

FIRST INFORMATION REPORT

(Under Section 154 Cr. P.C.)



1. District Bhaktinagar Year 2023 FIR No. 1130/23 Date 26/12/23
 2. Act. IPC Sections 447/406/420/506/120B (ii) Act. Sections -
 Sections - (iv) Others Acts & Sections -

(a) Occurrence of Offence : Day 18/12/2023 Date From 18/12/2023 Date To -
 Time Period - Time From Not mentioned Time To -

(b) Information received at P.S. Date 26/12/2023 Time 20.50 hrs.
 (c) General Diary Reference : Entry No(s) 1195 Time 20.50 hrs.

4. Type of Information : - Written / Oral -

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

(b) Address East Vivekananda Pally, PO-Rabindra Sarani, 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. Balabi Saha

(b) Father's / Husband's Name Sri Dibip Saha

(c) Date / Year of Birth : 56 years. (d) Nationality Indian

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

(f) Occupation House wife

(g) Address East Vivekananda Pally, PO-Rabindra Sarani, PS-Bhaktinagar, Dist-Jalpaiguri.

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

(Attach separate sheet, if necessary) : ① Smt. Tulika Adhikary (Rathore), W/o - Sri Brigendra Singh Rathore, D/o - Lt. Siddhartha Adhikary of Holding No-41, Gampat Bhawan, Mohanpura, PO-Jodhpur, PS - Vday Mandir, Dist - Jodhpur, Rajasthan, ② Sri Goutam Adhikary s/o - Lt. Harendra Mohan Adhikary of East Vivekananda Pally, PO-Rabindra Sarani, 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 reproduced overleaf.

13. Action taken : Since the above report reveals commission of offence(s) as mentioned at item No. 2., SI Biswajit Biswas of Aslighar OP. registered the case at the Police Station Bhaktinagar PS, 26/12/23 and directed SI Biswajit Biswas of Aslighar OP. to take up the investigation / directed - 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.

Noted in original Complaint.

14. Signature / Thumb impression - of the Complainant / Informant

15. Date & Time of despatch to the court : -

Inspector-In-Charge
Bhaktinagar PS, 26/12/23
 Signature of the Officer in Charge, Police Station
Sri Amresh Singh
 Name : Sri Amresh Singh
 Rank : No. 1/c, Bhaktinagar PS.



IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No- 383/23

BASABI SAHA VS TULIKA ADHIKARY AND OTHERS

Order dated: 21-12-23

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 **O/C Ashi Ghar Out Post and O/C Ashi Ghar Out Post Maynaguri**. 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 O/C Ashi Ghar Out Post Maynaguri 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 21-01-2024 for compliance report from P.S. concerned.

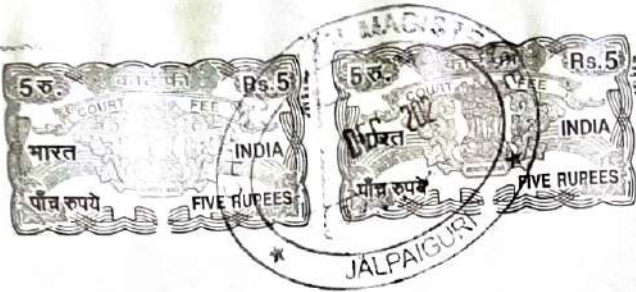
CJM, Jalpaiguri
Chief Judicial Magistrate
Jalpaiguri

Forwarded to O/C Ashi Ghar out post
for taking necessary action.

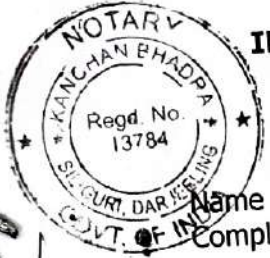
Received on 26/12/23 vide
Assignment OP GDE No - 650 dt.
26/12/23 and forwarded to the I/O,
Bhaktinagar PS to start a
specific case under proper
section of law.

