

FIRST INFORMATION REPORT
(Under Section 154 Cr. P.C.)

522



1. Dist. Jalpaiguri: PS. Bhorer A/O Year 2024 FIR No. 22/2024 Date 05.02.2024

Sections 448/354B/323/ii) Act Sections x

Sections 376/307/379/509/34 Sections x

3. (a) Occurrence of offence : Day Date From 07/01/2024 Date To

Time Period Not mentioned Time From Time To

(b) Information received at P.S. Date 05/02/2024 Time 16.45 hrs

(c) General Diary Reference : Entry No (s) 130 Time 16.45 hrs

4. Type of Information Written Written / Oral

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

(b) Address Seheb Para, Kamarvita, Amberi, Falakata, PS. Bhorer A/O, 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. Manju Sarkar

(b) Father's / Husband's Name Laxman Sarkar

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

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

(f) Occupation

(g) Address Seheb Para, Kamarvita, Amberi, Falakata, PS. Bhorer A/O, Dist. Jalpaiguri

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

(Attach separate sheet, if necessary) :
(1) Milan Talukdar, (2) Rampada Talukdar, (3) Milan Talukdar, (4) Papi Talukdar w/o Rampada Talukdar, (5) Bithi Talukdar w/o Rampada Talukdar all are of Seheb Para, PS. Kamarvita, PS. Bhorer A/O, 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 which is treated as FIR is reproduced overleaf.

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 SI Malay Kr. Roy w/o Amberi, Falakata OP, PS. Bhorer A/O to take up investigation / ~~refused investigation~~ / transferred to PS. 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.

On the original written complaint.

14. Signature / Thumb impression of the Complainant / Informant

Signature of the Officer-in-Charge, Police Station
Bhorer A/O Police Station
Name : ABINMAY GHOSH
Rank : No. SI of POLICE

15. Date & Time of despatch to the court :



THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No-38/24

MANJU SARKAR VS MILAN TALUKDAR

Order dated:31-01-24

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 Ambari Out Post and O/C Ambari Out Post 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 Ambari Out Post 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 29-02-2024 for compliance report from P.S. concerned.

copy forwarded to
O/C Ambari out
post for compliance

CJM Jalpaiguri
Chief Jud. Magistrate
Jalpaiguri

F/N 898/29

The Road No. 31/01/24

In the Court of Ld Chief Judicial Magistrate
Jalpaiguri.

29/02/24
Kenny

38/29

In the mater of:-

Received on 05.02.24 vide of 19:45hr.
Ambari Falakata op QDB
NO-163 dt: 05-02-24 and
forwarded in same before
of c Bhorer Alo P.S to start
a Specific Case under
Proper section of law.
I.O. SI Malay Kr Roy.

An application of under section 156(3)
Cr.P.C

And

In the mater of :-

Smt Manju Sarkar . (Age about 40
years).

W/o. Laxman Sarkar. Vill. Saheb
Para. P.O.- Kamarvita. P.S.- Amabari
Out Post. Dist. Jalpaiguri. Pin.
735135

.....Petitioner.

Versus.

1. Milan Talukdar.
2. Rampada Taludar. S/o. Milan Talukdar.
3. Papri Talukdar. W/o. Rampada Talukdar .
4. Bithi Talukdar. D/o. Rampada Talukdar

All are resident of Vill. Saheb
Para. P.O.- Kamarvita. P.S.- Amabari
Out Post. Dist. Jalpaiguri. Pin. 735135

.....Opposite Parties

The humble petition on behalf of the above-named Petitioner
Most respectfully sheweth:-

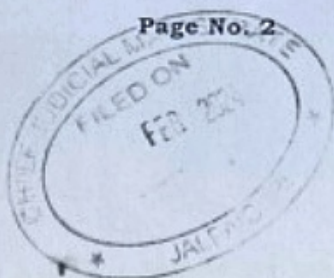
1. That the Petitioner is peace loving citizen of India.



