

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)

1445



P.S. Bhaktinagar Year 2023 FIR No. 2090 Date 14/12/23
Sections 339/447/384/324/506/34/427

Sections _____ (v) Others Acts & Sections _____

3. (a) Occurrence of offence : Day Wednesday Date From 25/10/23 Date To _____
Time Period _____ Time From At about 08:00pm Time To 08:30 pm.

(b) Information received at P.S. Date 14/12/23 Time 12:05 hrs

(c) General Diary Reference : Entry No (s) 612 Time 12:05 hrs

4. Type of Information Court Complain vide M.P. Case NO-365/23 Written / Oral

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

(b) Address Jashad Nandhase, Check Post, 2 1/2 mile, Seroke Road, N.H. 31, 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 Nambiaprambil Lukose Thomas.

(b) Father's / Husband's Name Lt. Veughese Lukose Thomas

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

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

(f) Occupation _____

(g) Address Kalyani Apartment, Block-B, Punjabpara, Seroke Road, PS Silliguri, Dist. Jalpaiguri.

7. Details of known / suspected / unknown accused with full particulars

(Attach separate sheet, if necessary) : ① Hira Paswan ② Sunny Paswan ③ Dipak Paswan ④ Gajendra Paswan ⑤ Chandan Paswan ⑥ Raja Paswan (Bakso) - all are residents of Paswan Bosty, PS Bhaktinagar, Dist. Jalpaiguri & 12/24 others.

8. Reasons for delay in reporting by the Complainant / Information

9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) :

Vehicle NO- WB 74N 4287 & JH 05DL 8486.

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 court complaint which is treated as FIR is attached herewith.

13. Action Taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., Register _____ on the page of Police Station _____

investigation / directed SZ Prasad Singh Rawat Bhaktinagar _____ 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.

DR No. 5810 Date 15/12/22
Bhaktinagar Police Station
SPC

14. Signature / Thumb impression of the Complainant / Informant
is on the complaint

Inspector-In-Charge
Bhaktinagar Police Station
Signature of the Officer in Charge, Police Station
Name : Shri AMARESH SINGH
Rank : No. 7C Bhaktinagar PS
SAC

15. Date & Time of despatch to the court :

IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 365/23

NIMBIA RAMBIL LUKOSE THOMAS VS HIRA PASWAN AND OTHERS
Order dated: 12-12-23

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 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/C Bhaktinagar 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 11-01-2024 for compliance report from P.S. concerned.

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

CJM, Jalpaiguri
Chief Judicial Magistrate
Jalpaiguri



to 8.30 p.m.



5563/23
Subj: *[Handwritten]*
Thomas

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BISWAJIT DAS
ASSOCIATE, SILIGURI

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

365/23

Ref. Misc. Petition Case No. of 2023

In the matter of :
An application u/s 156(3) of Cr.P.C.

H-02-23
11-01-24

1. Name and address of the Complainant. :: **Nambiaprambil Lukose Thomas**
Son of Late Verghese Lukose Thomas, resident of Kalyani Apartment, Block-B, Punjabipara, Sevoke Road, Police Station Siliguri, District Darjeeling.

2. Name and address of the Accused Person. :: 1) **HIRA PASWAN**
2) **SUNNY PASWAN**
3) **DIPAK PASWAN,**
4) **GAJENDRA PASWAN,**
5) **CHANDAN PASWAN,**
6) **RAJA PASWAN (BAKSU)**
-all are residents of Paswan Busty, under Police Station Bhaktinagar, District Jalpaiguri & 12/14 others

Received
12/12

Received on 14/12/23 at 12:05 hrs with
Blu AS GDE NO - 612 Dtd - 14/12/23
and spotted Blu AS case NO -
2090/23 Dtd - 14/12/23 u/s 339/497/
384/324/506/34/427 JPC and
enclosed to SI Binod Singh Pan of
for its investigation.

3. Place, time and date of Offence committed. :: Irshad Warehouse, Check Post, 2½ Mile, Sevoke Road, N.H.-31, Police Station Bhaktinagar, District Jalpaiguri.

On 25.10.2023 at about 8 p.m. to 8.30 p.m.



14/12/23
Inspector-In-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate



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Manik Barman
Subrata Das

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Biswakarma
BISWAJIT DAS
ADVOCATE, SILIGURI

4. Name of Witness

- :: 1. **SRI SUSHANTA BARMAN**
S/o. Manik Barman Resident
of ITI Road, Ward No. 41,
Sevoke Road, P.S.
Bhaktinagar, Dist. Jalpaiguri.
2. **SRI SUBRATA DAS,**
S/o. Goutam Chandra Das,
resident of Adarsha Nagar
Colony, P.S. Siliguri, Dist.
Darjeeling.
3. **SRI GOVIND BISWAKARMA,**
S/o. Lt. Garud Dhoj, resident
of Dabgram-2, Chota Fapri,
P.S. Bhaktinagar, Dist.
Jalpaiguri
4. **SRI UTTAM SAHA,**
S/o. Goutam Saha, resident
of Narayanpally, Kadamtala,
P.S. Matigara, Dist. Darjeeling
& others.

