



P.S. Bhaktinagar Year 2024 FIR No. 122/24 Date 13/02/24
Sections 384/403/408/417/420 i) Act _____ ii) Act _____

3. (a) Occurrence of offence : Day _____ Date From 06/12/23 Date To _____

Time Period _____ Time From _____ Time To 18:15 hrs

(b) Information received at P.S. Date 13/02/24 Time 18:15 hrs

(c) General Diary Reference : Entry No(s) 730 Time _____

4. Type of Information Court Complaint v/di MP case NO-50/24 Written / Oral _____

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

(b) Address M/S Impression Honda, 3rd Mile Saroke Road, Near Jeevan Deep Building, Sahyara, 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 Aniruddha Dey

(b) Father's / Husband's Name Dipak Dey

(c) Date / Year of Birth 37 years (d) Nationality Indian

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

(f) Occupation Service Manager

(g) Address M/S Impression Honda (under Impression Motors Pvt. Ltd.) 3rd Mile, Saroke Road, Near Jeevan Deep Building, Sahyara, PS Bhaktinagar, Dist. Jalpaiguri

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

(Attach separate sheet, if necessary) : Chandan Joshi S/o Daya Krishan Joshi of Sakul Agencies, NS Road, PO & PS Janglaon, Dist. Alipurdhara.

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

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

Honda City ZXMT i-VEE Luxon Silver colour bearing Reg. No - WB 74 BF 3487, Eng. No - L952D1205405, Chassis No - MAWGN256L4001455

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 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 SI Haren Anand Mohanta Bhaktinagar 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 is on the complaint

Signature of the Inspector in Charge, Police Station Bhaktinagar
Name SANJAY
Siliguri Police Commissionerate
Rank : No. SAK.

15. Date & Time of despatch to the court :



THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, JALPAIGURI

M.P Case No-50/24

M/S IMPRESSION HONDA VS CHANDAN JOSHI

Dated: 12-02-24

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 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 05-03-24 for compliance report from PS. concerned.

CJM, Jalpaiguri
Chief Jud. Magistrate
Jalpaiguri

copy forwarded
to I/C Bhaktinagar
PS for compliance



Aniruddha Dey.



1280/24

Filed by:-

M. LINDO PAUL, Advocate, Siliguri.

~~16/03/24~~

5/03/24

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

MISC. PETITION NO- 2024

MP-50/24

IN THE MATTER OF :

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

AND

IN THE MATTER OF:

M/s. IMPRESSION HONDA

under Impression Motors Pvt Ltd. having its office at 3rd Mile Sevoke Road, Near Jeevan Deep Building, Salugara, P.S. Bhaktinagar, District- Jalpaiguri, PIN-734008, represented by its Authorised Signatory Sri. Aniruddha, Dey, Son of Dipak Dey, aged about 37 years, Hindu by religion, Indian by nationality, Service Manager by occupation.

.....Complainant

-Vs-

SRI CHANDAN JOSHI,

Son of Sri Daya Kishan Joshi, Resident of Rahul Agencies NS Road, P.O & P.S.- Jaigaon, District- Alipurduar.

.....Accused Person

Offence Committed : Under Section 379, 384, 403, 406, 417, 420.

The Complainant above named begs to state as follows :

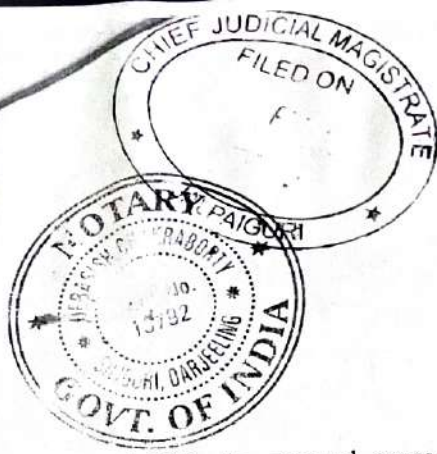
1. That the accused person had purchased a vehicle make:- Honda CRV, bearing Registration No. WB70M6446, Engine No- N16A51000911, Chassis No- MAKRW888KKN000380 on November 2019 from Courtesy Honda, Karnal, Haryana. It is pertinent to mention here that after purchasing the said vehicle, Chandan Joshi used to bring the said vehicle to the complainant's service center at 3rd Mile, Sevoke Road, Near Jeevan Deep Building, Salugara, Police Station- Bhaktinagar, District- Jalpaiguri, for periodical service at the complainant's service Centre.



[Handwritten signature]

[Signature]
Debasish Chatteraborty
Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792

