

Cr. Appeal No.11 of 2025  
CNR WBHW01-00-0397-2025  
Present: Sonia Majumdar  
Sessions Judge, Howrah  
J.O. Code – WB01128

Order No.02 dated 04.02.2025.

Record is put up today on the basis of a put up petition filed by the appellants. Ld. Advocate for the State is present.

Ld. Advocate for the appellants has moved the application for stay of operation of the impugned order dated 20.12.2024, passed by the Ld. Judicial Magistrate, 3<sup>rd</sup> Court, Howrah, in connection with Misc. Case No.141 of 2024.

The stay application is taken up for hearing.

Heard the submission of the Ld. Advocate for the appellants and the State.

During hearing, Ld. Advocate for the appellants has submitted that the present appellants being the married sisters in law of the complainant, who are residing at their respective matrimonial house with their husbands are not in any way lived in the shared household and thus, have filed a petition in Misc. Case No.141 of 2024 in the court of Ld. Judicial Magistrate, 3<sup>rd</sup> Court, Howrah for expunging their names and also for releasing or discharging them from the said Misc. Case on the grounds of it's non maintainability and after hering both sides Ld. Court below was pleased to reject the said petition for non maintainability and has directed the present appellants to file their written objection and affidavit of assests and liabilities in the said Misc. Case. Therefore, he submits that for proper adjudication of the instant appeal, pending before the court of Ld. Judicial Magistrate, 3<sup>rd</sup> Court Howrah, is required to be stayed otherwise the appellants will suffer irreparable loss and injuries.

Ld. Advocate representing the State leaves the matter on the discretion of the court.

Perused the petition, certified copy of the order sheet of Misc. Case No.141 of 2024 and the documents as filed by the revisionist.

Considered. On consideration of the same I find that the Misc. Case No.141 of 2024 has been filed by the wife (respondent herein) under P.W.D.V. Act against husband and in laws, wherein the appellant No.1 and 2 are married sisters-in-law and the appellant No.3 is husband of appellant No.1. From the cause title of memo of appeal as well as from the photocopy of the application of the Misc. Case it appears that the address of these three appellants are different from that of the husband.

Considering the entire facts and circumstances of the case, materials on record, submissions of Ld. Advocate for the appellants, Ld. P.P. in charge and the order under appeal, I am inclined to allow the prayer for stay of operation of the impugned order for a limited period.

Accordingly, it is,

O r d e r e d

That the application dated 27.01.2025 filed by the appellants praying for stay of operation of the impugned order dated 20.12.2024 passed by the Ld. Judicial Magistrate, 3<sup>rd</sup> Court, Howrah, in connection with Misc. Case No.141 of 2024 is allowed on contest.

Let the impugned order dated 20.12.2024 passed by the Ld. Judicial Magistrate, 3<sup>rd</sup> Court, Howrah, in connection with Misc. Case No.141 of 2024 be stayed till 25.03.2025.

Stay petition is thus disposed of.

Let a copy of this order be sent to the Ld. Court below for information and taking necessary action.

To date.

Dictated & corrected by me

S. J.

Sessions Judge, Howrah.