

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



3020



P.S. Bhaktinagar Year 2023 FIR No. 220/23 Date 22/03/2023
 Sections 420/406/120B/417/379 Sections —
 Sections — (iv) Others Acts & Sections —
 Date From 05/02/2023 Date To 13/02/2023

(a) Occurrence of Offence : Day — Time From Not mentioned Time To —
 Time Period 22/3/2023 Time 12.30 hr.

(b) Information received at P.S. Date 1257 Time 12.30 hr.

(c) General Diary Reference : Entry No(s) — Written / Oral —

4. Type of Information : — Beat No. —

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

(b) Address H/746, NH-31, Site Mansion, PS-Bhaktinagar, Dist-Jalpaiguri

(c) In case outside limit of this Police Station, then the District —

Name of the P.S. —

6. Complainant / Informant :

(a) Name Sri Raj Kumar Singh

(b) Father's / Husband's Name Ram Prasad Singh

(c) Date / Year of Birth 52 years (d) Nationality Indian

(e) Passport No. — Date of Issue : — Place of Issue —

(f) Occupation Business

(g) Address Tumal Para, PS-Bhaktinagar, Dist-Darjeeling

7. Details of known / suspected / unknown accused with full particulars
 (Attach separate sheet, if necessary) : ① Madhumita Paul who - not known
(owner of the Mahakal Scrapper), ② Bhanu Paul

S/o - Madhumita Paul both are residing at Jadav Pally, P.O. & PS-Falakata,
Dist-Alipurduar, ③ Asbab S/o - not known, Driver cum owner of the
vehicle, resident of HN 86, Mehuli, PS-Kundarki the bilari, Dist-Morad-
abad, Uttar Pradesh, Pin-244001, ④ one Truck bearing reg. No - UP-21-BN/
2905 (offending vehicle)

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 herewith.

Inspector-In-Charge —
 Bhaktinagar Police Station

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 Pranam 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.

Signature of the Officer-in-Charge, Police Station —
 Siliguri Police Commissionerate

14. Signature / Thumb impression —
 of the Complainant / Informant

DR No. 1605 Date 23/3/23
 Bhaktinagar Police Station
 SPC

Name Sri Amarash Singh
 Rank : No. 1/c, Bhaktinagar B. SPC.

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



IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 75/23

RAJ KUMAR SINGH VS MADHUMITA PAUL

Order dated: 17-03-23

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 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 Jalpaiguri and I/C Bhaktinagar PS 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 PS. Jalpaiguri who is **directed to invest her own consideration to the facts alleged and he 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 17-04-2023 for compliance report from P.S. concerned.

Forwarded to...
for taking necessary action.

Chief Judicial Magistrate Jalpaiguri
Chief Judicial Magistrate
Jalpaiguri

Dist. Jalpaiguri.

In the Court of Learned Chief Judicial Magistrate, Jalpaiguri.

Misc. Petition No. /2023.

Name and Address of the complainant: -

Raj kumar Singh (52 yrs.), S/o. Ram Prashad Singh; Residing at Tumul Para, Siliguri Municipal Corporation, Siliguri, P.S-Bhaktinagar, District-Darjeeling.

...Complainant/ Petitioner.

Name & Addresses of the Accused Persons:

- 1) Madhumita Paul, W/o- Not Known (owner of the Mahakal Scraper),
- 2) Bhanu Paul, Son of Madhumita Paul, Both are residing at Jadav Pally, Post & P.S- Falakata, District- Alipurduar.
- 3) Asbab, S/o- Not Known, Driver cum Owner of the Vehicle, resident of HN 86, Mehloli, Police Station- Kundarki the bilari, District- Mordadabad, State-Uttar Pradesh, PIN-244001. PH NO.9399800127.
- 4) One truck bearing registration no. UP-21-BN-2905(Offending Vehicle).

Date and Time of Offence : Between 05/02/2023 to 13/02/2023

Offences Punishable Under Sections:- 420/406/120B/417/379/41 I P C .

Received on 22/3/23 at 12:30 hrs. vide BUN PS GDE NO-1257 & started Bhaktinagar PS case NO- 224/23 date 22/3/23 u/s- 420/406/120B/ 417/379 I P C. SI Pranam Tamang will investigate the case.

