

2481

1. Dist. PS Pradhan Nagar Year 2024 FIR No. 84/24 Date 31/01/24
2. i) Act No. of 1860 Sections 448, 325, 506, 34 ii) Act IPC Sections
iii) Act Sections iv) Others Acts & Sections

3. (a) Occurrence of offence: Day Date From 18/08/23 Date To
Time Period Time From Time To

(b) Information received at P.S. Date on 31/01/24 Time 12.45 hrs.

(c) General Diary Reference: Entry No (s) 1601 Time 12.45 hrs.

4. Type of Information Written Written / Oral

5. Place of Occurrence: (a) Direction and Distance from P.S. South, 03 km. Beat No.

(b) Address South Ambedkar Colony, P.S. Pradhan Nagar, Dist. Durgajiling

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

6. Complainant / Informant:

(a) Name Rahul Kumar @ Rahul Kumar Singh

(b) Father's / Husband's Name Dayanand Prasad Singh

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

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

(f) Occupation

(g) Address Tumbajote, Robinson Colony, P.S. Matiyera, Dist. Durgajiling

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

(Attach separate sheet, if necessary):
(i) Parusum praveen, (ii) Subnam praveen, (iii) Shama praveen, (iv) Siddique Sabadat and others.

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 FIR 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 took up the investigation / directed AS per order of Lt. Acm, Siliguri Court, dt. 16/01/24, SI Robin Yonzon Tamang 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

15. Date & Time of despatch to the court: on 01/02/24 at 10:00 hrs.

Inspector-In-Charge
Pradhan Nagar Police Station
Siliguri Police Commission
Signature of the Officer-in-Charge, Police Station
Name: Anisban Bhattacharjee
Rank: No. Insp. of Police

IN THE COURT OF LD. A.C.J.M. AT SILIGURI

Ref: MISC. PETITION NO- 68 /2023

IN THE MATTER OF:
An application u/s 156(3) of Cr.P.C.

And

Started over the complaint received from Ad. Court u/s 156(3) Cr.P.C on 18/11/23 vide Matigara PS 905 M-871 and started Matigara PS case no-949/23 Dtd. 18/11/23 u/s 448/325/506/34 I.P.C and endorsed to SI Normal Kr. Singha for its investigation

In The Matter Of:
Rahul Kumar @ Rahul Kumar Singh,
Son of Dayanand Prasad Singh,
Presently residing at Tumbajote, Robins
Colony, P.O. & P.S. -Matigara Pin- 734010
...Complain

Vs.

18/11/23
Officer-in-Charge
Matigara Police Station
Siliguri Police Commissionerate

1. Tarunnum Praveen,
Wife of Rahul Kumar,
Presently residing at Sipahi Para, CP
Factory, Near Poultry Firm, Near Uttarka
P.S.- Bhaktinagar, District- Jalpaiguri.

Received on 31/01/24 at 12:45 hrs vide PDN P.S. GDE No. 1601 and is registered PDN P.S. Case No. 84/24 Dtd. 31/01/24 u/s 448, 325, 506, 34 I.P.C and is endorsed to SI Sobin Yonzon Danning for its investigation.

2. Subnam Praveen,
Wife of Samjad Ali,
Bibigram, Near Cobra Club, Malda,
English Bazar, District- Malda.

31/1/24
Inspector-In-Charge
Pradhan Nagar Police Station
Siliguri Police Commissionerate

3. Snama Praveen,
Wife of Subhan Ali,
Resident of C/O- Ranjit Srivastava, An
Apartment, 5-D, Near Don Bosco School
Bhaktinagar, District- Jalpaiguri.

4. Kapaswari Praveen,
Wife of Siddique Bahadat.

Resident of Sipahi Para, Optical Factory, Near
Poultry Firm, Near Uttarkanya, P.S.-
Bhaktinagar, District- Jalpaiguri.

