

Misc Case 527 of 2023

Order dated 11.08.2023

Record is put up today by filing a put up petition.

Put up is allowed.

Now the record is taken up for passing of necessary order regarding the petition dated 11.08.2023.

The fact of the case of the aggrieved person/petitioner in brief is that the aggrieved person got married to the opposite party in the year 2008. After marriage the petitioner went to her matrimonial home and started her conjugal life with the op/husband. After few days of marriage the OP/husband, her father-in-law and her mother-in-law started physical and mental torture upon the petitioner on demand of further dowry, though as per their demand the petitioner's parents gave coats and beddings, three bhoories of gold ornaments, Rs. 30,000/- in cash and other utensils at the time of marriage.

Heard the Ld. Advocate for the petitioner.

On perusal it appears that the report from the protection officer is yet to be submitted and no further document has been submitted by the petitioner to prove any prima-facie case of physical abuse, sexual abuse, verbal and emotional abuse and economic abuse upon the petitioner by the OP.

Moreover, on the basis of mere averments in the petition no order should be passed specially which would be prejudicial for the adversary. Under such circumstances without any documentary proof it seems to be impossible for this court to return a specific finding that the petitioner is being subjected to physical abuse, sexual abuse, verbal and emotional abuse and economic abuse. The OP also must get an equal opportunity to represent himself.

Considering the facts and circumstances of this case, this court is not inclined to allow such petition filed by the petitioner. The petition dated 11.08.2023 is hereby refused at this stage. The petitioner is at liberty to same in case of any change of circumstances.

To date **(09.11.2023)** for SR and appearance and report from the Protection Officer.

Dictated and correct by me
Sd/-
Judicial Magistrate,
1st Court, Howrah

Sd/-
Disha Barai
(JO Code WB01420)
Judicial Magistrate,
1st Court, Howrah