Year 2023 FIR No. 92/23 Date 10/02/2023

1. Act IPC Sections 447/379/511/506/34 Sections -

2. (i) Act - Sections - (iv) Others Acts & Sections -

3. Date of Occurrence of Offence : Day - Date From 08/12/2022 Date To 27/01/2023

Time Period - Time From at night Time To -

(b) Information received at P.S. Date 10/02/2023 Time 00.05 hrs.

(c) General Diary Reference : Entry No(s) 445 Time 00.05 hrs.

4. Type of Information - Written / Oral -

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

(b) Address Gopal Apartment, Suryasikha Sarani, 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 Sri Bimal Das and others

(b) Father's / Husband's Name Surendra Das

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

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

(f) Occupation -

(g) Address 1st Floor, Gopal Apartment, Suryasikha Sarani, PS-Bhaktinagar, Dist-Jalpaiguri.

7. Details of known / suspected / unknown accused with full particulars  
(Attach separate sheet, if necessary) : Utpal Bhattacharjee @ Fakka, S/O-Lt. Nirmal Bhattacharjee of near Gopal Apartment, Suryasikha Sarani, PO-Rabindra Sarani, PS-Bhaktinagar, Dist-Jalpaiguri and others.

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 Complainants 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 SI Sabin Youzan Tamang 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 Noted in original complaint. of the Complainant / Informant DR No. 717 Date 11/2/23 Bhaktinagar Police Station SPC

Signature of the Officer-in-Charge, Police Station 10/02/2023 Name Prosenjit Dey Sarkar Rank SI of Police.

15. Date & Time of despatch to the court : -

✓ Bimal Das.  
✓ Bhayer Das.  
✓ Bhabanab Acharya  
✓ Bapi Dey.  
✓ Suipra Nath.  
✓ Rajshree Nandi.  
✓ Suman Goswami.  
✓ Abhijit Majumdar.

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That on 09/01/202 at about 9.30 P.M. some unknown persons gathered in front of said Gopal Apartment and tried to break the lock of the small gate of Gopal apartment and started shouting by saying threatening words like "khali jaiga aache aamra dakhal korbo, K ki korbe dekhe nebo, kar babar khamota aache aamader aatkabe dekhe nebo, tala mar gete" and created very panic in front of the apartment and complainants thereafter on dtd. 17/01/2023 informed to the Police Commissioner, Siliguri Metropolitan Police, Mandlaguri, Siliguri-734003 but receive no response at all (copy of the same enclosed herewith and marked as ANNEXURE-"F").



That suddenly on 19/01/2023 at about 10.30 A.M. accused person Gopal Bhattacharjee @ Fakka, S/o Late Nirmal Bhattacharjee who is residing in said locality he alongwith 10/15 persons came in front of said Gopal apartment and broken the portion of boundary wall which is in the western side of said apartment and front side of Open Parking area of Gopal Apartment and entered into said Open Parking Space with an intention to capture the said Open parking space but when complainants along with their well-wishers raised protest then the accused person and his men and persons attacked to the complainants and for which complainants went inside of the main gate of Gopal apartment and they have taken away the said small Iron gate (valued Rs.10,000/- approx) and also threatened to the complainants that they will come again and take the possession of the said space forcibly and also threatened about dire consequences.

That the accused person is very dangerous in nature and after the said incident, complainants along with their family members have been living with fear and complainants are apprehending that the accused person will come again and there is apprehension of breach of peace and public tranquility.

Contd.....P-6.

I solemnly Affirm & Declared  
Before me on Identification

06/02/2023  
Pashupati Shan  
NOTARY, SILIGURI.



✓ Bimal Das.  
 ✓ Bhaskar Dey  
 ✓ Bishwajit Acharya  
 ✓ Bapi Dey.  
 ✓ Swipra Nath  
 ✓ Balakrishna Ramani  
 ✓ Sumant Goswami  
 ✓ Abhijit Majumdar

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That on same day dtd. 19/01/2023 complainants again lodged a written complaint before the Commissioner of Police, Siliguri Metropolitan Police Commissionerate, Mandlaguri, Siliguri-734003 (copy of the same enclosed herewith and marked as ANNEXURE-"G") and from commissioner office ask to the complainants to meet ACP (East) and on dtd.20/01/2023 complainants meet ACP (East) and he ask to lodge a complaint before the I.C. Bhaktinagar, Dist. Jalpaiguri and on 21/01/2023 complainants lodge a complaint before the I.C. Bhaktinagar, Dist. Jalpaiguri and the I.C. of the Bhaktinagar Police Station ask to meet him on dtd. 23/01/2022 alongwith all the land documents and complainants meet to the I.C. alongwith the promoter of the Gopal Apartment on dtd. 23/01/2023 alongwith all the documents and after scrutinizing all the relevant land papers I.C. Bhaktinagar, Dist. Jalpaiguri told that he will look into the matter.



