

5132

First Information of a cognizable crime reported under section 154 Cr. P.C. At P.S.

3. A) General Disposition
B) Occurrence
C) Information
D) No

- C) In case outside limit of this Police Station, then the name of P.S. _____ District _____

- c) Date / Year of Birth
- d) Nationality Indian
- e) Address Notundara B- Jalapara Ps+Dist. Alipinhars

- Details of Know / suspected / unknown / accused with full particulars (1) Sri Tapan Sen s/o - Lt. Kibab Mohan Sen of 113 Kibab Agri. (Attach separate sheets, if necessary) Lt. H. K. Kibab Mohan Sen of 113 Kibab Agri. Reasons for delay in reporting by the Complainant / informant (1) D.T.G. (2) Ananda Mohan Majr of 113 Kibab Agri. and others.

- Particulars of properties stolen / involved :- (Attach separate sheets, if required)
 Appx. 1-30 acres of (law) subaru at mouza - Notunpara,
 JL no - 48, Sag no - 346, Khata no - 1, Block - Alpundia, Dist - Alpundia.

- Total value of properties stolen / Involved
- Inquest report / U.D. Case No. If any
- FIR contents : (Attach separate sheets, required)
- Action taken : Since the above report reveals commission of offence(s) u/s *The original written*
complaint which is located as FIR is enclosed herewith

Registered the case and took up investigation / directed As per order of SP APD, Sindhargarh
Chaitanya SPID Alpana To take up the investigation / transferred
 to P.S. On point of Jurisdiction FIR read over to the Complainant / informant
 Admitted to be correctly recorded and copy given to the Complainant / informant free of cost.

Praseojit Kharia
Signature / Thumb Impression of
the Complainant / informant

Signature of the Officer-in-Charge, Police Station
Name Amrita Bhattacharya
Rank I/C Alipurdwar PS
Number, if any Inspector-In-Charge
Alipurdwar Police Station
Dist. Alipurdwar

Prasenjit Kheria
Village Natunpara
PO Jaldapara
District Alipurduar
Pin 730204
Date: 25.08.2022

To,
The Officer-in-Charge,
Alipurduar Police Station,
PO Alipurduar Court,
District-Alipurduar,
Pin 736122.

Sub Complaint under Section 3(1)(g)(h)(p)(q)(z) and 3(2)(v)(va) of the SCs and STs (POA) Act, 1989 and Rules/Notification/Guidelines framed thereunder against Sri Tapan Sen, son of Late Rebati Mohan Sen, being one of its directors of M/s. Rebati Agro Private Limited, having its office at 4, Jibananda Sarani, Rathkhola, PO Rabindra Sarani, PS. Siliguri, District Darjeeling, Pin-734 006, its other directors and Ananda Mandal, Tea Garden Manager for creating false and fabricated documents in order to grab and/or usurp "Patta Land" by misleading such poor and illiterate tribal people of Village-Natunpara, P.O. Jaldapara, District-Alipurduar, Pin- 736204 to make them execute illegal documents pertaining to Schedule Tribe land in gross violation of Section 14C of Chapter IIA of West Bengal Land Reforms Act, 1955 and instituting false cases and/or giving false information to the public authorities against poor tribal.

Ref All That the piece and parcel of land admeasuring more or less 1.30 acres, in the District of Alipurduar, Block-Alipurduar-I, Police Station Alipurduar, Mouza Natunpara, J.L. No.48, Dag No, 346, Khatian No. 1, belonging to the tribal pattadar Karma Kheria (hereinafter referred to as the said subject plot of land).

Sir,

This is to place on record that the father of the undersigned is the recorded pattadar of the subject plot of land and the same is accordingly mutated in the Land Revenue Records as being in the name of Karma Kheria, belongs to Scheduled Tribe, sub-caste "Kheria".

The accused abovenamed i.e. Sri Tapan Sen being one the of the directors of the above named company i.e. M/s. Rebati Agro Private Limited with ulterior motive to grab tribal land proceeded to manufacture and/or forged documents, inter alia purporting to create false title in his favour and/or in the favour of his company. After manufacturing such illegal documents the said accused person, proceeded to take illegal physical possession of the subject plot of land by giving an impression that he was trying to develop a Tea Garden in the subject plot of land alongwith some other contiguous plots which are also belonging and owned by fellow tribals Due to illiteracy and extreme poverty faced by my father alongwith other tribal brethrens could not understand the evil designs of the said Tapan Sen and were thus kept completely in the dark about the fate of their land and/or their livelihood while the said accused person, alongwith other directors of the accused company proceeded to grab tribal land behind the back of the father of the undersigned as well as the other tribal people, as aforesaid who failed victim in the hands of the accused

After execution of such illegal documents and after taking forceful physical possession of the subject land of my father as well as a few other poor and illiterate tribals, as aforesaid, the said accused persons proceeded to stage a drama by giving a false impression that they were trying to employ poor tribal people to help them gain better livelihood and/or wider employment. However, it soon dawned upon the poor tribal land owners, including my father that in the name of giving employment to poor tribals the said accused person(s) had actually and/or in reality usurped tribal land and were harbouring the ulterior motive of exploiting the same for personal gain through exploitation of tribal land as well as tribal labour. As such the accused persons have

inveigled poor tribal people to grab their land taking undue advantage of their illiteracy and backwardness.

