

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

2340

1. Dist. SPC P.S. Bhaktinagar Year. 2024 FIR No. 240/24 Date. 21/03/24
 2. i) Act. IPC Sections. 406/420/506 (ii) Act. - Sections -
 (iii) Act. - Sections - (iv) Others Acts & Sections -
 3. (a) Occurrence of Offence : Day 03/12/2022 Date From Not mentioned Date To -
 Time Period - Time From - Time To -
 (b) Information received at P.S. Date. 21/03/24 Time. 16:50 hrs
 (c) General Diary Reference : Entry No(s). 1032 Time 16:50 hrs
 4. Type of Information : Court Complaint vide MP Case No - 92/24. Written / Oral
 5. Place of Occurrence : (a) Direction and Distance from P.S. - Beat No. -
 (b) Address Not mentioned.

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

6. Complainant / Informant :
 (a) Name Sri Poodip Das
 (b) Father's / Husband's Name Sri Chnu Das
 (c) Date / Year of Birth : - (d) Nationality Indian
 (e) Passport No. - Date of Issue : - Place of Issue -
 (f) Occupation -
 (g) Address Mahakal Para Mayrajuri, PO Mayrajuri, Dist. Jalpaiguri

7. Details of known / suspected / unknown accused with full particulars
 (Attach separate sheet, if necessary) :
1) Tejan Basuman s/o Jakiruddin Nath Basuman of Shib Nagan, Salugana, Subgram, PO Salugana, 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) :
1) A. 2,50,000/- (Rs. Two Lakhs Fifty Thousand)

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 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 AS2 Ramesh Bhattacharya to take up investigation / refused investigation / transferred to P.S. Bhaktinagar 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 - is on the complaint of the Complainant / Informant
 Signature of the Officer-in-Charge, Police Station [Signature]
 Name : Plini Anil Adhikary
 Rank : No. IC Bhaktinagar P, SPC.

15. Date & Time of despatch to the court : 21.3.24

M.P Case No-92/24

PRADIP DAS VS TAPAN BARMAN

Order dated: 16-03-24

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 P.S.** 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 P.S.** 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 05-04-24 for compliance report from P.S. concerned.

CJM, Jalpaiguri
Chief Judl. Magistrate
Jalpaiguri

copy forwarded
to I/C Bhaktinagar
for compliance

acquainted with the accused person in the month of November, 2022, when he (the accused person) introduced himself before him as a 'Building Contractor'.

16 MAR 2024



F/N 2611/24
Pradip Das

FILED BY

Satavisa Basu
Advocate

5/9/24
[Handwritten signature]

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

Misc. Petition Case No. 92/24 /2024

IN THE MATTER OF:

An application U/S 156(3) of Cr.P.C.

A N D

IN THE MATTER OF:

SRI PRADIP DAS

Son of Sri Chinu Das,
resident of Mahakal Para,
Maynaguri, P.O. Maynaguri, Dist.
Jalpaiguri.

----- Complainant

Vs.

SRI TAPAN BARMAN

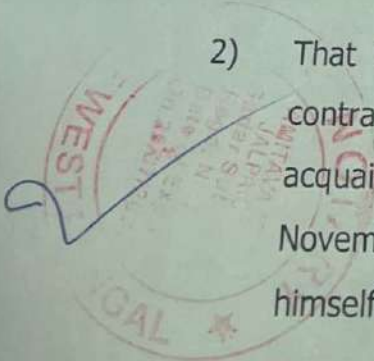
Son of Jatindra Nath Barman
of Shib Nagar, Salugara, Dabgram
(P), P.O. Salugara, P.S. Bhaktinagar,
Dist. Jalpaiguri.

----- Accused Person

Offence committed by the : U/S 406 / 420 / 506 of IPC
accused person

The complainant begs to state as follows:-

- 1) That the complainant is a bonafide electric contractor. He is doing his such electric construction business works at West Bengal State Electric Distribution Company Limited.
- 2) That in course of his such contractor work i.e. electric contractor he (the complainant) came into contact and acquainted with the accused person in the month of November, 2022, when he (the accused person) introduced himself before him as a 'Building Contractor'.



