

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

034



SOC  
IPC

P.S. Bhaktinagar Year 2024 FIR No. 273/24 Date 29/03/24  
Sections 380 ii) Act - Sections -  
iii) Act - Sections - (iv) Others Acts & Sections -

3. (a) Occurrence of Offence : Day 16/07/22 Date From 16/07/22 Date To -  
Time Period Not mentioned Time From - Time To -

(b) Information received at P.S. Date 29/03/24 Time 18:45 hrs.

(c) General Diary Reference : Entry No(s) 1530 ne 18:45 hrs.

4. Type of Information : Court Complaint vide M.P. case No - 101/24  
Written / Oral

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

(b) Address Parking zone of Ishcon Market Premises, Ishcon Market Road, Siliguri, PS Bhaktinagar

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

6. Complainant / Informant :

(a) Name Milan Kumar Das

(b) Father's / Husband's Name Sh. Upendra Nath Das

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

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

(f) Occupation -

(g) Address Kabirpur Sarani, Bakultala More, Nafaj Pally, PO Rabindra Sarani, Siliguri, Doojgeeting.

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

(Attach separate sheet, if necessary) : Unknown Misdoers

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

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

1 Hero Super Splendor Bike bearing Registration NO - WB 74R 1062.

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 Bipul Karmahar 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 Signature of the Officer-in-Charge, Police Station

Name : Shri AMIT ADHICARY  
Rank : No IC Bhaktinagar PS, SPL.

15. Date & Time of despatch to the court :

M.P Case No-101/24

MILAN KUMAR DAS VS UNKNOWN NAME

Order dated: 12-03-2024

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 22-04-24 for compliance report from P.S. concerned.

  
CJM, Jalpaiguri

Chief Judicial Magistrate  
Jalpaiguri

copy forwarded to  
I/C Bhaktinagar  
ps for  
compliance

7364275257

IN THE COURT OF LD. CHIEF JUDICIAL MAGISTRATE  
AT JALPAIGURI, DISTRICT- JALPAIGURI

Case No. 101/24 Of 2024

In the matter of:  
An application under section 156(3) of  
Cr.P.C, 1973

In the matter of:  
Milan Kumar Das  
S/O Late Upendra Nath Das  
Kabiguru Sarani, Bakultala More, Netaji Pally,  
P.O. Rabindra Sarani, Siliguri, Darjeeling  
District, Pin- 734006

.....Complainant

VS

Unknown name

.....Accused

An Application Under Section 156(3) of the Code of Criminal Procedure, 1973.

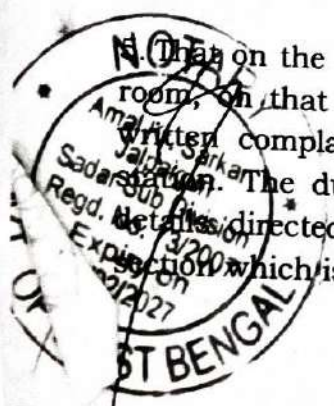
**Most Respectfully Showeth:**

1. That your petitioner is a peace loving and law abiding citizen of India having permanent residence at the address mentioned in the cause title hereinabove. The petitioner has the locus standi to move this present petition.
2. That one unknown person had stolen one bike (Hero Super Splendor bike, being registration no. - WB 74 R 1041, registration date- 19<sup>th</sup> April, 2010; owner name- Milan Kumar Das) of the complainant on 16<sup>th</sup> July, 2021.
3. That this incident happened from the parking zone, inside of ISKON Mandir premises, ISKON mandir Road, Siliguri under Bhaktinagar Police Station. After that the complainant communicated with the Bhaktinagar Police Station over telephone and described the whole incident in details regarding this matter. The officer of the Bhaktinagar police station, who received the phone, gave direction to the complainant that he should inform the matter to the Siliguri Police Commissionerate control room.
4. That as per the said direction, the complainant had communicated with the office of Siliguri Police Commissionerate control room. After hearing the whole matter of the said incident over telephone, the officer of the Siliguri Police Commissionerate control room who received the phone call, guided for lodging a written complaint at Bhaktinagar PS.
5. That on the basis of the advice from the Siliguri Police Commissionerate control room, on that rainy night, around 11:00 pm, the complainant had gone with a written complaint at the reception section (ground floor) of Bhaktinagar Police Station. The duty officer of the reception section after hearing all the matter in details directed to the complainant to submit the written complaint at the PC which is situated at first floor of the said Police Station.