Being poor and illiterate, my father alongwith a few other tribal people who were similarly placed and were equally exploited, were constrained to approach the said accused persons for restoration of their land and requested the said accused persons to return the subject land to my father and similarly to the respective plots of land to their respective tribal owners and to put an end to the above process of tribal exploitation. But all such polite and peaceful request for return of tribal land, back to the tribals, fell in deaf ears.

The accused persons, in order to achieve their oblique motives lodged a false complaint dated 07.01.2022 to the police authority accusing my father and me and other poor tribal land losers of physical hurt and attempt to murder of Sri Ananda Mandal, Tea Garden Manager, but truth is that nothing was happened on the day of peaceful agitation of the poor tribal/land losers and the said Ananda Mandal including the said Tapan Sen were out of station and/or not present in the spot of the said peaceful agitation. My father and I had also not participated in the said peaceful agitation. Thereafter, the local police of Sonarpur out Post arrested me and kept in police custody for 1(one) day and jail custody for 20 days. The said accused persons have also instituted a Suit in Alipurduar Court being Suit No. 163 of 2021.

Please note that the institution of false cases by giving false information to statutory authorities and/or registering false cases in courts of law against tribals are otherwise punishable under Section 3(1)(p) & (a) of the STs and SCs (POA) Act, 1989. Attention is further invited to the fact that usurping and/or denying a schedule tribe to enjoy his own land is otherwise impugnable under Section 3(1)(f) & (g) of the STs and SCs (POA) Act, 1989.

After taking such illegal possession the aforesaid accused persons have condemned the real owners, who are innocent and illiterate tribal forcing them to live in abject poverty and total deprivation from enjoying their own land and as a result of the above act of deceit and/or cheating, taking advantage of the illiterate and poor condition of such real tribal owners of the subject land.

The aforesaid transaction of illegal dealing of tribal land and taking of fraudulent and illegal possession thereof without complying with the mandatory provision of Section 14C of Chapter IIA of West Bengal Land Reforms Act, 1955 is completely non est in the eye of law and therefore void initio. Moreover, playing fraud upon innocent tribal in snatching their land and condemning them to lead their lives in total poverty and/or deprivation is tantamount to the commission of a social crime which is against the basic mandate of the Constitution of India. The aforesaid illegal acts on the part of the accused persons namely directors of the aforesaid company, being Tapan Sen and others being accused persons, is otherwise impugnable under the Section 3(1)(g)(h)(z) and 3(2)(v)(va) of the SCs and STs (POA) Act, 1989.

It has been consistently held by the Hon'ble Supreme Court of India in a catena of decisions that the taking of tribal land may have been done by way of transfer under the ordinary laws in various ways. The process and forms of law might have been followed. But the results are devastating. As a result of such unequal transactions, which were grossly unconscionable and unjust, many tribals have lost their land to non tribal and/or thus rendered landless. It is implicit in the nature of legislation that the law regards such transactions, as unconscionable and oppressive and directs restoration of the property to the tribal-transferor treating the transfer to be non-est (in the instant case there is no existence of any registered document but tribal land has been snatched through misrepresentation and guile). The Hon'ble Supreme Court has further held that in the case of such illegal transfers, it is axiomatic that such contracts are liable to be set-aside due to inequality of bargaining power, if someone without independent advise, enters into a contract on terms which are very unfair or transfers property for a consideration which is grossly inadequate when his bargaining power is graciously impaired by reasons of his own need or circumstances, or by his own ignorance or infirmity coupled with undue influences or pressures brought to bear, on him by or benefit of the other.

In the aforementioned facts and circumstances of the case, I most humbly request your good office to kindly register an FLR against the said Tapan Sen, Ananda Mandal and other directors of the aforesaid company under Section 3(1)(f)(g)(h)(p)(q)(z) & 3(2)(v)(va) of SCs and STs (POA) Act, 1989 as amended by the SCs and STs (POA) Act, 2015 and 2018 as per provision of Rule 5(1) of SCS & STS (POA) Rules, 1995 read with SCS & STS (POA) Amendment Rules, 2016, 154 Cr.PC & Para 10 of the Guidelines to the Police Officers Investigating cases under SCs & STs (POA) Act, 1989 issued by the Additional Director General of Police, CID, West Bengal as soon as possible and Investigating Officer not below the rank of Deputy Superintendent of Police may be appointed by the Superintendent of Police, Alipurduar who may file the Charge Sheet in the court of the Learned First Additional Sessions Judge, Jalpaiguri designated as Special Court under SCs/STs (POA) Act, 1989 vide Notification No. 284-JL dated 04.06.2012 by the Secretary, Judicial Department, Government of West Bengal within the stipulated period of time as indicated in the said Rules /Notification/Guidelines as soon as possible and oblige.

Yours faithfully.

Prasenjit Kheria
(Prasenjit Kheria)

9733100 809

Copy to:

1) The Secretary, Tribal Development Department, Government of West Bengal, Adivasi Bhawan, Premises No. 2221, Action Area- IIIA, Rajarhat-Newtown, Kolkata 700156.

2) The Deputy Inspector General of Police, CID, Bhabani Bhaban, P.O. Alipore, Kolkata-700027.

(Prasenjit Kheria)

Received on 25/08/22 at 15.25 by file
vide GDE NO. 1136 dt-25/08/22 and recorded
Alipurduar B case no 130/22 dt-25/08/22
u/s-3(1)(g)(h)(p)(q)(z) of SC and ST (POA) Act,
1989.


25/08/22
Inspector-In-Charge
Alipurduar Police Station
Dist. Alipurduar