

1. Dist. SPC P.S. Bhaktinagar Year 2023 FIR No. 465/23 Date 07/6/2023  
 2. i) Act. IPC Sections 307/498A/323/354/34 ii) Act. Sections -  
 iii) Act. Sections - iv) Others Acts & Sections -  
 3. (a) Occurrence of offence : Day - Date From 27/09/2022 Date To 29/03/2023  
 Time Period - Time From NOT MENTIONED Time To -

(b) Information received at P.S. Date 07/6/2023 Time 13.10 hr.  
 (c) General Diary Reference : Entry No (s) 315 Time 13.10 hr.  
 4. Type of Information - Written / Oral Written

5. Place of Occurrence : (a) Direction and Distance from P.S. - Beat No. -  
 (b) Address Telipara near Sarada School, 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 Smt. Saraiwati Das  
 (b) Father's / Husband's Name Banshi Das  
 (c) Date / Year of Birth 42 years (d) Nationality Indian  
 (e) Passport No. - Date of Issue - Place of Issue -  
 (f) Occupation House hold work  
 (g) Address Telipara near Sarada School, PS - Bhaktinagar, Dist - Jalpaiguri.

7. Details of known / suspected / unknown accused with full particulars ① Banshi Das s/o - Lt. Sasthi Das, ② Santana Das w/o - Somnath Das, ③ Somnath Das, ④ Pabitra Das s/o - Lt. Sasthi Das, ⑤ Namita Das w/o - Pabitra Das, ⑥ Sanu Das s/o - Pabitra Das, ⑦ Taltela Roy s/o - Ramesh Roy, ⑧ Gopesh s/o - Unknown & ⑨ Totou s/o - Unknown all of Telipara near Sarada School, PS - Bhaktinagar, Dist - J.P.G.  
 (Attach separate sheet, if necessary) :

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 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 at item No. 2., Registered the case and took up the investigation / directed SI Pradip Kr. Singha of Ashighar of to take up investigation / refused investigation / transferred to P.S. - on point of jurisdiction. FIR read over to the Complaint / Informant, admitted to be correctly recorded and a copy given to the Complainant / informant free of cost.

14. Signature / Thumb impression of the Complainant / Informant Noted in original Complaint.

15. Date & Time of despatch to the court :

DR - 28/6/23  
H - 7/6/23

07/6/23  
 Bhaktinagar Police Station  
 Siliguri Police Commissionerate  
 Signature of the Officer-in-Charge, Police Station  
 Name : Sri Amarach Singh  
 Rank : No. 1/c, Bhaktinagar P.S.



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

**M.P Case No-149/23**

**SARASWATI DAS VS BANSHI DAS**

**Order dated: 18-05-23**

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 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 **20-06-23** for compliance report from P.S. concerned.

Chief Judicial Magistrate Jalpaiguri

Chief Judicial Magistrate  
Jalpaiguri

Forwarded to I/C Bhaktinagar PS  
for taking necessary action.

Received on 07/6/23 at 13-10 hrs,  
vide BWN PS GDE NO-315 and  
started Bhaktinagar PS case  
NO-465/23 date 07/6/23 u/s-307/  
498A/323/354/34 IPC. SI Pradip  
Kr. Singha of Ashighar OP will  
investigate the case.

07/6/23  
Inspector in Charge  
Bhaktinagar Police Station  
Siliguri Police Commissionerate

In the Court of the Ld. C.J.M., at Jalpaiguri.

Affidavit has  
not been done  
so it could not  
be

Misc Petition 149/23 /2023.

149/23



In the Matter of :-

An Application Under Section 156(2) of  
Criminal Code of Procedure U/S -307,  
498(A), 323, 354 & 34 I.P.C.

A N D

In the Matter of :-

Saraswati Das, W/O. Banshi Das,  
Residing at Talipara, Near Sarada  
School, P.S. Bhaktinagar, P.O.  
Ghogmali, Dist.- Jalpaiguri.  
... Complainant.

- VS -

1. Banshi Das S/O. Late Sasthi Das,
2. Santana Das, W/O. Somnath Das,
3. Somnath Das.
4. Pabitra Das. S/O. Lt. Sasthi Das,
5. Nandita Das, W/O. Pabitra Das,
6. Sanu Das, S/O. Pabitra Das,
7. Taltala Roy. S/O. Ramesh Roy
8. Gopesh S/O. Unknown.
9. Toton S/O. Unknown.

all are residing at Talipara, Near  
Sarada School, P.S. Bhaktinagar,  
Bix P.O. Ghogmali, Dist. Jalpaiguri.  
... Accused persons.

contd. p/2.



LGK < LGHC B'ZC

The Complain filed by and on behalf of the Complainant  
Most Respectfully Sheweth:-

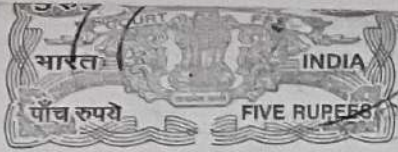
1. That, the complainant is a law abiding citizen of India.
2. That, the complainant is married with the Accused person No. 1 i.e. Banshi Das for last years.
3. That, the Accused person No. 2 is the adopted daughter of Saraswati Das and Banshi Das, and accused No. 3 is the husband of the adopted daughter.
4. That, on 27th September 2022 accused No. 1, 2 & 3 beat up the complainant and pushed her out from her own house along with her one and a half year old son and accused No. 1, 2 & 3, told the complainant to not to go to the Police as because they have already filed ~~an~~ a false case against her and accused No. 1, 2 & 3 along with the other accused persons sold the land to other person which is in the name of the complainant since then they are searching the complaint for the signature for the Registry of the land in favour of the buyer and the complainant was running for her life to seeking shelter for her .
5. That, that on 28th March, 2023 the complainant came to know that there was no case is pending on her so the complaint against the accused persons 1, 2 & 3 then the police told her to go to her house as the police will investigate the matter and only after that the Police will ~~xxx~~ the complaint .



V e r i f i c a t i o n

I, Saraswati Das, W /O. Banshi Das residing at Telipora,  
Near Sarada School, P.S. Bhaktinagar, Dist: Jalpaiguri, P.O.  
Uhogomali, do hereby declare that the statements made  
above are true and I sign this Verification on 17th  
day of May, 2023 at Jalpaiguri.

স্বাক্ষরিত



A F F I D A V I T

I, SMT. SARSWATI DAS, W/O. Basanti Das, aged about 40 yrs,  
by religion- Hindu, by Occupation- House hold work, residing  
at Pali Para, Near Sharada School, P.S. Bhaktinagar, P.O.  
Ghogmali, Dist.- Jalpaiguri, declare that I am the complainant  
by me  
in the above mentioned Case filed/U/S- 156 (3) Cr.P.C.

স্বাক্ষরিত

Declarant.

Identified by sp.

*Sushrajyoti Saital*

Advocate, Jalpaiguri. 29/5/23



Solemnly affirmed before me  
on proper identification

*Amal Kr. S.*

Amal Krumer Sarker, NOTARY  
Govt. of W.B., Jalpaiguri  
Regd. 73107

29 MAY 2023