



1. District PC P.S. Bhaklinagar Year 2023 FIR No. 743/23 Date 23/08/2023

2. i) Act Section 3(1)(2)(P) 2 (9) ii) Act Sections Sections

iii) Act Sections iv) Others Acts & Sections Sections

3. (a) Occurrence of offence : Day 23/08/23 Date From 23/08/2023 Date To 01/08/2021

Time Period Time From Time To

(b) Information received at P.S. Date 23/08/23 Time 19:20 Hr

(c) General Diary Reference : Entry No (s) 1272 Time 19:20 Hr

4. Type of Information Written Written / Oral

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

(b) Address R. S. Khatia No. 343 R. S. Plot No. 383, 383/900, 383/901, 383/902, 383/903 and 383/906 as situated at upper Bhaklinagar, PS Bhaklinagar, Jalpaiguri

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

6. Complainant / Informant :

(a) Name Firu Oram

(b) Father's / Husband's Name Indian

(c) Date / Year of Birth Date of Issue Place of Issue

(d) Nationality Indian

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

(f) Occupation Bidhanpally opp. 2. No Gali Po. Kadamtala PS. Mahiserra Dist. Darjeeling

(g) Address Sri Nimet Mundhra S/o Sri Kamal Kumar PO + PS - Siliguri, Dist. Darjeeling

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary) : Mundhra of Hillman House, Vidyasagar Road, Khatia, PO + PS - Siliguri, Dist. Darjeeling

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 N/A

11. Inquest Report / U.D. Case No. If any N/A

12. FIR Contents (Attach separate sheets, if required) : The original written Complaint which is treated as FIR is reproduced over leaf.

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 As per order of Superior Shri Rajen Kumar, P.S.O. ACP, D.D. SPC to take up investigation / refused investigation / transferred to P.S. Bhaklinagar Police Station 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 the original written Complaint

14. Signature / Thumb impression of the Complainant / Informant

Signature of the Officer in Charge Inspector in Charge

Name Siliguri Police Station

Rank : No. T.P. Bhaklinagar P.S.

15. Date & Time of despatch to the court :

To
THE INSPECTOR IN CHARGE
BHAKTINAGAR POLICE STATION
SILIGURI - JALPAIGURI

August, 2023

Sir,

Ref: Land being all that piece and parcel of land measuring 1.54 acres or 93.33 Katha more or less forming part R.S. Khatian No.343, containing R.S. Plot Nos.383, 383/900, 383/901, 383/902, 383/905, 383/906 as situated in Upper Bhanunagar, Sevoke Road.

Sub: Complaint under Section 3(1) (g) (p) and (q) of the SCs and STs (POA) Act, 1989 and the Rules framed hereunder r/w the Guidelines framed for police officers investigating into complaints under the said Act of 1989, against the accused person for creating false and fabricated Tenancy Agreement with respect to the captioned land under reference, as well as giving false information to the authorities against the complainants herein thereby attempting to falsely implicate the complainants in a falsely instituted criminal case as well as registering false Civil Suit against the complainants on the basis of the aforesaid false and fabricated tenancy agreement being T.S. No.371 of 2022 before the court of the Ld. Civil Judge (Jr. Division) at Jalpaiguri as also obtaining ex-parte ad-interim injunction/ order of status quo as against the complainants; all with the ulterior motive to grab tribal land, all the above comprising in the commission of punishable offence under the aforesaid act of 1989.

Name and particulars of accused person:

Sri Nimit Mundhra, (Aadhaar No.8477 2305 0780), son of Sri Kamal Kumar Mundhra, by religion Hindu, by occupation business, resident of Hillman House, Vidya Sagar Road, Khal Para, Siliguri, P.O. and P.S. Siliguri in the District of Darjeeling, Pin 734005.

This is to place on record and to draw your urgent attention to the fact that the complainant is a Scheduled Tribe of India and the above name accused person i.e. Sri Nimit Mundhra, with the ulterior motive to grab tribal land recorded in the name of/belonging to the complainant herein along with his family members have proceeded to create a false

document being a false and fabricated deed of tenancy purportedly dated 1st day of August, 2021, hereinafter referred to as the said Deed of Tenancy, involving the entire captioned plot of land completely without the knowledge and behind the back of the complainants.

Such deed of tenancy is completely false and fabricated and the signatures of the complainant herein and others namely the signature of Lalo Oraon, the left thumb impression of Smt. Birshi Oraon appearing in the said deed of tenancy are also forged and fabricated. Therefore the accused is liable to be prosecuted for committing forgery as also for the creation of false and fabricated document in order to grab the tribal land.

