

(Under Section 154 Cr. P.C.)

277

1. Dist. Darjeeling P.S. Siliguri Year 2023 FIR No. 825/23 Date 05.10.2023

2. i) Act X Sections X ii) Act X Sections 341/323/325/354A
iii) Act X Sections X iv) Others Acts & Sections 379/506/394 IPC

3. (a) Occurrence of offence : Day - Date From - Date To 21.09.2023
Time Period - Time From - Time To 19:00 hrs

(b) Information received at P.S. Date 05.10.2023 Time 00:15 hrs
(c) General Diary Reference : Entry No (s) 237 Time 00:15 hrs

4. Type of Information Written Written / Oral

5. Place of Occurrence : (a) Direction and Distance from P.S. 02 KM (approx) Beat No. -

(b) Address In front of "Babli Variety Store", C/O - Susya Das, 2 No, Jyoti Nagar Colony, Ward No. 4, P.S. - Siliguri, Dist. - Darjeeling.

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

6. Complainant / Informant : (a) Name Smt. Dulali Barman

(b) Father's / Husband's Name Sri Narayan Barman

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

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

(f) Occupation -

(g) Address C/O - Ratan Bhattacharya, R/O - 2 No. Jyotinagar Colony, ward no. 4, P.S. - Siliguri, Dist. - Darjeeling.

7. Details of known / suspected / unknown accused with full particulars (Attach separate sheet, if necessary) : Rajat Das,

So - late Kajol Das, resident of

2 No., Jyoti Nagar Colony, ward No. 4, near Copal Grill Shop,

P.S. - Siliguri, Dist. - Darjeeling.

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

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9. Particulars of properties stolen / involved (Attach separate sheet, if necessary) : Cash amounting of Rs, 5000/-

(Rupees five thousand) only.

10. Total value of properties stolen / involved Rs. 5000/- (five thousand) only.

11. Inquest Report / U.D. Case No. If any X

12. FIR Contents (Attach separate sheets, if required) : The original written complaint of the complainant which has been treated as FIR is enclosed here with.

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 Hazen Mahanta to take up investigation / refused investigation / transferred to P.S. - on point of jurisdiction. FIR read over to the Complaint / Informant, admitted to be correctly recorded and a copy given to the Complainant / informant free of cost.

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14. Signature / Thumb impression of the Complainant / Informant

On 06.10.2023 at 10:30 pm,

15. Date & Time of despatch to the court :

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Noted in original complaint.

Signature of the Officer-in-Charge, Police Station
Name : DEBABRATA SENGUPTA
Rank : No. SI OF POLICE
Siliguri Police Station
Siliguri Police Commissionerate

IN THE COURT OF THE ADDITIONAL CHIEF JUDICIAL MAGISTRATE

SILIGURI

Misc. Petition Case no. 65 of 2023

DULALI BARMAN

Versus

RAJAT DAS

Order dt. 26/09/2023

This is an application u/s. 156(3) Cr.P.C. filed this day by the petitioner duly supported by an affidavit through L.d. Advocate along with vokalatnama and photo copy of some documents against the OP for committing offence as stated in the said petition praying for direction upon the IC, Siliguri PS for registering this application as FIR and investigate into the matter.

Perused the said petition.

Heard the L.d. Advocate as well as complainant.

Register the same as Misc. Petition.

On perusal of the facts of the said application and perusal of the documents enclosed by the petitioner in support of his prayer it appears to this Court that information has been tendered to the Commissioner of Police, SPC, Siliguri. Also the petitioner has filed copies of the documents which shows injuries as suffered. It would appear that commission of cognizable offences has been spelt out by the petitioner. Hence, the allegations requires a complete and through investigation by the police. Hence, the prayer u/s 156 (3) of CrPC stands allowed. The IC, Siliguri PS is directed to register the petition as a FIR and to cause an investigation into the matter. A compliance report be sent to this Court on or within the next date fixed. The IC, Siliguri PS shall refrain from lodging a second FIR on the same allegations if already a FIR has been registered.