16 MAR 2024



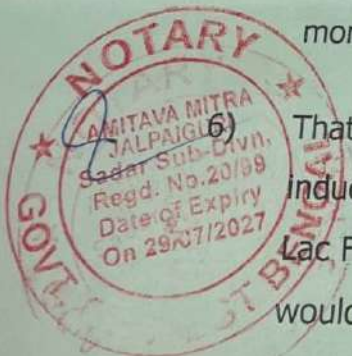
Pratik Das

FILED BY

Satavisa Basu

Satavisa Basu
Advocate

- 3) That taking the advantage of simplicity of the complainant, he (the accused person) constantly used to meet with him in his different working places on different pretence by his applying pre-planned contrivances and by his such tricks, he did success to make him (the complainant) deep and full confidence and believe towards and upon him for his wrongful gain. Thereby he grew, developed and produced friendship with the complainant. Moreover from his side, he (the complainant) maintained clean, sanctity and virtuous friendship, relationship with the accused person but on the contrary from the very side of him, he (the accused person) maintain pretext in every corner of such friendship.
- 4) That the accused person, by his hoax, beguile and feign (which the accused person applied to upon the complainant) caused the complainant to believe him (the accused person) and he (the complainant) agreed to run a building construction business with the accused person.
- 5) That moreover, the accused person also stated that he (the accused person) would physically control such building construction business and he assured the complainant that he shall pay 50% of the profit to the complainant every after six months. Thus, he laid a trap to squeeze huge amount of money from him.



6) That thereafter the accused person repeatedly implored and induced the complainant to pay Rs.2,50,000/- (Rupees Two Lac Fifty Thousand) to him assuring the complainant that he would also invest his money in such business and that the accused person shall pay 50% of the profit to him every

16 MAR 2024



Prachi Das

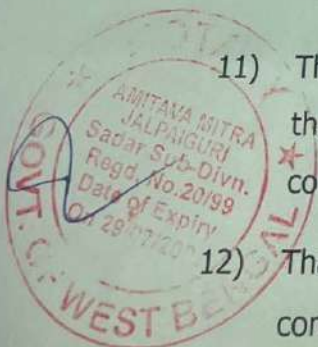
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Satavisa Basu

Satavisa Basu
Advocate

after 6 (six) months after calculating of the accused of the said proposed business.

- 7) That on such repeated imploration and inducement of the accused person to the complainant, on 03.12.2022 the complainant paid Rs.2,50,000/- (Rupees Two Lac Fifty Thousand) to the accused person.
- 8) That such behaviour and on such statements and assurance of the accused person, the complainant was sure and free from doubt that he would pay 50% of the profit to the complainant every after 6 (six) months in every consecutive years.
- 9) That even after receiving the aforesaid amount of money from the complainant, the accused person did not start such building construction business and he misappropriated the aforesaid amount of money of the complainant and used the same for his personal wrongful gain.
- 10) That when the complainant came to know the aforesaid facts as stated in Para No.9 above, thereafter several times the complainant requested the accused person to return/repay and refund the aforesaid amount of money of Rs.2,50,000/- to him but on each and every time he took time to do so on different pretext.
- 11) That the accused person has not refunded/returned/repaid the aforesaid amount of money of Rs.2,50,000/- to the complainant yet.
- 12) That for his aforesaid illegal acts and activities, the complainant has been passing his days in full of fear with heavy and intolerable mental pain.