Inspector in-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate



21/02/2023

Through
Advocate
17/02/23

1. That the present petitioner is a law binding citizen & peace loving in nature having her permanent hearth & home at the mentioned place in cause title of the instant application.
2. That the petitioner is carrying a business in partnership under the name and style as Rajasthan Transport Company, having its office at Premises No. H/746, NH-31, Sita Mansion, Police Station- Bhaktinagar, District- Jalpaiguri.
3. That the accused no.1 and 2, as well as the owner of Mahakal Scraper, having its office at Jadav Pally, Post & Police Station- Falakata, District- Alipurduar.
4. That on 02/02/2023 the accused no.01 and 02 contacted the petitioner to provide them one vehicle for transport their goods i.e. copy and old books to Kailash Devi Pulps and Paper Products, at Lalpur, Tehsil-Jaspur Road, Kashipur, State- Uttarakhand.
5. That after getting such contact of accused no.01 and 02, petitioner provided one truck to said Mahakal Scraper, truck bearing registration no. UP-21-BN-2905, along with driver cum owner of the truck as well as accused no.03, and necessary documents for transporting goods i.e way-bill etc and the petitioner fixed a rate of Rs.2600/- for per ton goods, and there was total 17 ton 990 kgs of goods.
6. That the accused no.01 and 02 took the truck from the petitioners transport company on 05/02/2023 and they informed the petitioner the truck will reach on Delivery address on 10/02/2023. And after necessary formalities the petitioner provided said truck to the accused no.01 and 02 on contract basis.
7. That on 10/02/2023 when petitioner contact driver as well as the accused no.03 by phone call, driver informed him the did not reach at proper time to the destination as the vehicle got damaged. He showed the place on video call it was Rampur. And the driver also disclose that he have continuous communication with the owner of the Mahakal Scraper as he providing every updates to them.
8. That the petitioner lastly contacted with the accused no.03 on 12/02/2023 and after last phone call, his phone went switched off. Petitioner several times tried to contact him, but there is no response from the other side. Then petitioner sent his men to the home of the accused no.03 but the family members could not say any word about the accused no.03.
9. That the petitioner contacted the owner of the Goods as well as Mahakal Scrapers, to know the actual facts, but they were in relaxed mood as they told the petitioner that whole goods are insured and they would get money from the insurance company even if the goods were not delivered.





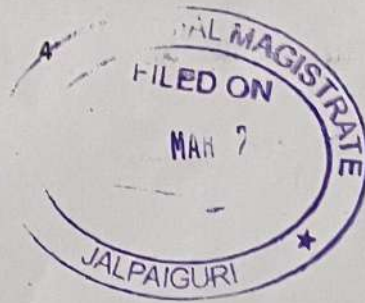
17/09/23

Through
Supriya Das
Advocate
Date: 17/09/23

10. That till then petitioner did not get any penny from the Goods Owner and he got some information from local persons near the office of Mahakal Scraper, that total incident maybe pre-planned as before this incident, there was a same incident took place with Mahakal Scraper few years ago.
11. That the accused no 01 and 02, to get a huge insurance money, did this offence with help of accused no.03. and entire incident is executed by them in very clever way. They have complete knowledge about the truck and Goods which are carried.
12. That after getting such information the petitioner lodged a complaint in Bhaktinagar Police Station, but they refused to give any receipt to the petitioner. Petitioner also informed the matter to the Commissioner of Police by Regd. Post and also to the Officer-in-charge of Falakata Police Station, by there was no response from any sides. And finding no other alternatives the petitioner approached before Your Honor seeking justice.
13. That the petitioner annexed the copies complaints, tracking receipts, vehicle documents, Goods documents and necessary details with this present application.
14. That the petitioner complied all the provisions of Section 154(1) & (3) Cr.P.C. but as Police Personnel still did not take any steps so she approached before your Honour seeking justice.
15. That there is a good prima facie case in favour of the petitioner.
16. That there is no inordinate delay to lodge this complaint before the Ld. Court.
17. That this application is made bona fide & for interest of justice.

Accordingly, it is therefore, prayed that, your Honour would be pleased to direct the I.C., BhaktinagrP.S. to start a case and investigate the matter in terms of the of the provision as laid down in Section-156(3) Cr.P.C. for interest of justice.





Verification

I Raj kumar Singh (52 yrs.), S/o. Ram Prashad Singh; Residing at Tumul Para, Siliguri Municipal Corporation, Siliguri, P.S-Bhaktinagar, District-Darjeeling do hereby solemnly affirm & declare that the statements made in above are all true to my knowledge and belief and I sign this verification on this day of March 2023 at Jalpaiguri.

[Handwritten signature]

DEPONENT





AFFIDAVIT

I Raj kumar Singh (52 yrs.), S/o. Ram Prashad Singh; Residing at Tumul Para, Siliguri Municipal Corporation, Siliguri, P.S-Bhaktinagar, District-Darjeeling do hereby solemnly affirm & declare as follows:-

- 1) That I am the petitioner of the instant case.
- 2) That the statements made in Paragraph No. 1 to are all true to my knowledge & belief and rest are my humble submission before the Ld. Court.
- 3) That I put my signature on this Affidavit on this 17th day of March, 2023 at Jalpaiguri.



21st March 2023

DEPONANT

Identified by me.

Advocate

Solemnly affirm and declared
before me on proper identification
17 03 23
Hasan Omar Farooque, NOTARY
Dist. Jalpaiguri
Regd. No-78/07, Expiry on- 20/02/2027
Govt. of West Bengal