

2279

1. Dist. SP P.S. Maligana Year 2023 FIR No. 428/2023 Date 05/06/2023
 2. i) Act IPC Sections 447/426/379/326 ii) Act * Sections *
 iii) Act * Sections 307/506/34 iv) Others Acts & Sections *

3. (a) Occurrence of offence : Day Date From 03.07.2021 Date To
 Time Period Time From Time To

(b) Information received at P.S. Date 05.06.2023 Time 18:20 hrs

(c) General Diary Reference : Entry No (s) 293 Time 18:20 hrs

4. Type of Information Written Written / Oral

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

(b) Address Yakthung Complex Phansidewa More, Amanpally, Po. New Rangia, B. Maligana, Dist. Bangerling

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

6. Complainant / Informant :

(a) Name Maken Bahadur Limbu

(b) Father's / Husband's Name H. Bom Prasad Limbu

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

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

(f) Occupation

(g) Address Yakthung Complex, New Rangia, Ps. Maligana, Dist. Bangerling

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

(Attach separate sheet, if necessary) :

(1) Arman Subba, s/o. Maken Bahadur Limbu, (2) Pratima Limbu, w/o. Maken Limbu, (3) Arni' Bhujel all are of Phansidewa More, New Rangia, Ps. Maligana, Dist. Bangerling 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 which is treated as FIR 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 SI. Tanmay Kundu 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 on original complaint

14. Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station

Name : BIJUL TANKINAR

Rank : No. SI of POLICE, P. & S. Maligana

15. Date & Time of despatch to the court :

Filing No. 202449/2021
CNR No. WBOJDE003087/2021
MISC PETITION. 53/2021

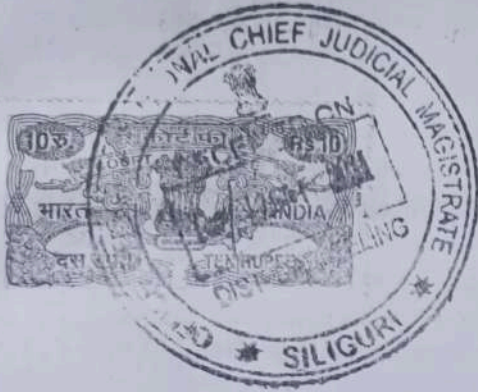
Makar Bahadur Limbu

Filed by
Subhanshu Kumar Das
S. S. Sankar Das

IN THE COURT OF THE LD. ADDITIONAL CHIEF JUDICIAL
MAGISTRATE AT SILIGURI

CR 1000/2021

Ref: Misc. Petition Case No. 50 /2021



IN THE MATTER OF:

AN APPLICATION UNDER SECTION
156(3) OF CRIMINAL PROCEDURE
CODE

158
1/2



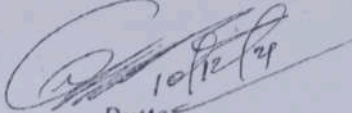
CAPT. MAKAR BAHADUR LIMBU, S/O Late Bom Prasad Limbu, Resident of Yakthung Complex, Phansidewa More, Amarpally, P.O. - New Rangia Via N.B.U., P.S.- Matigara, Siliguri, Dist.- Darjeeling, West Bengal, Pin- 734013.

.....Complainant

Vs.

1. **SRI AMAN SUBBA** s/o Capt. Makar Bahadur Limbu
 2. **PRATIMA LIMBU** w/o Capt. Makar Bahadur Limbu
 3. **Amit Bhujel**, s/o Not known
- All are residents of Phansidewa More, Amarpally, P.O. -New Rangia Via N.B.U., P.S.- Matigara, siliguri, Dist.- Darjeeling, West Bengal, Pin- 734013.

