

**IN THE COURT OF JUDICIAL MAGISTRATE 1st CLASS,
DIBRUGARH, ASSAM**

Present: Deepsikha Das, LL.M. AJS

CASE NO. 45/2016

Under section 12 Protection of women from Domestic
Violence Act, 2005

Smti Jyotshna Dutta.....Applicant

Versus

1. Sri Dhruba Kumar Dutta
2. Sri Bhishan Dutta
3. Sri Dandi Kumar Dutta

.....Respondents

Appearance:

1. Mr. Subrata Sharma, learned Counsel for the petitioner
2. Mr. Gokul Pareek, Learned Counsel for the respondents

Evidence recorded on: 5/6/2017, 8/8/2017, 8/1/2018,
6/3/2018, 10/7/2018, 13/8/2018,
12/3/2019, 29/4/2019, 25/6/2019,
29/7/2019, 21/10/2019.

Arguments heard on: 9/12/2021

Judgment delivered on: 30/12/2021.

FINAL ORDER

1. The petitioner, *Jyotshna Dutta*, has filed this petition under section 12 of the Protection of Women from Domestic Violence Act, 2005 (hereinafter referred to as the PWDV Act), against her husband, *Sri Dhruba Kumar Dutta*, her brothers in law namely *Sri Bhishan Dutta* and *Sri Dandi Kumar Dutta*, seeking relief under section 18, 19, 20 and 22 of the PWDV Act.

Brief fact of Petitioner's case-

1. The petitioner, *Jyotshna Dutta*, is a resident of Bairagimath, Kacharigaon, District: Dibrugarh, Assam. The opposite party no1 is the employee of Singlijan Tea Estate, PO Ghoramora, PS Lahoal, Dibrugarh. Petitioner is the legally married wife of the respondent. On 9/3/1994, their marriage took place. After the marriage respondent 1 took the aggrieved person to his parental house situated at Rahmoria, Goalchuk Gaon to lead a conjugal life. In the said house petitioner stayed with her father-in-law, mother-in-law, brother-in-laws (respondent no. 2 and 3).

It is stated that since after marriage, the respondent no1 has been torturing the aggrieved person at the instigation of the respondent no. 2 and 3 both mentally and physically in very silly matters and on objection, respondent no 1 beated the aggrieved person.

At the time of the marriage the respondent no 1 was an employee of Thanai Tea Estate, Rahmaria. After ten months of marriage respondent no. 1 took the petitioner to his garden quarter situated at Thanai Tea Estate. Out of the marriage two children were begotten namely Niraj Dutta (DOB 24/8/1996) and Abhishek Dutta (DOB 14/1/2003).

After the birth of the first child the aggrieved person came to know that the respondent no. 1 was a characterless person having illicit relationship with other female persons. When the aggrieved person informed about this to her in-laws, they did not pay any heed. Instead of taking any action, respondent no. 2 and 3 supported the respondent no. 1.

During the stay in Thanai Tea Estate, respondent no. 1 used to confine the aggrieved person in his room. He also did not allow her to go to her parents' house. respondent no. 1 did not allow the aggrieved person to meet her neighbours and often insulted her and her family members as beggars.

In the year 2003, respondent no. 1 purchased a plot of land measuring 0B-1K-8½ Ls. Covered by Dag no 616 of PP No 264 at Boiragimath, Dibrugarh. There he constructed an assam type house and shifted to his residence situated at Boiragimath alongwith his wife and

two children. Since then the aggrieved person has been staying in this house.

In the year 2006, the management of the Thanai Tea Estate suspended and terminated the respondent no1 from job for which respondent no. 1 filed a case against the management of Thanai Tea Estate and respondent no1 informed the aggrieved person that the said case has been disposed of in his favour in the meantime and that he will rejoin the job and will be entitled to a huge amount of arrear of salary.

After losing job, respondent no. 1 left the quarter of Thanai Tea Estate and joined a job in Doomdooma Duamara Tea Estate. During this time respondent no1 stayed in the quarter of Dumduma Tea Estate and aggrieved person stayed in the house at Boiragimath with her two children. Respondent no1 left and joined job many tea estates and lastly he joined Singlijan Tea Estate in a good post.

