

IN THE COURT OF THE JUDICIAL MAGISTRATE 3rd COURT,
BARRACKPORE, 24 PGS

PRESENT- SMT. PRATIGYA PRADHAN (WB01453)
J.M. 3rd Court, Barrackpore

MISC. CASE NO- 101/25
New No.181/25
TRIAL NO-618/26
WBNP150012922025

Smt. Sunayna Kumari Shaw

----- aggrieved person

VS.

Sri Bablu Kumar Shaw and 8 Others.

----- respondents

APPLICATION UNDER SECTION- 12 OF P.W.D.V. ACT

DATE OF FINAL ORDER-09.07.2026

Today is fixed for ex-parte order.

Aggrieved person files hazira and represented through her Ld. appointed advocate.

Now the record is taken up for passing order.

The aggrieved person's case in brief is that the marriage of the aggrieved person was solemnized with the respondent no.1 Bablu Kumar Shaw on 27.02.2023 as per Hindu rites and rituals. At the time of marriage, several articles including cash of Rs.2,50,000/- was given to the respondents as per their demand. After marriage, the aggrieved party went to her matrimonial home with all her stridhan articles. The marriage between the parties was duly consummated but out of the said wedlock no issue was born as the respondent no.1 did not want any child. On the day of reception the respondents assaulted the aggrieved party and the respondent no.1 wiped the vermilion from the forehead of the aggrieved party and made a call to their parents. The father, brother and the uncle of the aggrieved party came to her matrimonial home but they were insulted with filthy languages regarding the stridhan articles and demanded more dowry. When they expressed their inability to fulfill the same the respondents threatened them. Since the next day the respondents then started to inflict mental and physical torture upon the aggrieved party. After knowing the same uncle of the aggrieved party on 03.03.2023 purchased gold ornaments and gave the same to the respondent no.1 and his brother. Thereafter the aggrieved party stayed peacefully for some days but the respondents again started to inflict torture upon the aggrieved party for the demand of dowry. The aggrieved party was not give proper food at her matrimonial home and she was treated as maid servant. On 18.08.2023 the respondents tried to kill the petitioner with the cooking gas but somehow the petitioner saved herself with the help of her brother. The aggrieved party came to know about the illicit relationship between the respondent no.1 and respondent no.5 and when she raised objection the respondent no.1 threatened her. The respondent no.1 also forcefully took the Debit Card of the aggrieved party and withdrew money from the said account. The demand of the respondents increased day by day and the mental and physical torture also did not stop. In the month of July 2024 the aggrieved party was pregnant but the respondent no.1 forced her to tell her father to purchase a 2BHK flat and threatened her. The respondent no.1 in conspiracy with the other respondents took the aggrieved party to an unknown place at Naihati and forcefully took her signatures and killed her child in her womb without her consent. The respondent no.1 also threatened her of dire consequences if the aggrieved party told about the same to anyone. During her stay at her matrimonial home the aggrieved party was also forced to sign on papers and later she came to know that the respondent no.1 had took the loan in the name of the aggrieved party. The respondent no.1 also took Rs.30,000/- from the brother of the aggrieved party via Phone Pay on 30.07.2024 and 02.08.2024 by threatening to inflict torture upon the aggrieved party. The aggrieved party was then compelled to leave her matrimonial home and go to her parental home. On 22.09.2024 the respondent no.1 came

to her parental house and asked her to return back to her matrimonial home and he also made an agreement ensuring the aggrieved party of her safety and security. On 17.10.2024 the respondents again subjected her to mental and physical torture for the demand of dowry. The brother in laws of the aggrieved party namely Pradip Shaw and Kartick Shaw tore the wearing apparels of the aggrieved party and tried to rape her in front of her husband. The respondent no.1 then abused her in filthy languages. On 17.10.2024 in between 9.00 am to 9.30 am the aggrieved party was driven out of her matrimonial home in a single apparel and she was also threatened of dire consequences if she returned to her matrimonial home. The aggrieved party then lodged one GDE being no.892/2024 dated 17.10.2024 before Jagaddal PS. She was also treated at B.S.G Hospital. The aggrieved party then took shelter at her parental house and since then she has been residing at her parental house. On 29.12.2024 at about 8.00 pm the respondent no.1 threatened the aggrieved party for divorce. The aggrieved party then lodged one Jagaddal PS Case No.15/2025 dated 19.01.2025 u/s 85/351(2)/109(2)/74/76/89/316(2)/79 BNS and Section 3/ 4 of D.P.Act. It is submitted that the respondent no.1 has refused and neglected to maintain the aggrieved party despite of having sufficient income. The respondent no.1 runs a business in the name and style Big Supplier and Dealership of Plywood at Raghunathpur, North 24 Parganas and 8-10 laborers work under him wherefrom the respondent no.1 earns Rs.20,00,00/- per month. The aggrieved party has prayed for Rs.40,000/- per month as monetary relief u/s 20 of the Act. The aggrieved party has also prayed for appropriate reliefs u/s 17/18/19/20/22 of the PWDV Act.

It appears from the record that the summons was sent to the respondents but they did not appear before the court on receiving the same as such the case was fixed for ex parte hearing.

To prove the case of the aggrieved person, she herself has deposed as P.W.1 and she file the following documents which have been marked as exhibits.

Exhibit-1: Original Agreement dated 22.09.2024 between the aggrieved party and the respondent no.1.

Exhibit-2(collectively): Original Invoices of the jewelries.

Exhibit-3: Original Loan Card.

Exhibit-4(collectively): Bank statement of the brother of the aggrieved party and online payment receipts.

Exhibit-5: Pregnancy report.

Exhibit-6: Passbook of the savings account of the aggrieved party.

Exhibit-7: Diary of the respondent no.1 regarding his book of accounts.

Perused the application, evidence of the aggrieved person, the documents and affidavit of assets and liabilities. Considered.

Considering the unchallenged testimony of the aggrieved person, I do not have any reason to disbelief the aggrieved person's case.

Thus on the evidence on record and considering the DIR it can be deduced that the aggrieved person was subjected to physical and mental violence, by the respondents and the court does not find any ground to disbelieve the unchallenged testimony of the Petitioner/aggrieved person.

Hence it is

ORDERED

that the prayer made by the aggrieved person is hereby allowed ex-parte.

Prayer u/s.18 is allowed.

The **respondents are** hereby restrained from committing any act of domestic violence upon the **aggrieved person** in any manner whatsoever hence forth.

Let a copy of this order be communicated to **IC, Jagaddal PS** with a direction to assist the aggrieved party aforementioned in the course of implementation of this order.

Prayer u/s.19 is allowed.

Respondent no.1 is further directed to pay Rs. 3000/- per month to the aggrieved person as rent as it appears that the aggrieved party is residing separately since 17.10.2024. Accordingly, the prayed under Section 17 PWDV Act is not considered.

Prayer u/s.20 is allowed.

The aggrieved person is residing separately at her parental home and the respondent no.1 has failed to provide any kind of maintenance to her. The respondent no.1 is directed to pay Rs.5000/- per month to the aggrieved party as interim maintenance allowance from the date of filing of this case and which shall be paid to the aggrieved party within the 15th day of each succeeding month.

Prayer u/s.22 is allowed.

The respondents are directed to pay **Rs.5000/-** to the **aggrieved person** as compensation within six months from the date of this order.

Thus the matter is disposed off. Note in Registrar.

Let a copy of the order be given to the petitioner free of cost.

Typed & Printed by me,

(Pratigya Pradhan)
J.M, 3rd Court, Barrackpore

(Pratigya Pradhan)
J.M, 3rd Court, Barrackpore.