..... Accused Persons


Nabendu Narayan Dutta
Notary Govt. of India
Siliguri, Darjeeling

OFFENCE COMMITTED: U/S 447/426/379/326/307/506/34 IPC

The complainant begs to submit as follows ;

1. That the complainant is a peace loving and law abiding citizen of India.



Filed by
Sudhakar Narayan Datta
Notary Darjeeling
No. 1000 / 2021

2. That the Complainant is aged about 70 years and a senior Citizen of India.
3. That the complainant is a retired defense personal and had served the nation for a long time and also got some award from time to time from the Government of India i.e., for his excellent performance and social service towards human resource development and employment generation in India during this service period:

1. Rashtriya Vikash Ratna Awards - 1996
2. National Excellence Award
3. Indira Gandhi Sadbhavana Award
4. Giani Zail Singh Award (Sadbhavana Award)
5. Indo Nepal Friendship Economic Co-operation Ratna Award.
6. Mahatma Gandhi Gaurav Samman
7. Dr. APJ Abdul Kalam Excellence Award
8. Skoock - NSE Award
9. Skoock - Gold order of Merit Award



4. That there was a prevailing dispute between the complainant and the accused persons for last several years. The accused persons were/ are very much greedy in respect of (movable and immovable property) of the complainant and it was/ is their cherished desire to capture the property of the complainant and for fulfilling their desire, they not even hesitate to kill the complainant. The complainant apprehends any kind of fatal attack on him soon.

5. That the complainant had purchased a plot of land by his self acquired income in the year 1985, measuring 11 kathas 2 1/3 chhataks or 1825 acre, recorded in khatian No. 8/5, appertaining to and forming part of C.S. plot No.2 (L.R plot No. 11) within Pargana: Patharghata, Mouza: Jitu, Police Station: Siliguri (now Matigara), S.K. office Siliguri, Now Siliguri II at Bagdogra, Sub-division Siliguri, Dist. Darjeeling.

6. That after the retirement from the service of Indian Army the complainant constructed a building (temporary structure with tin roofed and cemented wall) with the savings of his service period on the said plot of land a unit under SSI for manufacturing Latex foam which closed down after few years as such started security services training centre in the same infrastructure under name and style as "YAKTHUNG TRAINING CENTER".

7. That the complainant within this unit/ training Center separately developed/constructed news room/ Studio, BPO Training Center, Students Hostel for boys and girls separately, Dining Hall, Community Hall, Toilets, Bathrooms, Guest room, Store Room for keeping the uniformed items and cooking house for facilitating the proper and effective training of the boys and girls.

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8. That on 03.07.2021 the accused persons along with 16 (sixteen) anti social persons of the nearby locality who are popularly known as men and agents of the accused persons assembled, armed with dangerous weapons and organized a fatal and malicious attack on the complainant with an intention to kill him. The large number of miscreants attacked the complainant over his entire body, on shoulders, ribs, back, legs etc and by which the complainant got Grievous injury on his person. The neighbors and the center's security guard Sri. Indra Kr. Rai who came to rescue the complainant was also badly injured. The complainant due to the sudden attack became perplexed and for the sake of taking his self defense, opened fire in the air to deter and divert their attention and done it without any intention to create any harm to them. After the said incident in grave conspiracy and a well planned illegal nexus with the local police station they lodged a false written complaint against the complainant before the local police station and subsequently the police arrested the complainant without any cogent reason and sent the complainant to jail custody for a considerable long period. Here the offence of one person shifted to another with an ill motive. The complainant had lodged an emergency FIR to the police before the incidence and a complaint at the police station while in Police custody at Matigara. After coming back from the said imprisonment the complainant lodged a written complaint on 29.07.2021 before the local police station and also to the Commissioner of police, (SMP), Siliguri, intimating the entire incidents along with video clipping but the police did not take any action against the miscreants.