That on 26/01/2023 some local peoples organize Saraswati Pooja near of Apartment and on dtd. 29/01/2023 they without permission kept the Saraswati Idol in the Open Parking area of our Gopal Apartment and again we informed the police but till date no action has been taken from the end of the Police, this incidence has been captured by CCTV.

That the accused person is very dangerous in nature and after the said incident, we along with our family members have been living with fear and we are apprehending that the accused person will come again and there is apprehension of breach of peace and public tranquility.

2. That now the accused person openly threatening the complainants by saying, that if the complainants obstruct him to grab the land then the complainants have to face dire consequences even he will take the life some of the complainants.

I solemnly Affirm & Declared  
 Before me on Identification  
 06/02/2023  
 Pashupati Shan  
 NOTARY, SILIGURI  
 Contd.....P-7.

✓ Bimal Das.  
 ✓ Bhaskar Dey  
 ✓ Buddhadeb Nath  
 ✓ Bapi Dey.  
 ✓ Shipra Nath  
 ✓ Sunil Nandi  
 ✓ Suman Goswami  
 ✓ Abhijit Majumder

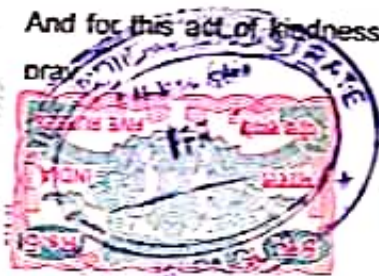
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3. That the accused persons have committed the offences punishable under section 379/511/506/34 of I.P.C.

### PRAYER

It is, therefore, prayed that your Honour may be pleased to direct the I/C, Bhaktinagar P.S. to investigate the case treating this petition of complain as an F.I.R. U/S. 156(3) of Cr.P.C. and to submit report before this Ld. Court.

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



### AFFIDAVIT



We, (1) Sri Bimal Das, S/o. Surendra Das, (2) Sri Bhaskar Dey, S/o. Late Arul Dey, (3) Sri Buddhadeb Adhikari, S/o. Atul Chandra Deb Adhikari,

(4) Sri Bapi Dey, S/o. Sri Rakhal Chandra Dey, (5) Smt. Shipra Nath, W/o. Shyama Nath, (6) Sri Rajesh Kumar Nandi, S/o. Sunil Nandi, (7) Sri Suman

Goswami, S/o. Sri Mriganka Goswami, (8) Sri Abhijit Majumder, S/o. Bishnupada Majumder, all are Hindu by religion, Nationality Indian, resident

of 7, Gopal Apartment, Suryasikha Sarani, P.O. Rabindra Sarani, P.S. Bhaktinagar, Dist. Jalpaiguri, in the State of West Bengal (India), Pin-

74006, do hereby jointly and solemnly affirm and declare as follows:-

1. That We are the complainants of this case.

Solemnly Affirmed & Declared:  
 Before me on Identification

Pashupati Shan  
 NOTARY, SILIGURI

Contd.....P-8.



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2. That no specific case regarding the self same incident has been started at Bhaktinagar P.S. or at any Police Station.
3. That the statements made above are true to the best of our knowledge and belief and the rest is our humble prayer before this Ld. Court and we sign this affidavit on this the 06/5 day of Feb, 2023 at Siliguri..

✓ Bimal Das.

✓ Bhaswar Dey

Bussanobab Adhikari

✓ Bapi Dey.

✓ Shipra Nath

✓ Rajesh Kumar Saha

✓ Suman Goswami

✓ Abhijit Majumdar

**AFFIDAVIT**  
Solemnly Affirmed before me  
By Bimal Das & others  
Identified by N. C. Dey  
This the 06 day of Feb 2023

Solemnly Affirmed & Declared  
Before me on Identification  
06/02/2023  
Pashupati Shah  
NOTARY, SILIGURI

Deponent  
Identified by me

(Narayan Saha)  
Advocate; Jalpaiguri.