Office in charge
Ambari Falakata Out Post
Under Bhorer Alo P.S SPC



31 JAN 2024



Handwritten signature

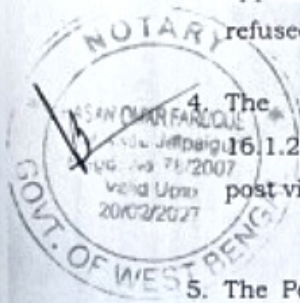
*Th. Reddy
Addr.
21/01/24*

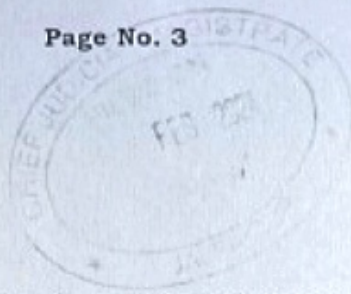
2. That the Petitioner submits that on 07/01/2024 when the Petitioner went to the nearby public water tank for taking water for her daily use and standing on the que with other villagers. The Petitioner submits that suddenly the Opposite Party No.1 came to the place and took water by denying the que for taking the water and when the Petitioner raised the objection the Opposite Party No.1 thrown some filthy languages and the Petitioner left the place by taking the water. Thereafter the Opposite Parties came to the house of the Petitioner and entered into her house by breaking the main door of her house. The Petitioner alleged that after entering in her house the Opposite Parties took her and torn her cloth and assaulted the Petitioner. The Petitioner further alleged that the Opposite Party No. 2 assaulted her by fingering in her private part. The Petitioner alleged that the Opposite Party No. 4 trying to kill the Petitioner by attack her by sharp weapon and fortunately she survive by removing her head. The Petitioner further alleged that that the Opposite Party no 3 and 1 assaulted the Petitioner by bamboo stick. However, the Petitioner somehow manage to left her house and the local neighbors rescue her. The Petitioner further alleged that that during the assault the Opposite Parties snatched a golden chain from her neck amount of valued approximately Rs. 40,000/- and the Opposite Party no 4 snatched sum of Rs. 15,000/- from her house.

3. The Petitioner submits that immediately thereafter on the same date on 07/01/2024 the Petitioner went to the local police station i.e, Ambari Outpost, under Bhorer Alo Police Station lodge a complaint against the opposite parties. But it is great matter of regret that the police personnel refused to accept her complain without giving any reason.

4. The Petitioner submits that having no other alternative in hand on 16.1.2024 informed the matter to the police commissioner by registered post vide postal receipt no EW492104230IN.

5. The Petitioner submits that the said consignment was received by the office of the police Commissionerate on 18.1.2024. But unfortunately the police Commissionerate till today did not take any action despite of knowing fully well about the gravity of offence.





Handwritten signature/initials.

Handwritten notes: TR, R.D.D, A.G., 31/01/24

- 6. It is crystal clear from the facts of the case is that the Opposite Party is very influential, dangerous nature and desperate character. On the other hand, the Petitioner is house wife of the village.
- 7. It is presume that the Opposite Party pressurize the Police officers for not to take any legal action against them.
- 8. That the offence are all non-cognizable in nature and punishable under the laws.
- 9. That the Petitioner has no other alternative except file this application.
- 10. That there is no any other case is pending before any Court of Law including the High Court at Kolkata regarding the same matter.
- 11. That until & unless the Ld. Court will not pleased to direct the Inspector in charge of the Ambari Outpost, under Bhorer Alo Police Station to start a specific case the Petitioner will suffer irreparable loss and injury.
- 12. That the Petition is filed bonafide and ends of justice.

Under this facts and circumstances it is Humble prayed that Your Honor would be graciously pleased to pass an order/ orders and directing the Inspector in Ambari Outpost, under Bhorer Alo Police Station by invoking power u/s 156(3) of CrPC for immediately register a case in accordance to Complain/ information made by the petitioner on 7.1.2024 and start a specific case against the Opposite Party.

AND

For this Acts of kindness your Petitioner may duty bound shall ever pray.





AFFIDAVIT

I, Smt Manju Sarkar . (Age about years). W/o. Laxman Sarkar. Vill. Saheb Para. P.O.- Kamarvita. P.S.- Amabari Out Post. Dist. Jalpaiguri. Pin. 735135 do hereby solemnly affirm and say as follows :-

1. That I am the Petitioner of the instant application.
2. That no case pending before any Court of Law including Calcutta High Court at Kolkata regarding this matter.
3. That the statement made in paragraph 1 to 12 is true to the best of my knowledge, belief and information.

I sign this Affidavit on this the Day of January , 2024 at
Jalpaiguri Court Premises.

[Handwritten Signature]

Signature of the declarant.



Identified by me

Rajshree D.

Advocate

21/01/2024

Solemnly affirm and declare
before me on proper identification

Hasan Omsi
Hasan Omsi, Notary Public, NOTARY
Dist. Jalpaiguri
Regd. No-78/07, Expiry on- 20/02/2024
Govt. of West Bengal

Received on 05.02.2024 at 16.45 hrs vide CAE.
No-130 dt. 05.02.2024 and recorded Bhorer
At Police Case No- 22/2024 dt. 05.02.2024, u/s-
44B/354B/323/376/307/379/509/341C
and endorsed to SI. Malay Kr. Roy of Ambari-
Falakata OP, P.S. Bhorer Ato for its investigation.

[Signature]
5/2/24
Officer-In-Charge
Bhorer Ato Police Station
Siliguri Police Commissionerate