Since 2005, Respondent no. 1 never took the aggrieved person to his place of posting in spite of her requests. During this period the respondent no. 1 visited the shared house from the tea garden quarter sometime weekly, sometime fortnightly and sometime monthly.

During this period aggrieved person came to know that the respondent no. 1 has been maintaining extra marital affair with many women and he took those women

to the garden quarter.

On 5/4/2011, when respondent no. 1 came to the shared household at Boiragimath, the aggrieved person raised voice for maintaining extra marital affair with other women thereby neglecting the love and affection of his wife, respondent no. 1 beated the aggrieved person with plastic chair and injured her for which she took treatment in the Aditya Hospital, Dibrugarh. The expense of treatment was borne by the brother of the aggrieved person. Respondent no. 1 left for his garden job. The aggrieved person informed it to her brother-in-laws but they did not show any interest.

In spite of all the inhumane activities, the aggrieved person did not inform the police with a hope that one day the respondent no. 1 would repent on his illegal activities and she will get true love and affection from his husband.

On 3/1/2013, at about 6 pm, when the respondent no. 1 came to the shared household from tea garden, she told her husband not to maintain any extra marital affair with other women, he beated the aggrieved person in presence of her brother. After this incidence, the aggrieved person informed the police of Dibrugarh Police Station and police called the respondent no1. Respondent no1 begged apology from the aggrieved person and assured before her family members that he would not

cause any torture in future and aggrieved person also agreed to live with her husband considering the future of the children.

In the year 2014, at first the respondent no. 1 came to the shared housefold at Boiragimath on all Sundays and whenever he came he not only assaulted the aggrieved person but also his minor son Master Abhishek Dutta without his fault.

On 10/11/2014, at about 8 pm, respondent no. 1 in a very silly household matter ran after the aggrieved person with a dao to kill her. However, the aggrieved person somehow managed to save herself and informed the police. Again police called respondent no. 1, he apologized and aggrieved person agreed.

Since 2016, the respondent no. 1 has also been reluctant to provide food, clothes and medicine etc to the aggrieved person. She passed her days in financial hardship and brought up her sons with the financial help from her brother.

Since September, 2016, respondent no. 1 stopped coming to his residence at Boiragimath to meet his wife and children. Even respondent no. 1 failed to pay medical expenses of their minor son who is a patient of epilepsy.

On 25/9/2016, the minor son of the aggrieved person was suffering from serious illness and urgent

medical treatment was required to save his life and as such, the aggrieved person called the respondent no. 1 to come to his residence for treatment of his son. Thereafter, the respondent no. 1 came to his residence and when the aggrieved person requested him to take the minor son to the doctor for treatment, then the respondent no. 1 told that "if the said son die due to illness, throw him out of the house." And then he again returned to Singlijan Tea Estate. The aggrieved person called her brother and took her son to hospital and provided treatment.

On 15/10/2016, respondent no. 1 came to the house and started torturing the aggrieved person and told the aggrieved person to leave the house bag and baggage with the children and on objection, respondent no. 1 beated her. He also threatened her to sell the house.

That the aggrieved person has been staying in the shared household with her children for a long time and she has no other place for her accommodation except the shared household. She does not have any independent source of income and she has been passing days with great financial hardship.

With these pleadings the petitioner filed the petition under section 12 of the Protection Women from Domestic Violence Act, 2005, before the Learned Chief Judicial Magistrate, Dibrugarh. Aggrieved person party prayed for the following relief/s:

- i) Protection order u/s 18 of the DV Act.
- ii) Residence order u/s 19 of DV Act.
- iii) Monthly maintenance to the tune of Rs. 15,000/- (Rupees Fifteen Thousand only) for her and Rs. 5000/- (Rupees Five Thousand only) for her minor son from the respondent no. 1, u/s 20 of the DV Act.
- iv) Compensation order u/s 22 of the DV Act of Rs. 5,00,000/- (Rupees Five Lakh only) from the respondents for mental agony caused to her.
- v) Other relief/s.