The Complainant begs to state as follows:

1. That the Complainant is a 73 years old senior citizen and peace loving and law abiding citizen of India and has been permanently residing at the address as mentioned aforesaid.
2. That your Complainant is one of the Director of Maximus Enterprises India Pvt. Ltd. which is a Private Limited Company, incorporated under the provision of Companies Registration Act of 1956 having Certificate of Incorporation No. U 51909 WB 2003 PTC 095908 Date of incorporation 11.03.2003 and having its registered office at P-38, Princep Street, Asian Inn Building, 1st Floor, Room No. 01, Kolkata-700072, West Bengal, India.





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*Narbisapambal
Luhar Thong.*

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[Signature]

BISWAJIT DAS
ADVOCATE, SILIGURI

3. That Maximus Enterprises India Pvt. Ltd. is the C & F Agent for JK Tyres & Industries Ltd. and the complainant is one of the director of the said company had been running business previously from Irshad Warehouse at Check post, 2½ Mile, Sevoke Road, under Police Station Bhaktinagar, District Jalpaiguri. Due to insufficient space and operational problem, the Complainant was shifting their warehouse from there to the present new premises at Gora More, Eastern Bypass, under Police Station New Jalpaiguri, District Jalpaiguri and started the process of shifting the stock in trade/materials to the new warehouse at Gora More.

4. That soon after starting the shifting process, since September, 2023 some persons started to create problems and they were not allowing the complainant to load the said stock in trade in the vehicle for shifting process. Somehow, the shifting process was continuing, but on 10.10.2023 the above named accused persons along with some others unknown rowdy elements who were engaged/deputed by them, suddenly came to the place of said Irshad Warehouse at Sevoke Road, under P.S. Bhaktinagar, District Jalpaiguri and started to create problem and they were not allowing the staffs and labours to load the said stock in trade in the vehicle for shifting process. Lastly, they started to demand a sum of a sum of Rs. 15,00,000/- (Rupees Fifteen Lacs) only from the Complainant and further told that until their demand is fulfilled, they will not allow the complainant to do any work of loading in the truck therefrom. Immediately, one of the staff of the Complainant namely Sri Bishal Biswakarma informed the matter in writing to the I.C. Bhaktinagar P.S. and by the intervention of local police; the above named accused persons left the place at that time, but again the above named accused persons led by accused Sri





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*Narayan Chandra
Das & Son*

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*BISWAJIT DAS
ADVOCATE, SILIGURI*

Hira Paswan threatened the staffs who were working under the complainant's company with dire consequences. Anticipating physical harm, since the accused had verbally intimidated the complainant employee's, another written intimation was also lodged to the Inspector-in-Charge, Bhaktinagar Police Station on 18.10.2023 but no action had been taken by the police.

5. That due to emergency requirements on 25.10.2023 at about 8.00 p.m. when the staffs of the Complainant had been to said "Irshad Warehouse" at Sevoke Road, Check Post, to load some tyres in the vehicle, as there was pressure from JK Tyres & Industries Ltd. to cater the market requirement, the above named accused persons led by accused Sri Hira Paswan and 14/15 unknown persons had gathered there and illegally restrained them from loading the goods, while the staffs protested their illegal activities, the above named accused persons started assaulting the staffs of the Complainant namely Sri Sushanto Burman and Sri Subrata Das severally with fist and blows, sticks and rods and said accused persons had also entered into the said warehouse forcibly and illegally.
6. That during the commotion, another employee namely Mr. Uttam Saha, who also was physically assaulted, inside the warehouse and thereafter the staff of the Complainant had been compelled to shut down the shutter and informed the Complainant over mobile phone. Upon hearing the cry for rescue them, the Complainant immediately went to the Irshad Warehouse with his driver Mr. Govind Biswakarma, Just after reaching the warehouse, the same mob led by Sri Hira Paswan had gheraoed the complainant & his driver, started to assault the Complainant with iron rods and sticks and in consequence of which the Complainant had sustained





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*Nandini Paswan
Lokesh Thakur*

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BISWAJIT DAS
A. VOCATE, SILIGURI

grievous injury on his head, face, eyes and other parts of his body. The driver Mr. Govind Biswakarma somehow rescued the Complainant from the spot. While the driver reversed the car, the Mob attacked the car also by wooden battam, rods, stick and brick and they also damaged the car completely, said car bears Registration No. WB-74N4287 (Hyundai i10 Car). The accused persons also damaged another standing Truck bearing Registration No. JH05DL8486 on which the tyres were being loaded. Somehow, Mr. Govind Biswakarma and Mr. N. L. Thomas went to the nearest P.S. to seek protection and rescue the staffs that sustained injury and rescue those, locked inside the said warehouse.