26/12/2023

**OFFICER IN CHARGE
ASHIGHAR OUT POST**



F/N 6039/2
Basabi Saha
Filed by
Diptera Das
At



IN THE COURT OF THE LD. C.J.M. AT JALPAIGURI

Misc. Petition Case No. _____/2023

Name and Address of the : **SMT. BASABI SAHA**
Complainant
Wife of Sri Dilip Saha
residing at East Vivekananda Pally,
P.O. Rabindra Sarani, P.S.
Bhaktinagar, Dist. Jalpaiguri.

Name and Address of the : 1) **SMT. TULIKA ADHIKARY**
Accused person
(RATHORE)
W/o Sri Brijendra Singh Rathore
D/o of Late Siddhartha Adhikary
residing at Holding No.41,
Ganpat Bhawan, Mohanpura,
P.O. Jodhpur, P.S. Uday Mandir,
Dist. Jodhpur, Rajasthan, Pin -
342024.

2) **SRI GOUTAM ADHIKARY**
S/o Late Harendra Mohan Adhikary
residing at East Vivekananda
Pally, P.O. Rabindra Sarani, P.S.
Bhaktinagar, Dist. Jalpaiguri

Name and address of the : 1) **SRI JAYANTA BISWAS**
Witnesses
Wife of Jaychand Biswas
of Paresh Nagar, P.O. Sevoke
Road, P.S. Bhaktinagar, Dist.
Jalpaiguri.

2) **SRI KAMAL GHOSH**
Son of Pritam Ghosh
of Ghosh Para, Jhankar More,
P.O. Siliguri Bazar, P.S. Siliguri,
Dist. Darjeeling.

: 403/406/420/506/34 of IPC of
Indian Penal Code.

: 18.12.2023

: East Vivekananda Pally, P.O.
Rabindra Sarani, P.S. Bhaktinagar,
Dist. Jalpaiguri.

Solemnly Affirmed & Declare
before me on identification

(Signature)
NOTARY
Siliguri

Received on 26/12/23
at 2050 hrs. vide BKNRS GDE
no 1195 & started BKNRS case
no - 1130/23 date 26/12/23
u/s - 447/406/420/
506/120 B.I.P.C.
SI Bikrajit Biswas
of Ashighar OP
will investigate the
Case.

Inspector-In-charge
Bhaktinagar Police Station

11223



Basabi

Du plean

An application U/S 156(3) of the Code of Criminal procedure.

The above named complainant begs submit as follows:-

- 1) That the Complainant is law abiding citizen of India having her residential address at East Vivekananda Pally, P.O. Rabindra Sarani, P.S. Bhaktinagar, Dist. Jalpaiguri.



2) That the father of the complainant Harendra Mohan Adhikary purchased a plot of land measuring 9 (nine) Kathas, situated within Mouza - Dabgram; J.L. No.2, Pargana - Baikunthapur, recorded in R.S. Khatian No.481, Sheet No.12, R.S. Plot No.395, P.S. Bhaktinagar, Dist. Jalpaiguri, by virtue of a registered Deed of Sale being No.4035, dated 26.04.1977, registered in the office of D.S.R., Jalpaiguri from Smt. Kumudini Barman, Wife of Narendra Kumar Barman of Haldibari, Babupara, Dist. Coochbehar.

Said Harendra Mohan Adhikary died intestate on 04.08.1985 leaving behind his three daughters namely (1) Smt. Taposhi Majumdar (Adhikary), (2) Smt. Basabi Saha (Adhikary) (complainant) & (3) Smt. Mousumi Sen (Adhikary) and his two sons namely (4) Sri Goutam Adhikary (Accused Person No.2) & (5) Siddhartha Adhikary (since deceased) as his only legal heirs and successors and they have jointly acquired the ownership of the aforesaid land measuring 9 (nine) Kathas by virtue of inheritance according to Hindu Succession Act, 1956 each have got undivided and un-partitioned 1/5th share of the aforesaid land measuring 9 (nine) Kathas.