MP 7 156 (3)

Through  
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MAR 2021

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That in PC section room, one Mr. Biswajit Saha, ASI who had received the written complaint along with all the photocopies of the document relating to bike and after arising the incident in details. Mr. Saha said that after preliminary enquiry the complainant will get one received copy of the said submitted complaint along with FIR registration number from his office.

That on that day i.e. 16<sup>th</sup> July 2021, at 11:40 PM the complainant also submitted the said written complaint with all the details information through the official mail ID of Bhaktinagar Police Station. (bhaktinagarpsspc@gmail.com)

That the complainant state that he had continuously been communicated with the said one Mr. Biswajit Saha, ASI i.e. opposite party no 02 and the office of Bhaktinagar PS, and trying to request for a received copy of his written complaint with an FIR number and for the recovery of his bike and for the arresting of the unknown accused person after proper investigation.

That in his written complaint the complainant prayed before the officer-in-charge Bhaktinagr PS, Siliguri, dated 16<sup>th</sup> July 2021 for taking all the necessary legal action in his matter.

0. That after multi time request to the authority of the said police station, the complainant had just received one official 'received copy' where has no FIR registration number. It has seen that in the said 'received copy' has a signature, official seal of the said police station and a date i.e. 19/7/21. It had given by the on duty officer of that day, time around 4:30 pm.

That in the said written complainant it has mentioned by the complainant about the whole theft incident with specific date and time along with other necessary elements. Even it has also mentioned by the complainant that the incident happened under CCTV surveillance within the premises of ISKON temple. received photocopy of the said written complaint is annexed hereto and the same marked as Annexure-A.

2. That after visiting every week at the police station and waiting for reasonable time, the complainant had not been getting an FIR registration number and he had also been requesting before the all higher authorities of police administrative for the proper investigation and legal action as per law.

3. That after ignorance attitude from the Bhaktinagar police station, on 04<sup>th</sup> August, 2021 the complainant approached with written prayer before the Commissioner of Police, Siliguri Police Commissionerate, for necessary assistance to get an FIR registration number on the basis of the said written complaint from the Bhaktinagar PS and for proper investigation in this said matter.

4. That the said written prayer received by the concerned authority through a key staff at the reception section on 4<sup>th</sup> August, 2021 around 2:05 PM (vide Ref. No. office Aug/02, dated 04<sup>th</sup> August, 2021, subject: For the ignorance of investigation and refusing to provide a FIR registration number on a bike theft case which was submitted in writing on 16<sup>th</sup> July, 2021 at Bhaktinagar Police Station). Same written prayer had also sent at the official email ID of Siliguri Police

NO. 4  
4th Aug 2021  
SILIGURI  
POLICE COMMISSIONERATE

FILED ON  
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STATE

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NO. 73/2007

Commissionerate i.e. siliguri@gmail.com, on 4<sup>th</sup> August, 2021; 12:32 PM. The same copy was also forwarded to the officer-in-charge, Bhaktinagar Police Station through email i.e. bhaktinagarpspd@gmail.com.

15. That on the basis of the said written complaint, the Bhaktinagar PS and The Commissioner of Police, Siliguri Police Commissionerate, Siliguri, did not provide any FIR number even after prayer in writing. Actually all the concerned authority has been ignoring the issue.

