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

2. II Act. S.C.A.S.
III Act.
3. A) General C
C) Occurrence
C) Information

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Sumit Kheria
Garganda Tea Garden,
PO-Ramjhora, District Alipurduar,
Pin-735228
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)(f)(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, P.O. Rabindra Sarani, P.S. Siliguri, District Darjeeling, Pin-734 006, its other directors and Ananda Mandal, Manager of the said Tea Garden for creating false and fabricated documents in order to grab and/or usurp "Tribal Land" in gross violation of Section 14C of Chapter IIA of West Bengal Land Reforms Act, 1955 and lodging false complaints against poor tribal.

Ref: All That the piece and parcel of land admeasuring more or less 2.01 acres, in the District of Alipurduar, Block Alipurduar-1, Police Station-Alipurduar, Mouza Natunpara, J.L. No.11, RS Dag No. 438,440,441,442,467,768,473, Deed No.2741, and land admeasuring more or less 1.00 acres, Dag No. 476/477, Khatian No. 0.1, J.L. No. 48 both registered in the name of my grandfather Late Mangra Kheria, since deceased (hereinafter referred to as the said subject plot of land)

Sir,

This is to place on record that the above mentioned land was recorded in my grandfather Late Mangra Kheria, since deceased as raiyat and pattadar respectively who was belonging to Scheduled Tribe, Now, my father Sri Robin Kheria is the legal heir of the aforesaid landed properties.

The accused abovenamed i.e. Sri Tapan Sen being one 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 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 tribal people, as aforesaid, who failed victim in the hands of the said accused persons.

After execution of such illegal documents and after taking forceful physical possession of our subject land as well as a few other 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 the 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.

The accused persons generate fear and to threaten my father as well as other tribal land owners who were equally victimized by the accused persons, the said accused persons have instituted a series of false criminal case to the local police authorities and civil proceeding in Alipurduar Court and/or cases against the tribal persons on 23.11.2021, 18.12.2021 and Suit No. 163 of 2021 who have become victim in the hands of the accused persons.

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 SCs and STS (POA) Act, 1989.

In the aforementioned facts and circumstances of the case, I most humbly request your good office to kindly register an F.I.R. against the said Tapan Sen, Ananda Mandal and other directors of the aforesaid company under Section 3(1)(f)(g)(h)(p) (q) & 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 Amendment Rules, 2016, Section 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, Kolkata 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 and oblige.

Yours faithfully,

Sumit Kharia

(Sumit Kharia)

Phone no 7319082155

Received on 25/08/22 at 15.05 hrs at B
vide GDE No. 1135 dt- 25/08/22 and recorded
Alipurduar B. case no- 429/88 dt- 25/08/22
w/s- 3 (1)(f)(g)(h)(p)(q)(x) of SC and ST (POA) Act, 1989

[Signature]
25/08/22

Inspector-In-Charge
Alipurduar Police Station
Dist. Alipurduar