I solemnly Affirmed & Declare
before me on identification

Kanchan Bhadra
NOTARY
Jalpaiguri



Barabari

Dipti

- 3) That Siddhartha died intestate leaving behind his only daughter named Tulika Adhikary (Rathore) (Defendant No.2) as his only legal heir and successor and she acquired the ownership of 1/5th share of the aforesaid land measuring 9 (nine) Kathas by virtue of inheritance according to Hindu Succession Act, 1956.



That on the 5th February, 2020, complainant have discovered that the Accused Person No.2 and the father of the Accused Person No.1 prepared an illegal Deed of Gift being No.4303 on 4th December, 1985 at the office of Additional District Sub-Registrar, Jalpaiguri in favour of Accused Person No.2 and the father of the Accused Person No.1 with respect to the aforesaid land. Not only that in the aforesaid Deed of Gift being No.4303 dated 04.12.1985, the Accused Person No.2 and the father of the Accused Person No.1 put the signature and thumb impression of the complainant by some unknown person, without the signature and thumb impression of the complainant, Accused Person No.2 and the father of the Accused Person No.1 prepared that illegal and invalid Deed of Gift being No.4303 with respect to the land measuring 1/5th share of 9 (nine) Kathas in favour of the accused persons. Not only that the accused persons also put the signature and thumb impression of the complainant's sister Mousumi Sen in the aforesaid Deed of Gift being No.4303 and Ashighar Police also start a criminal case being Bhaktinagar P.S. Case No.850/2020 on 01.10.2020, U/S 406/468/471/506/120B I.P.C. against the accused persons.

Solemnly Affirmed & Declared before me on identification
Kanchan Bhadran
NOTARY
SILIGURI



Barabui

Dipti

- 5) That on 18.12.2023 complainant found that the accused persons had started illegal construction on the land of the complainant and her sister and put-up a signboard on the land and wrote Flat for sale on the signboard and two mobile number are also written there and the accused persons illegally occupied the land of the complainant and her sister and built Flats there and sold those and cheated the complainant and her sister.

Subsequently on 19.12.2023 complainant went to Ashighar Outpost under Bhaktinagar Police Station to lodge written complaint against the accused persons but the concerned P.S. refused to receive the same and subsequently went to the Commissioner of Police, Siliguri and lodged a written complaint against the accused persons on 19.12.2023, but no positive steps was taken by the concerned P.S. till date.

- 6) That the Complainant found no other alternative but to come before Your Honour and hence this application is filed for proper action.

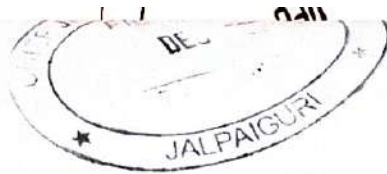
Under the above circumstances it is prayed that Your Honour would be graciously pleased to send this complaint to the Inspector-in-Charge, Bhaktinagar Police Station (Ashighar Outpost), after treating this complaint as F.I.R. directing the Siliguri Police Station to investigate the matter properly for the ends of justice.

*Solemnly Affirmed & Declared
before me on identification*

Manchan Bhattacharya
NOTARY
Siliguri

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





Depon

AFFIDAVIT

I, **SMT. BASABI SAHA**, Wife of Sri Dilip Saha, aged about 56 years, Hindu by religion, Indian by Nationality, Housewife by occupation, resident of East Vivekananda Pally, P.O. Rabindra Sarani, P.S. Bhaktinagar, Dist. Jalpaiguri, West Bengal do hereby affirm and declare as follows:



1) That I am the complainant of the above referred case and I am well conversion with the facts and circumstances of the present petition.

2) That the statements made in Para – 1 to 6 are true to the best of my knowledge and belief.

3) That the rest are my humble submission before this Ld. Court.

I sign this affidavit on this the ____ day of December, 2023.

Basabi Saha

Deponent

Identified by me

*Solemnly Affirmed & Declare
before me on identification*

Kanchan Bhadra
NOTARY
Siliguri

Advocate

AFFIDAVIT

Solemnly Affirmed before me

By.....

of.....

Identified by.....

This he..... 20.....