28 FEB 2024



Amrindha Ray



Filed by:-
M.LINDO PAUL,
Advocate, Siliguri

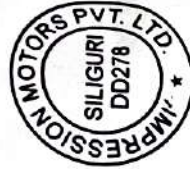
2. Thereafter on 06.10.2023 the accused person brought the said vehicle to the complainant's service center with some mechanical problem. Thereafter the complainant have checked the said vehicle and duly intimated the accused person the estimated cost of the repair i.e., for a sum of Rs.1,42,965/- (Rupees one lakh forty two thousand nine hundred sixty five) only on his request the repair estimate was discounted and reduced to Rs.80,172/- (Rupees eighty thousand one hundred seventy two) only.
3. It is also noteworthy to mention here that the accused person requested the complainant to provide a loaner vehicle for a period of 7/ 8 days as he had some urgent personal works. He also assured that he will give consent for the service of his vehicle after some days and further assured that he will return the said vehicle after 7/ 8 days. It is pertinent to mention here that thereafter the complainant have provided him a loaner vehicle make- Honda City ZXMT i-vtec Luner Silver Colour, bearing registration No. WB74BF3487, having Engine No- L15ZD1205405, Chassis No- MAKGN256KL4001455 for 7/ 8 days. After 10 days of taking the said vehicle the complainant have requested the accused person to return the same and he further assured that he will return the said vehicle very soon.
4. However, thereafter or several occasions the complainant have requested him to return the said 'loaner vehicle' but the accused person always with malafide intention avoided and neglected to return the same under various pretexts. Of late when the complainant once again requested him to return the said loaner vehicle but he utterly denied to return the same and tried to get his vehicle repairing work free of cost putting the complainant in ransom with the threat of not returning the loaner vehicle, Mr. Chandan Joshi deliberately induced the complainant to provide the accused person the said loaner vehicle.
5. The complainant would not have been deceived unless the accused person with his wrongful interest assured that he would return the said loaner vehicle within 7/ 8 days. The accused person has illegally and wrongfully detained the said loaner vehicle. Now the accused person has tried to get his vehicle repairing work to be done by the complainant free of cost putting the complainant in ransom with the threat of not returning the loaner vehicle.
6. The accused person deliberately with his illegal motive to cheat the complainant and grab the below schedule property for his wrongful gain and profit.
7. That the complainant thereafter went to lodge a written Complaint before the Bhaktinagar Police Station on 22.12.2023 but the concerned Police Station but the same was only received by the concerned officer but did not give any receiving endorsement on it and also till date the complainant has not received any specific case number.

Debasish Chakraborty
Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792

09 FEB 2024

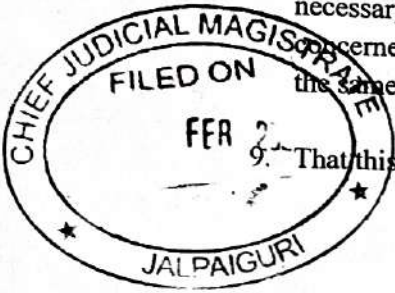


Aminulhaq Sy.



Filed by:-
MILINDO PAUL
Advocate, Siliguri

8. That due to inaction of the concerned police, the complainant thereafter forwarded the said written complaint under section 154 (3) of C.R.P.C on 03.02.2024 to the Commissioner of Police, Siliguri stating that the offences and ingredients of the said written complaint dated 22.12.2023 is involving cognizable offences and prayed to take necessary action but to the complainant's utter dismay all were in vain and till now the concerned police station is neither willing to start a specific criminal case by registering the same as F.I.R nor willing to investigate the matter.



9. 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 Officer In Charge of Bhaktinagar Police 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 petitioner/complainant as in duty bound shall ever pray.

Debasish Chakraborty
Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792

Received on 13/02/24 at 18:15 hrs
vide GDE NO- 710 and started
Bhaktinagar Case NO-122/24 Dtd-
13/02/24 u/s 284/403/406/417/420 IPC
and endorsed to SI Haren Mohanta for
its investigation

[Signature]
13.2.24

Inspector-In-charge
Bhaktinagar Police Station
Siliguri Police Commissionerate

09 FEB 2024



Filed by:-
Milindo Paul
MILINDO PAUL,
Advocate, Siliguri

AFFIDAVIT

I, Sri Aniruddha Dey, Son of Sri Dipak Dey, aged about 37 years, Hindu by religion, Indian by nationality, Service Manager by occupation, Authorised Signatory of the above named complainant i.e., M/s. IMPRESSION HONDA (under Impression Motors Pvt Ltd), 3rd Mile Sevoke Road, Near Jeevan Deep Building, Salugara, Siliguri-734008, P.S. Bhaktinagar, Dist: Jalpaiguri, do hereby solemnly affirm and declare as follows:-

1. That I am the authorized signatory of the complainant and as such am well acquainted with the facts and circumstances of this case.

.....This is true to my knowledge.

2. That the statements made in Para 1 to 8 are true to the best of my knowledge and believe and rest are my humble submission before the Ld Court.

.....This is true to my knowledge.

I sign this Affidavit this the 9th day of February, 2024 at Siliguri.

Aniruddha Dey
Signature of the deponent

Identified by me
Milindo Paul
Advocate

Debasis Chakraborty
Notary Govt. of India
Siliguri, Darjeeling
Regd. No. 13792

AFFIDAVIT

Solemnly Affirmed before me
by Aniruddha Dey
of Siliguri
Identified by Milindo Paul Adv
This the 9th day of Feb 2024
at _____ AM/PM

09 FEB 2024



Filed by:-
Milindo Paul
MILINDO PAUL
Advocate, Jalpaiguri

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

MISC. PETITION NO- of 2024

M/s. IMPRESSION HONDA

.....Complainant

VERSUS

SRI CHANDAN JOSHI

.....Opposite Party

LIST OF DOCUMENTS FILED ON BEHALF OF THE COMPLAINANT
ABOVE NAMED :-

1. Photocopy of Job Card/Service History of the vehicle;
2. Photocopy of Letter dated 29.10.2023;
3. Photocopy of Written Complaint dated 22.12.2023;
4. Photocopy of Forwarding Letter to Commissioner dated 03.02.2024.
5. Photocopy of Board Resolution

Dated, Jalpaiguri