

**Misc Case 19 of 2024 (CIS Regd. No. 20 of 2024)**

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**CIS Regd. No. 20 of 2024**

**CNR-WBPU060002672024**

**Present : Smt. Sanjukta Bhattacharya**

**Judicial Magistrate 2<sup>nd</sup> Court**

**Raghunathpur, Purulia**

**JO Code : (WB01346)**

**Order Dated 05-02-2025**

1. Today is fixed for passing interim order in respect of interim petition u/s 23(1) PWDV Act.

2. Both parties file haziras.

3. Till date no DIR been recieved and at this stage , considering the urgency of matter , the passing of interim relief order cannot be kept in abeyance for want of report .As such, the record is now taken up for passing order in respect of the petition filed by the petitioner under section-23(1) of the PWDV Act seeking interim relief(s) against the respondent under PWDV Act dated 04-09-2024, pending disposal of the parent application u/s-12 of the P.W.D.V. Act.

4. The case of the aggrieved person / Gulshan Bano is that, she is the legally married wife of the respondent No.1 Mahtab Alam and their Nikah marriage was solemnized as on 27-10-2018 as per Muslim rites and customs, which was an outcome of negotiations. It is the further case of the aggrieved person that, her father at the time of marriage, gifted Rs 95,000/-(Rupees ninety-five thousand only) cash along with other valuable articles including one motor cycle. That after marriage, the aggrieved person went on to reside at her shared household address situated at Palaskola , Adra , Adra PS , District-Purulia and started to lead conjugal life with the respondents, and subsequently , due to wedlock , gave birth to one female child on 27-12-2019 namely one Alina Firdoush .

5. It is particularly alleged after the birth of the female child, the behaviour of respondent No.1 started to change and she was subjected to emotional as well as physical violence for bring further dowry from her paternal house ,which as per the version of the aggrieved person , her father fulfilled the monetary demand time to time and even recharged her mobile phone. It is furthermore case of the aggrieved person that, her in laws openly declared that, her husband would marry for second time and forced her to leave the shared household.It is particularly alleged that, the aggrieved person was subjected to continuous domestic violence for further dowry and the matter only aggravated day by day and the aggrieved person became ill. Lastly on 01-03-2024 , the aggrieved person having no other alternative , had to take shelter at her paternal house situated at Churimolla, Adra. It is also the case of the aggrieved person , despite repeated requests , the respondents didnt take her back to her shared household nor respondent No.1 send any single furthering towards the daily expenses of the aggrieved person.

6. It is contended by the aggrieved person , that she has no independent source of income

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and she is totally dependent on her father . On the other hand , the respondent No. 1 engaged as a computer designer where from , he earns Rs 60,000/-(Rupees sixty thousand only) and has cultivable lands and thus she has been constrained to approach this Court, seeking various reliefs inter alia interim maintenance of 15,000/- p.m (Rupees fifteen thousand only) for herself , pending disposal of the parent application.

7. That, respondent No.1 had file one separate written objection as against the application under section 23(1) PWDV Act admitting the factum of marriage and birth of the female child , who is presently in his custody , but denied specifically the instances of any violence upon the aggrieved person.
8. It is the specific case of respondent husband that , he always used to well treat the aggrieved person and even willing to take back his wife back to their matrimonial abode. It is even asserted that, it was the respondent husband controverted the income figure as well the occupation as raised by the rival side. Respondent No.1 particularly contended that, he is a daily labour earning Rs 6,000/-(Rupees six thousand only) per month and with that income , he is already bearing the expenses of minor child. As such , thereby praying for refusal of grant of any interim relief , at this stage, under PWDV Act.
9. Perused the materials available on record. It appears although no Domestic Incident Report filed by the Protection Officer, Purlia is lying with the record.
10. On consideration of the factual matrix of this case, admittedly, the aggrieved person and the respondent No 1 as well as the other respondents are related to each other through a domestic relationship as family members;, as defined **u/s 2(f) of P.W.D.V . Act, 2005**. The allegations levelled by the petitioner which can be gathered upon the perusal of the Domestic Incident Report, seems to prima facie attract the nature of abuse defined under **Section 3 of the P.W.D.V . Act, 2005** .
11. At this juncture, the Court is prima facie convinced to draw the inference the aggrieved lady being subjected to domestic violence can be invoked against the respondents.
12. From perusal of the instant application , it appears that the aggrieved lady had mainly pressed for monetary relief , inter alia other relief, under Section 20 of PWDV Act against only her husband, and the wake of same, there certainly arises the need for protection of the claimant's rights otherwise she would suffer irreparable loss and injury.
13. The aggrieved lady did not file any document showing the present income of her husband to determine prima facie the earnings of respondent No 1, but in this score the reliance can be only placed upon the Affidavit of Assets and Liabilities furnished by both sides. Respondent No. 1 was unable to furnish prima facie documents to show that he is earning Rs 6,000/-(Rupees six thousand only) per month ; on the other Ld Advocate for the aggrieved person has brought to kind attention of the Court regarding the suppression of data in the Affidavit of Assets and Liabilities furnished by respondent No.1 and instead filed by way of firstly, photocopy of PAN Card of the concerned respondent.
14. Now , prima facie nothing is forthcoming in the record that, the respondent No.1 used to transmit money through account to show that he bore this wife's expenses as well ,

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subsequent to filing of this case. Simultaneously, from the averments of the instant application ,it prima facie discloses the allegations of physical, sexual, emotional, and economic violence inflicted upon the aggrieved person by respondents.

15. Thus, this Court deems it just, fit and proper , at this juncture to direct the respondents from committing any act of domestic violence upon the petitioner/aggrieved person as laid down in Section 18(a) and (f) of the PWDV Act in any means whatsoever ,until further orders.
16. At this interim stage , prima facie I donot find any urgency to provide the relief for alternative residential order but an immediate measure of interim maintainnace relief to be awarded in favour of the aggrieved person , is awarded .
17. Keping in view the present economic condition and the present market price of commodities to be incurred for bare existence and dignity, to direct the Respondent No.1 to pay a sum of **Rs. 6,000/- (Rupees Six Thousand only )** for herself as interim maintenance per month until the final order.
18. The respondent No.1 is hereby directed to make the payment in favour of the petitioner/aggrieved person within the(10<sup>th</sup> ) Tenth day of each succeeding English Calendar month till disposal of this case. In case of infraction of this order, the petitioner is at liberty to proceed against the concerned respondent through the process of court.

That the amount of monetary relief shall be adjustable to any other maintenance payable to the aggrieved party by the respondent No.1. in any other maintainnace proceeding, if any.

Let this order be communicated to the Inspector-In-Charge of the **Adra P.S** , ,with a direction to assist the aggrieved person aforementioned in course of implementation of this order.

Let a copy of this order be supplied to the parties free of cost as per section 24 of the Protection of Woman from Domestic Violence Act 2005 and the same be forwarded to the I/C, concerned P.S. and the concerned Protection Officer, Purlia for necessary action.

Call for DIR in mean time from Protection Officer, Purulia.

BC-II to do needful.

Fix **17-03-2025** for Evidence, DIR.

**Dictated and corrected by me**

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**Sd/-**

**Sd/-**

**Judicial Magistrate**

**Judicial Magistrate**

**2<sup>nd</sup> Court, Raghunathpur, Purulia.**

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