9. That it is very unfortunate to mention here that after return back from the jail custody the complainant could witness more horrifying state of affairs of his training center and the offices at YAKTHUNG Complex at the above mentioned plots where YAKTHUNG Manpower & Security Services Training Center is situated and News room / Studio, BPO Training Center, Student's Hostels for Boys and Girls separately, Dining Hall, Community Hall, Toilets, Bathrooms, Guest Room, Store houses with costly uniform items and cook houses are located. The roads to the training center and the office has been totally blocked and are denied access/ exit in to immediately after the arrest of the complainant by the police on 03.07.2021. The gate from Northern side and Western side to enter into YAKTHUNG Security Services Training Center and to all above classrooms/ establishments/ living areas/ stores are illegally locked and the keys are kept by Sri. Aman Subba and his associate. Consequently, the students and staffs of YAKTHUNG Security services residing at YAKTHUNG Complex building have no way for entry/exit to YAKTHUNG Complex. This training center is duly registered with NSDC (Ministry of Skill Department, Govt. of India, New Delhi) who periodically come for audit and inspections. Unauthorized wall has been erected by Sri Aman Subba with the help of his men and agents in his landed property and land of Smt. Dorie Subba (Dhanai), w/o Sri Kishore Singh Dhanai, which is the part of YAKTHUNG Training Center.

10. That the accused persons have stolen 2 (two) iron gates of YAKTHUNG Training Center and fixed up this 2 (two) iron gates in between the strip of land which connected administrative office of YAKTHUNG Manpower & Security services, the

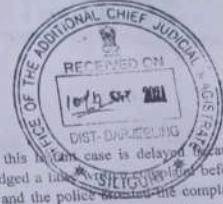


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Building of training Centre, the building of boys & girls hostel, Dinning Hall, Cook House, Animal Den for German Shepherd Dogs, BPO Room, News4 Asia studio & News Siliguri rooms, with an intention to stop the using of the said land by the trainees. They put pad lock on the said iron gates illegally. Naturally the trainees are now facing a lot of problem in their day to day life in respect of continuation of their training programme. 3 Dogs have died out of 5 Dogs hereafter due to the said illegal activities.

- 11. That the accused persons threatened/ intimidated all the trainees, restrained them from access/exit to their hostel rooms, did not allow them to take their daily provisions and threw them on to road side mercilessly without their belongings. The trainees are poor unemployed youths from far places in hills and north east regions. The complainant as Managing Director of the company and local caretaker of the trainees requested the local police station to make an arrangement for immediate reopen of the road to their living hostel, toilets / bathrooms, kitchen/dining hall, class room for which they are drastically suffering. Any untoward incidence of fatal sickness or death to the trainees shall rest on the said conspirators.
- 12. That the complainant is now facing acute financial crunch because the training centre from where the complainant used to earn money, was ransacked, badly damaged and totally locked and also erected illegal wall, besides the training centre and using Pathway of the boys and girls who were/are residing in the hostel also locked and all these ill activities has been done in the absence of the complainant during the period of his Jail Custody and within the promulgation of C.rPC 144. So it can safely be presumed that the planning of the arrest of the complainant was nothing but a deep rooted conspiracy.
- 13. That it has already been mentioned herein above that the complainant has lodged a written complaint before the Matigara Police Station but the police has not taken any action for this same.
- 14. That the complainant thereafter lodged a written complaint before the Commissioner of Police, A.C.P (West), D.C.P, (West), Siliguri Metro Politian Police, Siliguri, Intimating the entire fatal attack on him but that also went in deaf ears.
- 15. That finding no other alternative the complainant now wants to take shelter before Your Honour for seeking justice for the same.

Nabendu Narayan Datta
Notary Govt. of India
Siliguri, Darjeeling



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16. That the filing of this case is delayed because just after the incident the accused persons lodged a complaint before the Matigara Police Station with a conspiracy and the police did not take the complainant and then sent to judicial custody. After coming back from jail custody the complainant could not able to take the initiative of filing this case because at that time the complainant was seriously injured and has been suffering from heavy pain due to severe assault on his person, organized by the accused persons and their associates. After coming back in a stable physical condition the complainant has decided to file this case.



It is therefore prayed that Your Honour would graciously be pleased to treat this application as F.I.R. and direct the concerned police station to register the case and investigate the matters and submit the report before Your Honour for the ends of justice.

And the complainant as in duty bound shall ever pray.

Nabendu Narayan Datta
Notary Govt. of India
Siliguri, Darjeeling