Prachin Das

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Advocate

- 13) That had the accused person not induced the complainant, the complainant would not pay Rs.2,50,000/- to him.
- 14) That 28.06.2023 the complainant issued a lawyer's notice to the accused person by and through his Lawyer Mr. Satavisa Basu, Advocate, by postal Speed Post demanding to return/repay/refund the aforesaid amount of Rs.2,50,000/- to the complainant, he received the said notice in due time, but he did not pay the same to him yet.
- 15) That after receiving the said Lawyer notice, the accused person constantly assured the complainant that he would return the aforesaid amount of money to the complainant in near hand as he (the accused person) did not start such proposed construction business.
- 16) That but, on 19.02.2024, the accused person came to the complainant and openly declared that he would not return/repay/refund the aforesaid amount of Rs.2,50,000/- to the complainant in any way at any cost and threatened the complainant by saying that if, the complainant demand such amount of money from him at any point of time in future then he will murder the complainant and conceal his dead body in such place beyond the reach of police.
- 17) That from the beginning he had intention to cheat the complainant and ultimately he deceived the complainant and cheated Rs.2,50,000/- from the complainant by the aforesaid manner/way.
- 18) That the accused person has committed the offences punishable U/S 406/420/506 of I.P.C.





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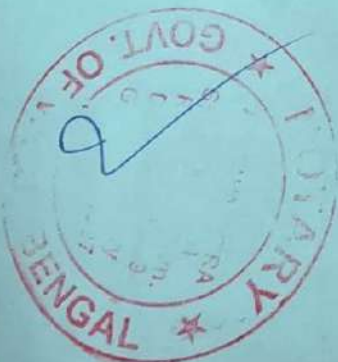
Satavisa Basu
Advocate

- 19) That the complainant went to Bhaktinagar P.S. for lodging F.I.R. against the accused person, but the Bhaktinagar Police refused to take his F.I.R.
- 20) That finding no other alternative on 21.02.2024, the complainant sent a written F.I.R. to the I/C, Bhaktinagar P.S. stating the whole aforesaid facts by postal speed post which has been duly received by the I/C, Bhaktinagar P.S. but he did not take any action/step on his F.I.R.
- 21) That thereafter on 28.02.2024, the complainant sent a written F.I.R. to the Superintendent of Police, Jalpaiguri stating the whole aforesaid facts by registered post with A/D which has been duly received by the S.P., Jalpaiguri but he did not take any action/step on his F.I.R. yet.

PRAYER

It is, therefore, prayed Your Honour may pleased to direct the I/C, Bhaktinagar P.S. to investigate the case after treating this petition as an F.I.R. U/S 156(3) of Cr.P.C. and to submit before Your Honour for the ends of justice.

And for this act of kindness the complainant as in duty bound shall ever pray.





Pradip Das

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Satavisa Basu

Satavisa Basu
Advocate



AFFIDAVIT

I, **SRI PRADIP DAS**, aged about 37 years, Son of Sri Chinu Das, Hindu by religion, Indian by Nationality, Business by occupation, resident of Mahakal Para, Maynaguri, P.O. Maynaguri, Dist. Jalpaiguri, West Bengal, do hereby solemnly affirm and declare as follows:-

- 1) That I am the complainant of this case.
- 2) That no specific case regarding the self same incident has been started at Bhaktinagar Police Station or at any Police Station.
- 3) That the statements made above from Paragraph No.1 to 21 are true to the best of my knowledge and belief and the rest is my humble prayer before this Ld. Court and I sign this affidavit on this the 16th day of March, 2024.



Pradip Das

Deponent

Identified by me

Satavisa Basu

Advocate, Siliguri

Solemnly Affirmed Before Me
On Proper Identification
AMITAVA MITRA NOTARY
JALPAIGURI, WEST BENGAL
21/03/2024

11 6 MAR 2024

Satavisa Basu
ADVOCATE
Enrolment No. F/1010/859 of 2007

Satavisa Basu
ADVOCATE
Enrolment No. F/1010/859 of 2007

Received on 21/03/24 at 16:50 hrs
vide GOC no- 1032 and reported
Bhaktinagar PS Case no- 240/24 D/d-
21/03/24 v/s 406/420/506 IPC and referred
to ASI Damesh Bhattacharya for investigation

Inspector-in-Charge
Bhaktinagar Police Station
Siliguri Police Commissionerate
21.3.24