Surprisingly Smt. Kismatia Oraon who is also made a party to the said deed of tenancy but the said purported deed does not have her signature. Moreover, the said Smt. Kismatia Oraon has been described as the wife of Thuta alias Goma Oraon but the fact is that the said Thuta Oraon is a dead person and has died in or about the year 1987. Sri Firu Oraon, Late Birshi Oraon and Smt. Lalo Oraon have been described within the said purported Deed of Tenancy as son of, wife of and daughter of Teta/Tenta Oraon respectively. The fact is that the said Tenta Oraon is also a dead person who died in or about 2006. The aforesaid clearly shows that the accused person without even knowing the correct particulars about the complainants and his family members has proceeded to prepare the aforesaid forged instruments in order to grab tribal land.

The aforesaid purported Deed of Tenancy contains the signature of Laharu Kujur when the said Laharu does not have any interest in the said plot of land.

The said purported Deed of Tenancy is liable to be registered under the provisions of Registration Act, 1908 but has not been done, attracting the provision of Section 49 of the Registration Act, 1908 in as much as it could not have been received in evidence of any transactions affecting such property, nor in the facts and circumstances of the case be used for any collateral purpose; but has been illegally used to obtain

an ad-interim order of status quo in the aforesaid T.S. No.371 of 2022. As such the said forged deed is liable to be impounded/cancelled and delivered up. Hence, the aforesaid Sri Nimit Mundhra is liable to be prosecuted for committing forgery.

Be that as it may, upon perusal of the Complaint filed in the aforesaid T.S. No.371 of 2022, at paragraph 4 at internal page 3 of the said complaint, the said Sri Nimit Mundhra has stated upon affidavit i.e. on oath before the Ld. Civil Court that he is in physical possession of the captioned plot of land by virtue of the alleged Deed of Tenancy, as aforesaid. This is however a false statement on oath because the land is presently in the possession of one Sri Pradeep Prasad who, i.e. Sri Pradeep Prasad, is before the West Bengal Land and Tenancy Tribunal contending as such. i.e., Sri Pradeep Prasad is in possession of the land and in this regard the matter is already before the Hon'ble LRTT, at Salt Lake, Bidhannagar, Kolkata in the proceedings instituted by the said Pradeep Prasad being O.A. No.2272 of 2014. Therefore, the accused Sri Nimit Mundhra is guilty of the commission of perjury as well as for institution of false case against the complainants herein as well as their family members, who are, in the facts and circumstances of the instant case, the original recorded raiyat with respect to the captioned plot of land, which please note.

Recently, the said Sri Nimit Mundhra has used the aforesaid forged and fabricated tenancy agreement to obtain and get installation of electricity meter and electric connection in to the concerned premises, which is an illegal attempted made by him for the furtherance of his aforesaid illegal intention of grabbing tribal land which is once again punishable under the aforesaid SCs and STs (POA) Act, 1989. The said Sri Nimit Mundhra is not otherwise eligible for any protection on the basis of his physical possession over the land in question, should he seek to take refuge by purporting to attribute civil character to the dispute or seek protection even otherwise and no such prima facie protection is available to him in the light of the stringent provisions of the SCs and STs (POA) Act, 1989 read with Section 14C of WBLR Act, 1955. As such, creation of tenancy of a nature of lease also tantamount to "transfer" and is expressly barred under Section 14C of the WBLR Act,

1955 without the appropriate permission as contemplated under the statute. The accused person herein, has no such statutory permission and therefore he has no prima face case on the basis of his physical possession to hold back immediate police action, should he adopt any frivolous plea that the case is of civil nature in order to hide and/or as a cover up for his criminal intention to grab tribal land by malicious abuse of the process of law. Therefore, he is liable to be apprehended immediately as per the requirement of Section 18A(b) of the SCs and STs (POA) Act, 1989; whereunder it is clearly provided that Investigating Officer shall not require approval for the arrest, if necessary, of any person.

In the facts and circumstances as stated above, you are requested to kindly treat the instant letter as complaint and register FIR, complete the investigation, apprehend the accused and submit charge sheet before the appropriate/designated court of law within the time stipulated as per the aforesaid Guidelines and do all that is necessary in this regard.

Thanking you,

Yours faithfully,

Firu Oraon

(Firu Oraon)

Bidhanpally, Opp. 2 No. Gate,
P.O. Kadamtala, P.S.
Matigara, Dist. Darjeeling

Received on 23/08/23 at 19:20 Hrs.
vide Bhaktinagar PS G.D. No 1272 dtl.
23/08/23 and started Bhaktinagar A
Case No 743/23 dtl 23/08/23 U/S 3(1)(g)
(CP) 2(a) of the SCs and STs (POA) Act
1989. As per kind order of Superior
Shri Rajen Kumar Chellu, ACP, D.O, SPC
to take up its investigation.

23.8.23
Inspector-in-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate