

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

1200



1. Dist. PC P.S. Bhaktinagar Year 2023 FIR No. 695/23 Date 10/8/2023

2. i) Act Sections 447/506/509/ ii) Act - Sections -  
iii) Act Sections 354C/354/323/34 iv) Others Acts & Sections -

3. (a) Occurrence of offence : Day - Date From 17/7/2023 Date To -  
Time Period - Time From 23.30 hrs. Time To -

(b) Information received at P.S. Date 10/8/2023 Time 17.55 hrs.  
(c) General Diary Reference : Entry No (s) 513 Time 17.55 hrs.

4. Type of Information - Written / Oral Written

5. Place of Occurrence : (a) Direction and Distance from P.S. - Beat No. -  
(b) Address Complainant's Paternal House at Parresh Nagar, Ward No-44, 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. Aparna Roy, W/o- Raju Paul  
(b) Father's / Husband's Name Sri Sidam Roy  
(c) Date / Year of Birth - (d) Nationality Indian  
(e) Passport No. - Date of Issue : - Place of Issue -  
(f) Occupation House wife  
(g) Address Parresh Nagar, Ward No-44, PS-Bhaktinagar, Dist-Jalpaiguri

7. Details of known / suspected / unknown accused with full particulars  
(Attach separate sheet, if necessary) : ① Pankaj dey & /o- Lt. Bishu dey, ② Smt. Mala dey w/o- Pankaj dey, both are resident of Parresh Nagar, Ward No-44, PS- 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 of the Complainant, 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 assigned investigation / directed PSI Arjun Prasad Dhyani 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.

14. Signature / Thumb impression of the Complainant / Informant DR No. 3747 Date. 10/8/23 Bhaktinagar Police Station SPC

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

15. Date & Time of despatch to the court :

CLN



COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No 246/23

**APARNA ROY VS PANKAJ DEY**

Order dated: 09-08-23

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 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 11-09-23 for compliance report from P.S. concerned.

CJM, Jalpaiguri  
Chief Judicial Magistrate  
- Jalpaiguri

Forwarded to *I/C Bhaktinagar ps,*  
for taking necessary action.

Received on 10/8/23 at 17:55hrs,  
vide BUN PS GDE no-513 and  
started Bhaktinagar PS case  
no-695/23 date 10/8/23 u/s-  
447/506/509/354C/354/323/34 IPC.  
ASI Arjun Prasad Dhyani will  
investigate the case.

Inspector in Charge  
Bhaktinagar Police Station  
Siliguri Police Commissionerate



F/N 3329/23

Aparna Roy

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Satavisa Basu  
SATAVISA BASU  
ADVOCATE

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

M.P. 246/23

Ref: - Misc Petition Case No. /2023

In the matter of :

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

AND

In the matter of:

**Smt. Aparna Roy,**

W/O. Sri. Raju Paul,

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. **Pankaj Dey,**

S/O. Late Bishu Dey,

2. **Mala Dey,**

W/O. Pankaj Dey,

----Both are resident of

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

.....Accused Persons

11/9/23

*Perman*

*17.08.23*



09 08 23

**Date of occurrence:-** 17/07/23 and it is continuing.

**Time of occurrence:-** at about 11.30 P.M (at night) on 17/07/2023.



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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:-**

~~PS No. 149/2023, 506/2023, 507/2023, 508/2023, 509/2023, 510/2023, 511/2023, 512/2023.~~

1. That the complainant submitting this misc Petition against her tenants namely, Pankaj Dey, S/O, Lt. Bishu Dey and his wife namely Mala Day, W/O. Pankaj Day both are residing at her parental house of Paresh Nagar, ward no.44 of S.M.C, Sevoke road, District: Jalpaiguri as monthly tenancy amount basis for the offences committed by them as stated below:-
2. That above named alleged person are the tenant of complainant's parental house premises, situated at Paresh Nagar, Ward No.44 of S.M.C, Sevoke Road, District: Jalpaiguri, as allotted fixing amount of premises tenancy amount upon them for enjoying/using some rooms in her said parental house premises.
3. That from the expiry of three months of their tenancy period, alleged person no-1, Pankaj Day (details as stated above) was casted lustful, sensual and sexual evil look upon her. In fact several times, he gave her sexual offer and tried to molest her, but any how she saved herself from his such action. As each and every consecutive time, she did not agreed to his such sexual offer and as she told her that she would disclosed his such acts and activities to all her family members, so, he continuously tortured her both physically and mentally in various consecutive time.
4. That moreover, most of the time said Pankaj Dey used to watch her privacy and always followed her for his sexual favour and interest with knowingly and full consent of his wife (alleged person no-2), while she was in alone in her said premises(details as stated above).
5. That suddenly on 17/07/2023 at about 11:30pm (night), while she was taking dinner with her elder sister namely Smt. Pampa Roy, suddenly, said Pankaj Dey and said alleged person Nos-1 and 2 started to use abusive words towards her and her said elder sister without any cogent reason. Thereafter her elder sister told to said allege persons that they will be leaved from said premised, as soon as possible, while alleged person no-2 Mala Dey using lots of vulgar words to her and her said





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ADVOCATE

elder sister, ~~the~~ **tor bon tao ekta magi, r tor bon tao ekta magi, tor bon r dudu am isobar samne chusbo,** & thereafter, Pankaj Day (Accused no.1 ) started to slap upon the Complainant in presence of said elder sister of the Complainant and her family members, during that time, while she was peaceful opposed / raised against said illegal acts of Accused person nos.-1 & 2, then accused person no-1, Pankaj Day started to assault upon the Complainant by fits, blows and by kicks, indeed, she was doing as save her said elder sister from their hands/clutches, then said Pankaj Day (Accused no. 1) used criminal force upon her with intending to outrage her modesty. Thus, she fell down on the floor, thereafter, said Pankaj Dey (Accused no.1) caught sensitive parts of her body in such way and he finally outraged her modesty. Notwithstanding, the complainant and her said elder sister were shoking for acts and activities of said tenant of her house premises, as a matter of facts, Complainant's said elder sister is a fully handicapped lady and having low visions of her two eyes.

6. That it is pertinent to mention here that, said Pankaj Dey (Accused no.1) immense applied force upon her and finally / completely outraged her modesty in such way. That apart, accused no.2, Mala Dey using rigorous physical assault upon her and by said handicapped elder sister. Therefore, the complainant and her said handicapped elder sister have/had raised hue and cried. Luckily ,at that moment , two pedestrian were crossing the road in front of complainant's said house premises, then, they come to her said premised and save themselves from their hand/clutches.

7. That on very next, after the afore-said incident, i.e., on 18/07/23, at 9 am (morning) the complainant went to Bhakti Nagar P.S for lodging F.I.R but the Police refused to take her F.I.R .

8. ~~That the accused persons have committed the offences mentioned in U/S 427/414/302/306/355/338/354 B/311/120 B/379/120~~

9. That on 24/07/2023, 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 .

10. That without the assistance of police by Suitable investigation, the accused persons cannot be brought to Book.



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Aparna Roy

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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.Aparna Roy**, W/O, Sri. Raju Paul, D/O, Sri. Sridam Roy, aged about .....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 10 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 day of August, 2023 at Jalpaiguri.

Aparna Roy

(Signature of the complainant)



Solemnly affirm and declared before me on proper identification.

*Hasan Omar Faruque*  
Hasan Omar Faruque, NOTARY  
Dist. Jalpaiguri  
Regd. No-78/07, Expiry on- 20/02/2027  
Govt. of West Bengal

000823

Identified by:-

Satvish Basu

(Advocate)