The original petition be sent to the IC, Siliguri PS along with the copy of this order after retaining a copy of such petition.

Fix 11.10.2023 for report of compliance.

D&C by me

Addl Chief Judicial Magistrate

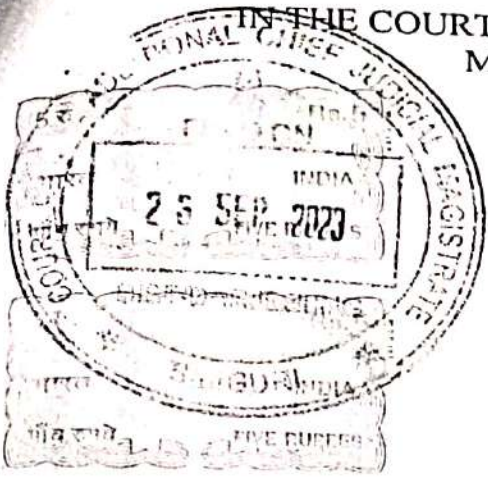
Addl. Chief Judicial Magistrate
Siliguri

Addl. Chief Judicial Magistrate
Siliguri

DR. NO. 4255 Dt. 04/10/23

INSPECTOR - Office
SLG. Court - SPC.

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IN THE COURT OF LD. ADDITIONAL CHIEF JUDICIAL MAGISTRATE AT SILIGURI

MISC. PETITION NO- 65 /2023

In The Matter Of :

An application u/s 156(3) of Cr.P.C.

And

In The Matter Of :

SMT. DULALI BARMAN,
W/o. Sri Narayan Barman,
C/o. Ratan Bhattacharya,
R/o. 2No, Jyoti Nagar Colony, Ward
No.4, P.S.Siliguri, Dist.Darjeeling.

.....Complainant

Vs.

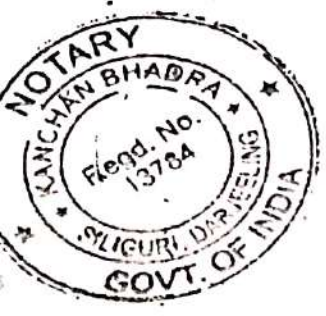
Rajat Das,
S/o. Late Kajol Das
Resident of:- 2No, Jyoti Nagar
Colony, Ward No.4, Near Gopal
Grill Shop, P.S. Siliguri, Dist.
Darjeeling.

.....Accused Persons

Offence Committed :- U/s. 324/341/325/354B/386/307/506/34 of I.P.C.

The Complainant above named begs to state as follows:-

- 1) That the complainant is a peace loving and law abiding citizen of India having permanent residential address as mentioned aforesaid and the Complainant above named and her husband namely, Sri Narayan Barman runs a business in the name of "Babai Variety Store" which deals in retail Lottery selling including a tea stall, located at C/o. Surya Das, 2No, Jyoti Nagar Colony, Ward No.4, P.S.Siliguri, Dist.Darjeeling.



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2) That the above named accused person always used to come to your complainant's shop and demanded money illegally and also threatened your complainant that if your complainant and her husband above named did not fulfill his demands then the above named accused person will damage/destroy their shop and several times out of the said fear without their consent the above named accused person took cash from their shop forcefully.

3) That it is also right place to mention here that the above named accused person not only doing the aforesaid activity with your complainant but the above named accused person also threatening the other shopkeepers and also collected ransomed amount from other shopkeepers on a weekly basis and in regarding to above noted activities of the above named accused person your complainant as well as other shopkeepers also held a several discussions but due to the above named person's connection with the upper level in the society we failed to manage the same.

3) That it is pertinent to mention here that on 21.09.2023, at about 7:00 pm when your complainant and her husband peacefully running their shop at that time the above named accused person came in front of your complainant's shop and demanded lottery when your complainant asked him to pay the lottery amount of Rs.2000/- (Rupees Two Thousand) only, at that time the above named accused person became ferocious and started to abused your complainant by using filthy languages in presence of other customers.