5. Siddique Sahadat
Son of Sahadat Hussain.
All are presently residents of Sipahi Para,
Chatraganj, Optical Factory, Near Poultry
Firm, Near Uttarkanya, P.S.- Bhaktinagar,
District- Jalpaiguri

.....Accused Persons

The Complainant above named begs to state as follows:

MOST RESPECTFULLY SHEWETH:

1. That the complainant is a peace loving and law-abiding citizen of India.
2. That the Complainant is the husband of accused no. 1, son-in-law of accused no. 2 to 5.
3. That on 18.8.2023 the Complainant went to the Matigara Police Station to lodge complaint/F.I.R. against the above-named accused persons to the following effect:
 - a. That the Complainant's wife is having illicit affair with Siddique Sahadat/Accused No. 5 and in this connection he has got audio recordings as the conversation took place from his mobile phone between his wife/Accused No. 1 and Siddique Sahadat (Accused No. 5). That when the Complainant came to know about the said affair, dispute arose between the Complainant and his wife (Accused no. 1) to such an extent that they approached one lawyer on 18th August, 2023 for divorce.
 - b. That when the sister of Accused No. 1, that is, Shama Prayeen/ Accused no. 3 came to know about the same, she called the Complainant near Donbosco School, Anrapali, SD (address mentioned in the casue-title) for amicable settlement and when the Complainant reached there, all the accused persons started to brutally assaulted the Complainant and he somehow managed to run away from there to save his life and took shelter

in his rented house situated at South Ambedkar Colony, Matigara, P.S.- Matigara, District- Darjeeling (where he used to live with Accused No. 1/his wife).

- c. That at night about 9 p.m. on the same date, that is, 18.8.2023, all the Accused Persons again came in and entered the said rented house at South Ambedkar Colony, Matigara and pressed his mouth and assaulted him and threatened him that they will kill him. The Accused Person managed to flee away from there. There is a CCTV footage of rented house as to when the accused persons came and when the Complainant fled away to save his life.
 - d. Therefore, the Complainant went to Matigara Police Station on 18.8.2023 to lodge a complaint against all the accused persons. That the police namely, Piyush Kumar Kanti accompany the Complainant to the spot at the said rented house on the next date, that is, on 19.8.2023. He talked with the landlord and asked him to preserve the CCTV footage. But the police did not give the Complainant receipt copy of the FIR which the Complainant lodged on 18.8.2023 and kept on delaying the matter and also did not start any case against the accused persons.
4. That as there was swelling and pain on account of the assault, the Complainant subsequently shown himself at the Government Hospital.
 5. That as the Matigara Police did not register the FIR of the Complainant and did not give the receipt copy of the FIR, being compelled the Complainant lodged complaint before the Commissioner of Police on 7.9.2023 alleging that the Matigara Police Station did not give the Complainant the receipt copy of the FIR and refused to lodge the FIR of the Complainant. That the said complaint was duly received by the Commissionerate of Police on 7.9.2023. But till today no action was taken by police against the accused persons.
 6. That this complaint is made bona fide and for the ends of justice.

Under the above facts and circumstances, it is, prayed that Your Honour would graciously be pleased to consider this application

in his rented house situated at South Ambedkar Colony, Matigara, P.S.- Matigara, District- Darjeeling (where he used to live with Accused No. 1/his wife).

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4. That as there was swelling and pain on account of the assault, the Complainant subsequently shown himself at the Government Hospital.

5. That as the Matigara Police did not register the FIR of the Complainant and did not give the receipt copy of the FIR, being compelled the Complainant lodged complaint before the Commissioner of Police on 7.9.2023 alleging that the Matigara Police Station did not give the Complainant the receipt copy of the FIR and refused to lodge the FIR of the Complainant. That the said complaint was duly received by the Commissionerate of Police on 7.9.2023. But till today no action was taken by police against the accused persons.

6. That this complaint is made bona fide and for the ends of justice.

Under the above facts and circumstances, it is prayed that Your Honour would graciously be pleased to consider this application

u/s 156(3) of Cr.P.C directing O/C, Matigara Police Station Station to treat this complaint as F.I.R and to start a specific case against the accused persons under proper sections of law and to investigate the case properly and sincerely or to pass such other order/orders as Your Honour may deem fit and proper for the ends of justice.

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

VERIFICATION

I, Rahul Kumar, the complainant above-named do hereby verify that the statements made above are true to the best of his knowledge and belief and I sign on this verification on this the 3rd day of October, 2023 at Siliguri.

Deponent

AFFIDAVIT

I, Rahul Kumar @ Rahul Kumar Singh, Son of Dayanand Prasad Singh, aged about 36 years, presently residing at Tumbajote, Robinson Colony, P.O. & P.S. -Matigara, Pin-734010, do hereby solemnly affirm and declare as follows:

- 1) That I am the complainant and as such well acquainted with the facts and circumstances of this case.
- 2) That the statements made above from paras 1 to 6 are true to the best of his knowledge and belief and the rest are his humble submission before this Learned Court.

I sign on this affidavit on this the 3rd day of October, 2023 at Siliguri.

Deponent
Identified by me,

Advocate, Siliguri