

22.09.15

Today is fixed for order.

Both sides filed respective haziras.

Hd. Both sides on 11.08.15 on petition dated 06.08.14 filed on behalf of the petitioner and the W/O dated 11.08.15 filed on behalf of the o.p.

Perused the petition dated 06.08.14 filed on behalf of the petitioner and the W/O dated 11.08.15 filed on behalf of the o.p.

The petitioner by the petition dated 06.08.14 has submitted that the schedule mentioned in the petition is required to be incorporated for proper adjudication of accused. That for such incorporation the o.p. will not prejudice. The schedule mentioned in the petition is

'1) That after the time of marriage as per demand of the o.p. the petitioner gave a cheque of Rs.50000/- for dowry and the said cheque no is 34667 dated 06.10.2003, Allahabad Bank Thanamakua Branch and the said cheque had been encashed from the petitioner's account vide savings account no. 7187,

2) that the o.p. is a teacher and he was cleverly used the petitioner's house rent allowance for getting tax benefit,

3) that due to serious torture upon the petitioner the petitioner lodged diary before Sankrail P.S. Vide G.D.E. no. 892 dated 14.01.10,

4) that thereafter the o.p. had not restrained his degree of torture has to be increased in day by day and for that the petitioner lodged complain before Women Commission on 23.10.10,

5) that the o.p. endorsed his signature at his son's progress report and

6) that the o.p. is neglecting for obtaining son's schedule case certificate from the competent authority ' .

The o.p. by his written objection dated 11.08.15 has submitted that the instant petition is filed only to harass him. That through this amendment the petitioner intend to incorporate new

cause of action affecting the rights of the o.p. That in another case being 335/11 under P.W.D.V Act between the same parties there is no whisper about the proposed amendment. That the petitioner is willing to fill up her lacunas in this case. So, he prayed for rejection of the instant amendment prayer of the petitioner.

Perused the record.

It appears that after closure the evidence of P.W.s, the evidence of O.P.W.1 was started and he was part examined by the petitioner on 06.02.14. Thereafter the instant petition filed on behalf of the complainant. The case is pending since the year 2011.

Considering the above discussions and submissions of both sides it appears that for proper adjudication of the case the instant petition may be allowed.

Hence the instant petition dated 06.08.14 filed on behalf of the petitioner is allowed with cost of Rs.500/- to be paid to the o.p. The o.p. is at liberty to file the written objection only in respect of the amended portion of the application to the case. Accordingly the instant petition dated 06.08.14 filed on behalf of the petitioner is hereby considered as a part of main application to the case.

Fix 16.12.15 for further chief of O.P.W.1 and cost.

Judicial Magistrate,
4th Court, Howrah