



PS. Chalchington Year 2023 FIR No. 371/23 Date 09/5/2023  
Section 379 R.A. - Section -  
Section - Section - (i) Other Acts & Sections -

3. (a) Occurrence of offence - Day - Date From 28/4/2023 Date To 13:00hrs.  
Time Period - Time From - Time To 15:30hrs.  
(b) Information received at P.S. Date 09/5/2023 Time 19:15hr.  
(c) General Diary Reference - Entry No. (a) 413 Time 19:15 hr.  
Written / Oral -

4. Type of Information -

5. Place of Occurrence: (a) Direction and Distance from P.S. (Dist. No.) -  
(b) Address In front of Gita Auto Mobiles, near Gov. Basca More, Serdula Road, PS - Chalchington, Dist. Jalpaiguri.

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

6. Complainant / Informant:

(a) Name Sri Avijit Majumder  
(b) Father's / Husband's Name Haradhan Majumder  
(c) Date / Year of Birth - (d) Nationality Indian  
(e) Passport No. - Date of Issue - Place of Issue -  
(f) Occupation -  
(g) Address A6/2, Turbachal, Pradhan Nagar, PS - Pradhan Nagar, Dist. JSC.

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary): 03 (Three) unknown Miscreants.

8. Reasons for delay in reporting by the Complainant / Informant -

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary): Motor cycle bearing Reg. No - KB-74 AM/3040 (Bajaj Pulsar 220F)

10. Total value of properties stolen / involved -

11. Inquest Report / I.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 reproduced overleaf.

13. Action Taken: - Since the above report reveals commission of offence(s) as mentioned in item no. 2, Registered the case and took up the investigation / directed Asi Dipak Karmakar 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.

Noted in original Complaint.

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

Signature of the Officer-in-Charge, Police Station -  
Name: Sri Anareet Singh  
Rank: No. PC, Chalchington K.

15. Date & Time of despatch to the court -

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No-136/23

AVIJIT MAJUMDER VS UNKNOWN PERSONS

Order dated: 06-05-2023

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 P.S. Jalpaiguri 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 P.S. 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 06-05-23 for compliance report from P.S. concerned.

CJM, Jalpaiguri  
Chief J. Magistrate  
Jalpaiguri

Received on 07/5/23 at 12-15 PM.  
Vide BEAT PS 502 No- 413 And dated  
Bhaktinagar PS Code No- 371/23 date  
07/5/23 u/s- 377 P.C. ASI Dipak  
Karmakar will investigate the case.

07/5/23  
Inspector  
Bhaktinagar Police Station  
Signal Policy Cell, Jalpaiguri

copy forwarded to  
I/C Bhaktinagar  
PS for compliance report  
07/5/23

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IN THE COURT OF THE LD. CHIEF JUDICIAL MAGISTRATE JALPAIGURI

MISC. PETITION NO.

136 of 2023

IN THE MATTER OF:

An application Under Section 156(3) of Cr.P.C.



AND

IN THE MATTER OF:

Sri-Avijit Majumder, son of Haradhan Majumder, resident of 46/2, Purbachal, Pradhan Nagar, Siliguri, Post Office and Police Station - Pradhannagar, District - Darjeeling.

Complainant

-Vs-

At least 3 (three) numbers of unknown miscreants.

Accused Persons

Offence Committed : Under Section 379 of I.P.C.

The Complainant above named begs to state as follows :

- 1. That the complainant is a registered owner of a Motor-Cycle under the name and style of Bajaj Pulsar 220F, registered as WB74AM3040.
2. That the complainant purchased the said vehicle in the year 2016 taking finance from Bajaj Auto Finance Ltd.
3. That on 28.04.2023 at about 1 p.m. the complainant alongwith his friend Sri Amit Pandey went to Sevoke Road and parked the above noted vehicle in front of Gita Auto ... near Don Bosco More, Sevoke Road, P.S. Bhaktinagar, Dist. Jalpaiguri.



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*[Handwritten signature]*  
*[Handwritten initials]*

4. That the above noted vehicle was kept under handle lock as well as front disc lock, and the complainant alongwith his friends went to some nearby shops for some personal work.
5. That around 3.30 p.m. when the complainant came back to take his motor-bike, it was no there.
6. That on query from nearby shops the complainant came to know that three persons came after he left the bike parked in front of "Gita Auto Mobiles" and have taken away the motor-bike by breaking all its locks.
7. That the above noted incidents could be seen from the CCTV footage of "Gita Auto Mobiles".
8. That the abovernoted incident has been given in writing to the I.C. Bhaktinagar P.S. which has been registered under Bhaktinagar P.S. G.D.E. No. 1518, dated 29.04.2023 and also to the Commissioner of Police, Siliguri Metropolitan Police Commissionerate, till date neither any specific case has been started nor any investigation has been done.
9. That my above noted motor cycle has not yet been recovered in spite of the specific complain and availability of CCTV footage.
10. That this complaint is made bona fide and for the ends of justice.

Under the above facts and circumstances, it is prayed that Your Honour would graciously be pleased to consider this application u/s 156(3) of Cr.P.C directing Officer in Charge of Bhaktinagar Police Station to treat this complaint as F.I.R and to start a specific against the accused persons under proper sections of law and to investigate the case properly and sincerely or to pass such other order/orders as Your Honour may deem fit and proper for the ends of justice.

And for this act of kindness, your petitioner/ complainant as in duty bound shall ever pray.





AFFIDAVIT

I, Sri Avjit Majumder, son of Haradhan Majumder, aged about 91 years, Hindu by Religion, Indian by Nationality, resident of 46/2, Purbachal, Pradhan Nagar, Siliguri, Post Office and Police Station - Pradhannagar, District - Darjeeling, do hereby solemnly affirm and declare as follows:-

1. That I am the complainant and as such am well acquainted with the facts and circumstances of this case.
2. That the statements made in Para 1 to 9 are true to the best of my knowledge and believe and rest are my humble submission before the Ld Court.

I sign this Affidavit this the 6<sup>th</sup> day of May, 2023 at Jalpaiguri.



Signature of the deponent

Identified by me

Advocate

Solemnly affirm and declare  
before me on proper identification.

H. OMER FARUQUE, NOTARY  
to Dist. Jalpaiguri  
Regd. No-78/07, Expiry on-20/02/2023  
Govt. of West Bengal

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