7. Thereafter, the police came to the spot and rescued the staffs who hid themselves inside the warehouse after being brutally assaulted by said accused Sri Hira Paswan and other accused persons as mentioned above. Due to such assault, they also sustained grievous injury and at present one of the staffs namely Sri Sushanta Barman is facing problem to move freely as the mob hit his leg again and again by strong substance.

Immediately seeing the serious condition, the police asked the Complainant to go to the nursing home and immediately the Complainant went to the Nayak Nursing Home, Sevoke Road, Siliguri where his medical checkup, X-ray, CT Scan were done as per advice of physician of Nursing Home and six stitches were administered on the wound on the head to join the wound occurred due to assault by the accused persons. After rescue from the warehouse, the staffs namely Sushanta Barman and Mr. Subrata Das were also brought to the Nayak Nursing Home who was also treated there. Due to such attack the Complainant's eye were severely damaged with swelling & blurred vision and has since been also



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Nabhi...
Luhon Thomas.

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ADVOCATE, SILIGURI

having concussions on regular basis, due to the attack by the above accused persons.

8. That the accused Sri Hira Paswan and others were pressurizing upon the Complainant with intent to extort unreasonable money illegally but the Complainant denied paying money. On the pretext of stopping the loading, the Accused persons above named suddenly attacked the Complainant and his staffs at the warehouse and ransacked the warehouse and its furniture and fixture.
9. That the incident above referred took place on 25.10.2023, a written complaint lodged to the I/C Bhaktinagar Police Station, but the police of Bhaktinagar Police Station did not give the G.D.E. Number of said written complaint and further the police has not taken any action against the accused persons. Thereafter, the Complainant sent the written complaint by registered post with A/D to the I/C, Bhaktinagar Police Station which was served upon the concerned police station on 06.11.2023 as per postal track report, but till date no action has been taken by the police against the accused persons.
10. Thereafter, the Complainant went to report the matter to the Commissioner, Siliguri Metropolitan Police, but after hearing the matter the Commissioner informed the I/C Bhaktinagar Police Station over telephone to take necessary steps against the Accused Persons but no written complaint had been taken by the Bhaktinagar Police Station. But in spite of the aforesaid fact the I/C of Bhaktinagar Police Station has not taken any actions against the Accused Persons, hence this complaint is filed for the ends of justice.





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[Signature]

BISWAJIT DAS
ADVOCATE, SILIGURI

11. That the accused persons have committed the offence under Section 339/447/384/324/506/34 of IPC within the jurisdiction of this Ld. Court.
12. That this application is bonafide one and for the interest of justice.

Under the above circumstances, it is prayed, your Honour would graciously be pleased to consider this application u/s. 156(3) of Cr. P.C. and your Honour would be pleased to pass necessary order directing the I.C. Bhaktinagar P.S. to start a specific case treating the present application as an F.I.R. and to investigate the matter properly and to take appropriate legal action against the accused persons as per the provision of law and pass such other order or orders which your Honour may deem fit and proper for the ends of justice.

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





AFFIDAVIT

I, NAMBIAPRAMBIL LUKOSE THOMAS, Son of Late Verghese Lukose Thomas, aged about 73 Years, Indian by Nationality, Christian by religion, resident of Kalyani Apartment, Block-B, Punjabipara, Sevoke Road, Police Station Siliguri, District Darjeeling, do hereby solemnly affirm and declare as follows:-

1. That I am the Complainant of this case and as such I am well acquainted with the facts and circumstances of this case.
2. That regarding this incident no any case has been registered and/or filed before any police station or any court.
3. That the statements made in para 1 to 10 are true to the best of my knowledge and belief and the rest are my humble submission before this Ld. Court.

The statements made above are true to the best of my knowledge and I signed this affidavit on this the 12th Day of December, 2023.



Nambiaprambil Lukose Thomas

Deponent

Identified by me:

Biswajit Das

Advocate, Siliguri

Biswajit Das
Advocate, Siliguri

Solemnly Affirmed Before Me
On Proper Identification
[Signature]
AMITAVA MITRA NOTARY
Regd. in Jalpaiguri Date of Expiry On 29/07/2027

12 DEC 2023