

GAHC010228172024



undefined

THE GAUHATI HIGH COURT
(HIGH COURT OF ASSAM, NAGALAND, MIZORAM AND ARUNACHAL PRADESH)

Case No. : Crl.Rev.P./430/2024

MARSUMA BEGUM
D/O PASNUR ALI, W/O ABDUL REKIB CHOUDHURY, R/O VILL- MAROI, P.S.-
KAMALPUR, DIST- KAMRUP, ASSAM

VERSUS

ABDUL REKIB CHOUDHURY AND 6 ORS
S/O SAHNUR ALI, R/O VILL- BARUAJANI, P.S.-KAMALPUR, DIST-KAMRUP
(ASSAM)

2:SAHNUR ALI
S/O BHOKHAN ALI
R/O VILL- BARUAJANI
P.S.-KAMALPUR
DIST-KAMRUP (ASSAM)

3:AJUFA BIBI
W/O SAHNUR ALI
R/O VILL- BARUAJANI
P.S.-KAMALPUR
DIST-KAMRUP (ASSAM)

4:SAHIDUL ALI
S/O SAHNUR ALI
R/O VILL- BARUAJANI
P.S.-KAMALPUR
DIST-KAMRUP (ASSAM)

5:AJIZUR RAHMAN
S/O SAHNUR ALI
R/O VILL- BARUAJANI
P.S.-KAMALPUR

DIST-KAMRUP (ASSAM)

6:SEHNAZ BEGUM
W/O SAHIDUL ALI
R/O VILL- BARUAJANI
P.S.-KAMALPUR
DIST-KAMRUP (ASSAM)

7:THE STATE OF ASSAM
REPRESENTED BY THE PUBLIC PROSECUTOR
ASSA

Advocate for the Petitioner : MR G R A MOTTAQUEE,

Advocate for the Respondent : PP, ASSAM, MR D BARMAN (R-1 TO 6)

BEFORE
HONOURABLE MRS. JUSTICE SHAMIMA JAHAN

ORDER

Date : 02.02.2026

- 1.** Heard Mr. G.R.A Mottaquee, learned counsel for the petitioner. Also heard Mr. D Baruah, learned counsel appearing for respondent No. 1-6 and Mr. K Baishya, learned A.P.P for the State of Assam.
- 2.** Mr. G.R.A Mottaquee, learned counsel for the petitioner prays for some time to place decisions on Section 19(f) of the Protection of Women from Domestic Violence Act, 2005. It is seen that under Section 19(f) of the said Act, the respondent can secure same level of alternate accommodation to the aggrieved person as enjoyed by her in the shared household or to pay rent for the same if the circumstances so require.
- 3.** In the instant case, it is seen that the Ld. Sessions Court, after finding that it will not be possible for the aggrieved party to stay in the shared household of the respondent, have ordered that the aggrieved party may

be given a separate accommodation having a similar level of standard maintained by her in her shared household.

4. This is an exceptional circumstance that is decided by the Ld. Sessions Court. However, Mr. G.R.A Mottaquee, learned counsel for the petitioner, pressing on the definition of Section 2(s) of the D.V Act, has stated that the aggrieved party should be allowed to stay in her shared household that is the place where she lived at any point of time with the respondent/her husband.

5. As such, he required some time to go through Section 19(f) of the Protection of Women from Domestic Violence Act, 2005, which is an exceptional provision under the law.

6. Prayer is allowed.

7. List the matter on **12.02.2026**.

JUDGE

Comparing Assistant