16. That in this point it can say that police personnel of Bhaktinagar PS are intentionally avoiding the investigation, fail to provide FIR registration number, ignoring to arrest the unknown accused person, ignoring to recover the bike, unnecessary harassment to the complainant and due to their negligent the complainant has been facing financial loss and wasting his valuable time. There is a highly lack of prompt action from the part of the concerned police authority as a state agency to secure a property and lawful rights of a citizen of West Bengal.

17. That it is very unfortunate but truth that the Bhaktinagar Police Station has been doing ignorance to investigation the said matter and the authority fail to provide an FIR registration number on the basis of said written complainant. Being a layman the complainant has been facing unnecessary harassment due to above mentioned act of the concerned persons under Bhaktinagar Police Station.

18. That after waiting a reasonable time, no fruitful result has come till now from the said authority of Bhaktinagar Police Station, even after informing the said matter in details to the higher authority of the concerned police station just for a lawful relief on the basis of the said written complaint.

19. That the complainant has been trying to get appropriate relief from the date of the incident and belief upon the police system on occasion of various promise form the concerned police station for necessary legal steps in connection with the said complaint. After waiting reasonable period of time, no result come till today from the concerned authority.

20. Therefore your honor this Ld. Court is the ultimate resort of the said complainant who is just a lay man in this legal field.

**PRAYER**

Wherefore, it is prayed that YOUR HONOUR would be pleased to issue process against the unknown accused with a view to punish him for commission of the offense as per the provision of IPC including section 380.

AND  
Kindly give direction to the Bhaktinagar Police Station for <sup>registering complaint as FIR.</sup> ~~issuing FIR~~ in respect of the complaint.  
AND  
Other reasonable reliefs which are fit for the above said circumstance for the ~~interest~~ interest of the justice. *D.K.*

The complainant is duty bound, shall ever pray for this.

Amal Kr. Sarkar  
Jalpaiguri  
Sadar Division  
Regd. No. 73/2007  
Expiry on  
20/02/2027  
COURT OF WEST BENGAL

# AFFIDAVIT

I, Milan Kumar Das, son of Late Upendra Nath Das, aged about 48 years, by religion Hindu, by occupation - school teacher, presently living at Kabiguru Sarani, Rabindra Sarani PO, Siliguri Darjeeling, West Bengal State, Pin- 734006, do hereby solemnly affirm and say as follows:

- I. That I am the petitioner in the instant application. I am well acquainted with the facts and circumstances of the instant case. As such I am competent to affirm this affidavit.
- II. That the statements contained in paragraphs 1 to 14 are true to my knowledge and rest are my respectful submission before this Hon'ble Court.



The statements made above are true to the best of knowledge and belief and I sign this affidavit on this the 22 day of March, 2024.

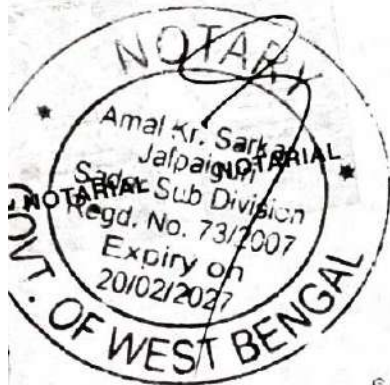
*Milan Kumar Das*

Signature of the Complainant / Dependent

Identity by me

Atindra Chowdhury  
Atindra Chowdhury  
Advocate, Jalpaiguri

F/724/2018



Solemnly affirmed before me  
on proper identification

*Amal K. Sarkar*  
Amal K. Sarkar, NOTARY  
Govt. of W.B., Jalpaiguri  
Road. 73107

22 MAR 2024

Received on 29/03/24 at 18:45 hrs  
vide GDE NO-1530 and started  
Bhaktinagar PS Case NO-273/24  
Dtd- 29/03/24 v/s 380 IPC and  
referred to Mr. Dipak Nath for  
for its investigation.

*[Signature]*  
29.3.24  
In-Charge  
Bhaktinagar Police Station  
Siliguri Police Commissionerate