4) That it is pertinent to mention here that when your complainant tried to protested the same at that time the above named accused person started to assault your complainant by using bricks and the above named accused person also pressed your complainant's neck forcefully with a intention to kill your complainant, and for that reasons your complainant could not breathe properly, because of his assault your complainant sustained multiple injuries on her body.

5) That it is also right place to mention here that during that time the above named accused person also touched your complainant's private parts and also tear her nighty (which is lying in the possession of your complainant in as it is condition) as well as intentionally disrobe her in presence of customers and other shopkeepers, during that time after listening to your complainant's hue and cry, your complainant's husband tried to save her from the hands of the above named accused person, at that time the above named accused person also attacked upon your complainant's husband with the help of sharp cutting knife with the intention to kill your complainant's husband.

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SILIGURI



Legal
Ravindra
Advoc

6) That due to his assault with the sharp cutting knife the left hand of your complainant's husband got cut because of which your complainant's husband sustained injury and during that time your complainant and her husband became helpless and taking said advantage the above named accused person by putting your complainant and her husband in fear of death, extorted a sum of Rs.5000/- (Rupees Five Thousand) only, from their cash box forcefully and all the incidents happened in front of other shopkeepers but due to his fear nobody helped us.

7) That thereafter no other alternative way the above named complainant informed the matter verbally over telephone to the nearest police station i.e. the officer-in-charge of Khalpara T.O.P and after few hours of the aforesaid incidents patrolling Van also came on the spot but concerned police personnel/ police station did not take any actions against the above named accused person so, finally your complainant having no other alternative way she informed the above mention incident to the commissioner police, Siliguri Police Commissionerate on 22/09/2023 but commissioner police, Siliguri Police Commissionerate also did not take any action in respect his written complaint / F.I.R.

8) 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 I/C, Siliguri Police Station to treat this complaint as F.I.R and to start a specific case against the accused person 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.

VERIFICATION



SMT. DULALI BARMAN, W/o. Sri Narayan Barman, C/o. Ratan Bhattacharya, R/o. 2No, Jyoti Nagar Colony, Ward No.4, P.S. Siliguri, Dist. Darjeeling. the complainant above named do hereby verify that the above statements are true to the best of my knowledge and belief and the rest is my humble submission before this Ld. Court and I sign on this verification on this the 25th day of September, 2023 at Siliguri Court.



L.T.I of
Dulali Barman

Deponent



AFFIDAVIT

I, Smt. DULALI BARMAN, W/o. Sri Narayan Barman, aged 33 years, Hindu by religion, Businesswoman by occupation, C/o. Ratan Bhattacharya, R/o. 2No, Jyoti Nagar Colony, Ward No.4, P.S. Siliguri, Dist. Darjeeling, do hereby solemnly affirm and declare as follows :-

1. That I am the complainant in this case and as such well acquainted with the facts and circumstances of this case.
2. That the statements made above from paras 01 to 08 are true to the best of my knowledge and belief and the rest are my humble submission before this Ld. Court.
3. That I swear this affidavit for the purpose of affirming the contents of the above statements.

I sign on this affidavit on this the 25th day of September, 2023 at Siliguri Court.

Lt. I of Dulali Barman



Deponent Identified by me

Adv. Anil Nath

Advocate Siliguri
Ad 5709/2023uri

Enrollment No. F/1236/722/2020.



Solemnly Affirmed & Declared before me on Identification
Kanchan Bharja
Notary
Siliguri

AFFIDAVIT
Solemnly Affirmed before me
by Smt. Dulali Barman
of Siliguri
Identified by Adv. Anil Nath
This the 25th day of Sep. 2023

at 00:15 pm.

Received on 05.10.2023, vide Siliguri P.S. GDE No. 237, date - 05.10.2023 and started Siliguri P.S. case no. 825/23, date - 05.10.2023 u/s 341/323/325/354-B/379/506/384 IPC, S.I. Haren Mahanta has been endorsed for investigation.

K.K.
05.10.2023
Inspector-in-Charge
Siliguri Police Station
Siliguri Police Commissionerate