(Under Section 154 Cr. P.C.)

1200

| 1400 | | |
|--|--|---|
| 1. Dis Bre She | Litingen Year 2023 FIRI | No. 695/23 Date 10/8/2023 |
| | | Sections |
| Sec. | ections 354c/354/323/34 iv) C | Others Acts & Sections |
| 3 (a) Con Wi Dalies Con | Data From 17/7/3 | 2-02-3 Date To |
| o. (a) occurrence traffence : Day | 23:30 has | . Time To |
| Ime Period | Ime From 25 55 mxs. | - 17. C 5 hrs |
| (b) Information received at P.S. Date | 10/8/223 | Time 17.55 hus. |
| | | Time 17.55 hr. |
| | | |
| | | Beat No |
| | | 1 Paresh Nagar, Ward NO-44 |
| (c) In case outside limit of this Police Sta | v | |
| | | ct |
| 6. Complainant / Informant : | 2,000 | |
| | ma Roy Lta Ras | i. Pa1 |
| (a) Name | · Cili | 9 1 222 |
| (b) Father's / Husband's Name | a masm Key | iy Judian |
| | | |
| | , <u>G</u> arant William (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) (1976) | Place of Issue |
| | fe. | |
| (g) Address Tarresh Nagan | ., Nard Mo-44, PS-Bh | autinggar, dist-jalpaigini. |
| 7. Details of known / suspected / unknown | accused with full particulars | 041.41 |
| Dey W/o- Panl | kaj dez both are ? | esident of formest Negar, Dist-Jalpaigum |
| Reasons for delay in reporting by the Co | omplainant / Information | |
| A Registration and Artifall Train | | * |
| The contract of the contract o | | |
| Krazineka- | | |
| O Destinutes of supporting states / involve | d (Attach concrete shoot if possesses) | |
| 9. Particulars of properties stolen / involved | Attach separate sheet, if necessary). | |
| | | |
| | | |
| 10. Total value of properties stolen / involve | edbe | |
| 11. Inquest Report / U.D. Case No. If any | Transfer of the second | I will Compare L of " |
| 12. FIR Contents (Attach separate sheets, Comflaint, Which | if required): the angina | enclosed here with. Inspectally cherge Bhaktinagan blice cherge |
| 13. Action Taken : Since the above report investigation / directed | t reveals commission of offence(s) as mention Arriven brased Dhyaw | ned at item No. 2., Registered the clase Cathinission there |
| | | on point of |
| jurisdiction. FIR read over to the C informant free of cost. | complaint / informant, admitted to be correct | ctly recorded and a copy given to the Complainant / |
| Intolliant 1196 of cost. | | Inspect. |
| | DR No 3747 Date 10/08/23 | Bhaktingoar par |
| Matin original Complains | | Signature of the Officer-In-Charges Folice, Station |
| 14. Signature / Thumb impression of the Complainant / Informant | SPC | Name: In Amaresh Light |
| OI BIG Complement | | Book No. 1/C RI ale IV |

15. Date & Time of despatch to the court :

CIN

E COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI M.P Case No 246/23

APARNA ROY VS PANKAJ DEY

Ort 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 <u>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.</u>

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

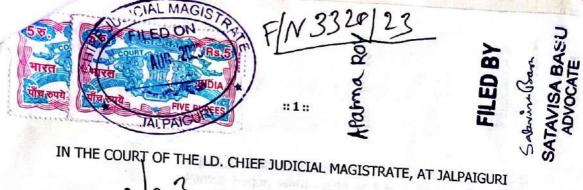
Ghief Judicial Megistrate

- Jelpalguri

Received on 10/8/23 at 17.55hm, wide BLN PS GDE NO-513 and Started Bhaktin agar PS case No-695/23 date 16/8/23 4/1-

447/506/509/354c/354/323/34 IPC. ASI Arjum foresed Diggam: will investigate the case.

> Inspector Professes Bhaktinagar Police Station Siliguri Police Commissionerate



Ref: - Misc Petition Case No.

/2023

In the matter of:

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

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--

Pankaj Dey,

S/O. Late Bishu Dey,

Mala Dey,

W/O. Pankaj Dey,

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

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.



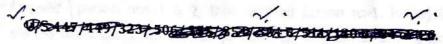
:: 2 ::

APanna Re

FILED:BY
Salawin (Salam
SATAVISA:BAEL
ADVOCATE

<u>Place of occurrence:</u> 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:-



- 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 Nager, 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).

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



elder sister MkPAturekta 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.
 - 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. Constitue a sure process have anomality the offs new pure and sure of the offs new pure of the offs new pure and sure of the offs new pure of

- 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.

:: 4 ::

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.

action kindness, the Complainant as in duty bound shall ever pray. रुपया ONE RUPEE

AFFIDAVIT

- I, Smt.Aparna Roy, W/O, Sri. Raju Paul, D/O, Sri. Sridam Roy, aged aboutyears, 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 10are 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.

NOTARIAL

Solemnly affirm and declared identification before me on proper

Dist. Jalpaig Rend. No-78/07, Expiry on- 20/02/2027 Cout, of West Bennal

09 08

Aparma Roy

(Signature of the complainant)

Identified by:-

Salzvin Roan

(Advocate)