

FIRST INFORMATION REPORT (Under Section 154 Cr. P.C.)



1. P.S. Bhaktinagar Year 2023 FIR No. 603/23 Date 19/7/2023

Sections 447/449/323/506/355/354/354B/514/120B/34

3. i) Offence : Day Date From 19/7/2023 Date To and continuing

Time Period Time From Not mentioned Time To

(b) Information received at P.S. Date 19/7/2023 Time 14.45 hrs.

(c) General Diary Reference : Entry No (s) 2089 Time 14.45 hrs.

4. Type of Information Written Oral

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

(b) Address Parash Nagar, Ward No-44, P.S-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. Pampa Roy S/O - Sridam Roy

(b) Father's / Husband's Name Sri Sujit Pramanik

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

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

(f) Occupation

(g) Address Parash Nagar, Serda Road, Ward No-44, P.S-Bhaktinagar, Dist-Jalpaiguri

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

① Sri Swapan Roy S/O - Lt. Suresh Chandra Roy and ② Smt. Chya Roy w/o - Sri Swapan Roy, both of Parash Nagar, Ward No-44, P.S-Bhaktinagar, Dist-Jalpaiguri.

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 F.I.R is enclosed herewith.

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 Binod Singh Rawal 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.

Inspector-In-charge Bhaktinagar Police Station Siliguri Police Commissionerate

Signature of the Officer-in-Charge, Police Station Name: Sri Animesh Singh

Rank : No. 1/c, Bhaktinagar P.S.

DR No. 3377 Date 20/7/23 Bhaktinagar Police Station SPC

14. Signature / Thumb impression of the Complainant / Informant

15. Date & Time of despatch to the court :

Noted in original Complaint.



COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No 217/23

PAMPA ROY VS SWAPAN ROY

Order dated: 18-07-23

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. and I.C Bhaktinagar 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/O Bhaktinagar PS 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 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 9-08-2023 for compliance report from P.S. concerned.

CJM Jalpaiguri
Chief Judl. Magistrate
Jalpaiguri

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

Received on 19/7/23 at 14.45 hrs,
vide BUN PS GDE NO-2089 and Started
Bhaktinagar PS case no-603/23 date
19/7/23 u/s-447/449/323/506/355/
354/354B/514/120B/34 IPC. SI
Prinid Singh Rawat will investigate
the case.

19.7.23

Inspector-In-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate



Pampa Roy (Pragna
nik)

F/M 2929/23

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Satavisa Basu

SATAVISA BASU
ADVOCATE

IN THE COURT OF THE LD. CHIEF JUDICIAL MAGISTRATE AT JALPAIGURI

Ref: - Misc Petition Case No.

217/23
/2023

In the matter of :

An Application U/S. 156 (3) Of Cr.PC

AND

In the matter of:

Smt. Pampa Roy,

W/O. Sri. Sujit Pramanik,

D/O, Sri. Sridam Roy,

Of, Paresh Nagar,

Sevoke Road,

Ward no. 44 of S.M.C,

P.S: Bhakti Nagar,

District- Jalpaiguri.

.....Complainant

----Versus---

1. Sri. Swapan Roy,

S/O. Late Suresh Chandra Roy,

2. Smt. Chya Roy,

W/O. Sri Swapan Roy,

----Both are resident of
Paresh Nagar, Ward no. 44 of S.M.C,
Sevoke Road, District: Jalpaiguri.

.....Accused Persons

Date of occurrence: - 19/03/23, 20/03/23, 14/04/23 and
22/06/2023 and it is continuing.

Time of occurrence: - at about 2 P.M (at noon) on 22/06/2023.

Acc
9/8/23





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Roi (Pranab
Roi)

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Satavisa Basu

SATAVISA BASU
ADVOCATE

Place of occurrence:- Complainant's Paternal House,
at Paresh Nagar, ward no.44 of S.M.C, Sevoke Road, P.S:
Bhaktinagar, District: Jalpaiguri, (W.B).

Offence committed by the accused persons:-

U/S 447/449/323/ 506/ 355/ 354/ 354 B/511/120 B/ 34 of IPC.

