

1. Dist Jalpaiguri P.S. NJP Year 2023 FIR No. 130/3 Date 18-2-23

2. i) Act IPC Sections 379 IPC ii) Act _____ Sections _____

(iii) Act _____ Sections _____ (iv) Others Acts & Sections _____

3. (a) Occurrence of Offence : Day _____ Date From _____ Date To 3.12.23

Time Period _____ Time From _____ Time To _____

(b) Information received at P.S. Date 18-2-23 Time 10:05h

(c) General Diary Reference : Entry No(s) 820 Time 10:05h

4. Type of Information : _____ Written / Oral

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

(b) Address Gandar more. Ps NJP Dist. Jalpaiguri

(c) In case outside limit of this Police Station, then the Name of the P.S. N/A District _____

6. Complainant / Informant :

(a) Name Prafulla Roy

(b) Father's / Husband's Name Kantik Ch. Roy

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

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

(f) Occupation _____

(g) Address Purda Barughoniya, Ps. Mainguri, Dist. Jalpaiguri

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

(Attach separate sheet, if necessary) : Unknown mistreatment

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

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

Hero Super Splender bearing Regt. No. WB72K-515B

10. Total value of properties stolen / involved _____

11. Inquest Report / U.D. Case No., if any NIL

12. FIR Contents (Attach separate sheets, if required) : The original written complaint which is treated as FIR is reproduced as under

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 Uday Sankar Bhattacharya of Angara to take up investigation / refused investigation / transferred to P.S. Falakata under NJP 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.

On the original written complaint

14. Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station

Name : PARTHA SARATHI DAS

Rank : No. SI OF POLICE
of NJP B S P.

15. Date & Time of despatch to the court :

COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 12/23

PRAFULLA ROY VS UNKNOWN ACCUSED

Order dated: 18-01-23

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 Id 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 O/C, Ambari Out post and O/C, Ambari Out Post, 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 O/C, Ambari Out post 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.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 EIR 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 18-02-23 for compliance report from P.S. concerned.

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