✓ Bimal Das.  
✓ Bhawan Dey  
✓ Bhabishwar Nath  
✓ Bapi Dey.  
✓ Shri Nath  
✓ Rajendra Nath  
✓ Gauran Gauran  
✓ Abhijit Majumdar

Page No.4

No.2, P.S. Bhaktinagar, Dist. Jalpaiguri (W.B) and said Gopal Apartment has been constructed on said Land as per approved building Plan, vide building plan no.126 dtd.19/04/2017 (Copy of the Building Plan annexed herewith and marked as ANNEXURE-"D") and as per said building Plan there have an Open Parking Space in the apartment and said apartment is covered by Brick Wall i.e. called Boundary Wall and same has been constructed by the promoter and the Siliguri Municipal Corporation has issued the Occupancy Certificate vide Memo No.1098/OC/Bldg/SMC/19-20 dtd. 27/12/2019 Copy of the same annexed herewith and marked as ANNEXURE-"



the purchasing own Flat/unit complainants were residing peacefully in their own unit/flat of the apartment.

On dtd. 08/12/2022 at late night in absence of complainants some unknown person/s installed a signboard by the name of "Popular Sporting Club" in the Open Parking Space of said Gopal Apartment with a view to grab the open Parking Space of the apartment and thereafter every after few days some unknown persons used to gathered in front of the Apartment and used to say that "aamra ekhane mandir banabo" and thereafter on dtd 18/12/2022 complainants went to the Bhaktinagar Police Station to lodge a complaint and handed over a written complaint to the duty officer of Bhaktinagar Police Station and he kept the complaint with him and told to the complainants that please come on tomorrow or day after tomorrow to collect the received copy of the complaint and don't worry police will definitely take step. Very next day complainants visited Bhaktinagar Police Station to collect the received copy and thereafter several times complainants visited Bhaktinagar Police Station but till date failed to receive the receive copy of the complaint at last on 07/01/2023 complainants removed the Sign Board of Poular Sporting Club.

I solemnly Affirm & Declared  
Before me on Identification

Pashupati Shan  
NOTARY, SILIGURI

Contd.....P-5.

✓ Bimal Das.  
 ✓ Bhawan Dey  
 ✓ Bhaswar Das  
 ✓ Bapi Dey  
 ✓ Shipra Nath  
 ✓ Gayatri Nandi  
 ✓ Sumon Goswami  
 ✓ Abhijit Majumder

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(8) Sri Abhijit Majumder,  
 S/o. Bishnupada Majumder,  
 Gopal Apartment  
 Suryasikha Sarani, P.O. Rabindra Sarani,  
 P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

.....Complainants.

Vs.

Sri Utpal Bhattacharjee @ Fakka,  
 S/o.Late Nirmal Bhattacharjee,  
 Near Gopal Apartment  
 Suryasikha Sarani, P.O. Rabindra Sarani,  
 P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

.....Accused .

**The complainant begs to state as follows: -**

1. That the complainants are the legal owner of their own Flat situated in the Gopal Apartment, Suryasikha Sarani, P.O. Rabindra Sarani, P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-734006 and they are permanently residing there and said Gopal Apartment is situated on the Land area measuring 6 (Six) Kathas (Copies of all the relevant Five deeds are enclosed herewith and as ANNEXURE-"A" , said land is recorded in Khatian No. 345 (L.R) and 346 (L.R) (both the Khatians are annexed herewith and marked as ANNEXURE-" B " and ANNEXURE-"C " ), Plot No.7 (L.R), Mouza Dabgram, Sheet No.68, J.L.

Contd.....P-4



Solemnly Affirmed & Declared  
 Before me on Identification

06/02/2023  
 Pashupati Shah

✓ Bimal Das.

✓ Bhankar Dey

✓ Buddhadeb Adhikari

✓ Bapi Dey.

✓ Shipra Nath

✓ Rajesh Kumar Nandi

✓ Suman Goswami

✓ Abhisit Majumdar

Page No-2

(3) Sri Buddhadeb Adhikari,  
S/o. Atul Chandra Deb Adhikari,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.



(4) Sri Bapi Dey,  
S/o. Sri Rakhal Chandra Dey,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

(5) Smt. Shipra Nath,  
W/o. Shyamal Nath,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

(6) Sri Rajesh Kumar Nandi,  
S/o. Sunil Nandi,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

(7) Sri Suman Goswami,  
S/o. Sri Mriganka Goswami,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

Contd.....P/3.

Solemnly Affirmed & Declared  
Before me on Identification  
06/04/2023  
Pashupati Shah  
NOTARY SILIGURI



✓ Bimal Das.  
 ✓ Bhaskar Dey  
 ✓ Bhusan Das  
 ✓ Deepi Dey.  
 ✓ Shreya Nath  
 ✓ Lakshmi Nandi  
 ✓ Sumon Goswami  
 ✓ Abhijit Majumder  
 ✓ By  
 ✓ Sr. Adv.