1. That Since after Complainant's marriage with her husband Sri. Sujit Pramanik, while went to her Paternal house, as a matter of facts, her father, namely, Sri. Shridam Roy is old aged person, the complainant revealed the actual truth from the mouth of her younger sister, namely, Smt. Aparna Roy as she told that their own alleged uncle & aunt (Accused nos. 1 & 2, details as stated above in cause title in this plaint copy) have/ had interfered for every matter -in-issue in their paternal house in most of the times, since the complainant's marriage & as much as, she have/had leaved it.
2. That from the very beginning, while complainant belongs to her adolescent age, Accused No. 1, namely, Swapan Roy, (uncle of the Complainant) was casted lustful, sensual and sexual evil look and eye upon the Complainant. Several times, he gave her sexual offer and tried to rape her but anyhow, she (the complainant) saved herself from his such action. As she did not agree to his such sexual offer and as she told him that she (complainant) would disclose his such acts and activities to all, so, he continuously tortured her both physically and mentally in various consecutive times. Moreover, the complainant is a physically handicapped lady, as much as, having very low visions into her two eyes.
3. That it is mentioned here aunt of the complainant, namely, Smt. Chya Roy (Accused no.2) (wife of Swapan Roy) always using lots of abusive words and quarrel with her and her said younger sister without any cogent reason in most of the times while they (complainant and her said sister) are reached in their major age. However, Accused no.1, i.e., said alleged uncle of complainant had/has lustful, Sensual and sexual look and eye upon her. Several times he explicated sexual overture to complainant and demand for sexual favours and made sexually coloured remarks towards and upon and to her. Most of the time, Accused no.1 used to watch her privacy and always followed her for his sexual favour and interest with knowingly & full consent of his wife (Accused no.2) while complainant was in her parental house.
4. That suddenly, On 22/06/23, at 2 p.m (at noon), while Complainant was staying with above-named younger sister at her Paternal house (address as stated above), suddenly, accused nos.1 & 2 have/ had illegally entered her





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Sandeep Roy (Maidan
Sik)

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Satavisa Basu

SATAVISA BASU
ADVOCATE

paternal home without knocked, thereafter, said accused nos. 1 & 2 started to use abusive words towards her and her younger said sister, during that time, moreover, accused no.1 caught hold her (complainant) with lustful intention and kissed her forcefully and pressed her breast and touched and caught different sensitive parts of her body and tried to make sexual relation with complainant forcefully in front of her said sister and her father. That apart from, Accused no.2 started to assaulted said sister of complainant by fists and blows and by kicks, while she was doing as save complainant from their hands/clutches, at that time, Accused no.1 used criminal force upon her intending to outrage her modesty. The complainant fell down on the floor. Thereafter accused no.1 caught sensitive parts of complainant's body in such way & they finally out raged her modesty. Notwithstanding, the complainant and her younger sister were shocking for acts and activities of her said father, Sri. Sridam Roy, very mysteriously, as well as, father of the complainant was doing entire support for accused person's heinous acts/ offence committed upon complainant and her younger sister by kept in mum of complainant's mouth at that time. Indeed, he applied force upon her and outraged her modesty in such way. Therefore, the complainant & her said younger sister have/had raised hue and cry. Then they decamped from there but before decamping they threatened towards complainant & her said sister, Smt. Aparna Roy by saying that if anyone, i.e., Complainant or her sister make any complain to any authority against them, then they will murder themselves.

So, since then the Complainant and her said younger sister have been living /residing at her father's house (details as stated above) with lots of fear, anxiety and triggering trauma in present moment of complainant and her younger sister along with they (complainant & her said sister) are suffering extremely bodily pain.

5. That for such assaulted, the complainant sustained bodily pain in her body. On the same date, the complainant and her said younger sister went to Bhaktinagar P.S for lodging F.I.R against them but F.I.R of complainant was refused to take/accept/receive by police.



6. That on 03/07/2023, the Complainant sent a written F.I.R U/S. 154 (3) of Cr.PC to the S.P, Jalpaiguri by Speed post stating the whole above facts, but the S.P, Jalpaiguri also did not take any steps/actions on her such F.I.R .

That without investigation by the police the evidence of the Case of the Complainant cannot be unearthed and collected and the accused persons cannot be booked.

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Pampa Roy (Pranabik)

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Sakrini Basu

SATAVISA BASU
ADVOCATE

PRAYER

It is prayed that your Honour may be pleased to direct the I.C, Bhaktinagar P.S to investigate the Case after treating this Petition of Complain as an F.I.R U/S. 156(3) of Cr.PC and to submit Report before Your Honour for ends of justice.

And for this act of kindness, the Complainant as in duty bound shall ever pray.



AFFIDAVIT

I, **Smt.Pampa Roy**, W/O, Sri. Sujit Pramanik, D/O, Sri. Sridam Roy, aged about 34 years, Hindu by religion, housewife by occupation, resident of Paresh Nagar, ward no. 44 of S.M.C, Sevoke Road, District: Jalpaiguri ,do hereby solemnly affirm and declare as follows:-

1. That I am The Complainant of this case.
2. That the statements made in this petition from paragraph Nos. 1 to 7 are true to the best of my knowledge and belief and the rest is my humble prayer before this Ld. Court.
3. That I sign this affidavit on this the.....^{18th}.....day of July, 2023 at Jalpaiguri.



Pampa Roy (Pranabik)

(Signature of the complainant)

Solemnly Affirmed before me
On Proper Identification

Sakrini Basu 28/7/23
Advocate
Regd. No. 20199 Date Of Expiry On 29/11/2027
Jalpaiguri

Identified by:-

Sakrini Basu

(Advocate, Siliguri)