IN THE COURT OF THE LD. C.J.M AT JALPAIGURI



Ref: - Misc. Petition No...../2023.

**IN THE MATTER OF: -**

An application u/s 156 (3) of Cr. P.C

**AND**

**IN THE MATTER OF: -**



- (1) Sri Bimal Das,  
S/o. Surendra Das,  
1<sup>st</sup> Floor, Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.
- (2) Sri Bhaskar Dey,  
S/o. Late Amal Dey,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

solemnly Affirmed & Declared  
Before me on Identification

Pashupati Shan  
NOTARY, SILIGURI

Contd.....P/2.

(8) Sri Abhijit Majumder,  
S/o. Bishnupada Majumder,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

.....Complainants.



VERSUS

Sri Utpal Bhattacharjee @ Fakka,  
S/o. Late Nirmal Bhattacharjee,  
Near Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

.....Accused .

Filed By :

Narayan Saha  
Advocate, Jalpaiguri.  
M-9832302437

Date:

Solemnly Affirmed & Declared  
Before me on Identification  
06/02/2023  
Pashupati Shah  
NOTARY, SILIGURI

(3) Sri Buddhadeb Adhikari,  
S/o. Atul Chandra Deb Adhikari,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

(4) Sri Bapi Dey,  
S/o. Sri Rakhal Chandra Dey,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.



(5) Smt. Shipra Nath,  
W/o. Shyamal Nath,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

(6) Sri Rajesh Kumar Nandi,  
S/o. Sunil Nandi,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

Solemnly Affirmed & Declared  
Before me on Identification  
06/02/23  
Pashupati Shah  
NOTARY, SILIGURI

(7) Sri Suman Goswami,  
S/o. Sri Mriganka Goswami,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

Contd.....P/3.



Ref: - Misc. Petition No...../2023.

**IN THE MATTER OF: -**

An application u/s 156 (3) of Cr. P.C

**AND**

**IN THE MATTER OF: -**

Sri Bimal Das and Others

.....Complainants

Vs.

Sri Utpal Bhattacharjee @ Fakka,

.....Accused



**MEMO OF PARTIES**

- (1) Sri Bimal Das,  
S/o. Surendra Das,  
1<sup>st</sup> Floor, Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.
- (2) Sri Bhaskar Dey,  
S/o. Late Amal Dey,  
Gopal Apartment  
Suryasikha Sarani, P.O. Rabindra Sarani,  
P.S. Bhaktinagar, Dist. Jalpaiguri (W.B), Pin-74006.

Contd.....P/2.

Solemnly Affirmed & Declared  
Before me on Identification

06/04/2023  
Pashupati Shah  
NOTARY, SILIGURI

F/N 542/23

IN THE COURT OF THE LD. J.C.J.M AT JALPAIGURI

Ref: - Misc. Petition No...../2023.

IN THE MATTER OF:-

An application u/s 156 (3) of Cr. P.C

AND

IN THE MATTER OF:-

Sri Bimal Das and Others

.....Complainants

Vs.

Sri Utpal Bhattacharjee @ Fakka,

Accused



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4.	ANNEXURE "B": Copy Khatian No. 345 (L.R)		
5.	ANNEXURE "C": Copy Khatian No. 346 (L.R)		
6.	ANNEXURE "D" : Copy of Building Plan		
7.	ANNEXURE "E" : Copy of Occupancy Certificate		
8.	ANNEXURE "F" : Copy of Police Complaint dated 17.1.2023		
9.	ANNEXURE "G" : Copy of Police Complaint dated 19.1.2023		
10.	ANNEXURE "H" : Copy of Police Complaint dated 21.1.2023		
8.	List of Witnesses		
9.	Vakalatnama		

Filed By :

Narayan Saha (Adv. Jal)

Solemnly Affirmed & Declared  
Before me on Identification

06/02/2023  
Pashupati Shah  
NOTARY, SILIGURI

**COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI**

**M.P Case No- 29/23**

**BIMAL DAS VS UTPAL BHATTACHARJEE**

**Order dated: 07-02-2023**

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 08-03-2023 for compliance report from P.S. concerned.

Forwarded to I/C Bhaktinagar  
for taking necessary action.

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

Received on 10/2/23 at 00.05 hrs.  
vide BUN PS GDE NO-445 and  
started Bhaktinagar PS case  
no- 92/23 date 10/2/2023 u/s-  
447/379/511/506/34 IPC. SI  
Sabin Yonzan Tamang will  
investigate the case.

10/2/2023  
Inspector-in-charge  
Bhaktinagar Police Station  
Siliguri Police Commissionerate