THE VERSION OF THE OPPOSITE PARTIES:

2. After receiving notice, respondents have appeared in this case and submitted a joint written statement (in short WS) controverting all the allegations leveled against them by the aggrieved person party in her application. The marriage between the aggrieved person and the respondent no1 and the birth of the two children is admitted. Respondents denied of torturing the aggrieved person physically or mentally. In fact, after the marriage, the respondent no1 found the aggrieved person as very cruel, clever, aggressive and greedy lady and hostile towards the respondent.

It is alleged that the aggrieved person

maintained extra marital affairs with unknown person in his absence. On being objected by the respondent no. 1, the aggrieved person threatened that she has every right to maintain any short of relationship with anyone she likes. And in this process the aggrieved person has not maintained any relationship with the respondent no. 1.

Under such prevailing situations, the aggrieved person did not allow the respondent no. 1, to enter his own house and on being protested, the aggrieved person assaulted him badly by any hard substance she finds. In several times, the aggrieved person party threatened to pour poison in his food and as such the respondent no. 1 has to cook separately since long.

On 31/08/2013 the aggrieved person badly tortured him mentally and physically and thereby the respondent no. 1 sustained severe injury on his forehead and poor dad he lodged an FIR before the Gabhoru Pothar outpost. Even he has maintained the aggrieved person and his children through his small salary for his love and affection. Due to heart tortures his life has totally spoiled. All time, the aggrieved person uses very filthy and obscene words against the respondent no. 1 and addresses him a mad person.

Lastly on 19/01/2017 the aggrieved person assaulted him badly by using very obscene languages and threatened to life and warned him to implicate in some

false charges if he report the matter before the police. Moreover the aggrieved person told him that she and her he fellow have good relation with the police personnel of the Gabhoru Pothar outpost. The aggrieved person is a very desperate and dangerous type of lady. Due to her fear and extreme tortures respondent no. 1 was unable to lodge an FIR in the police station. On 23/1/2017 the respondent no. 1 lodged a complaint before the Superintendent of police Dibrugarh.

As such since long, she, without keeping any relationship as wife with the respondent no. 1 started to harass the respondents for her wrongful gain and filed this instant case against them fabricating some false facts by getting advantage of female laws and nothing else. In the year 2014 aggrieved person herself toured to Nainital, Delhi and several places with her he fellows without permission of the respondent no. 1. After that in 2016 the aggrieved person put fear to implicate the respondent no. 1 by using her power as member of “nari suraksha samiti” and compelled him to travel her in Calcutta and Puri as per her direction.

It is the contention of the respondent no. 1 that he has been maintaining the aggrieved person and his children continuously without having any gap by bearing all sort of expenditures till date. Respondent no. 1 also denies earning Rs. 40,000/- and states instead that he earns only Rs. 14,679.69/-. It is further submitted in the

Written Statement that the aggrieved person person is an employee of an institute namely "Prerona" at Milan Nagar, Dibrugarh and she earns more than Rs. 15,000/- per month. Moreover, she is a member of Nari suraksha Samiti and earns lumpsum amount of Rs. 7,000/- per month.

He has submitted the following exhibits:

- i) Some bank receipts (document 3 to 19) of Punjab National Bank of Dibrugarh Branch on account of the elder son of the aggrieved person.
- ii) Money receipts of Don Bosco school admission of younger son Abhishek Dutta (document no 20, 21 and 22)
- iii) APDCL bill (doc 23 & 24)
- iv) Bill of friends news corner (doc 25)
- v) Admission receipt of elder son in Assam University (doc 26)
- vi) Medical document of younger son (doc 27)

It is also mentioned in the WS that without having any sort of relation with the respondent no. 2 and 3, the aggrieved person person made them party in this case and she harassed them without having any cause of action against them in the complaint petition. Therefore the opposite party states that the petitioner is not entitled to

receive the reliefs claimed by the petitioner. It is prayed that the petition may be rejected.

Points for determination:-

3. In the case point of determination will be as follows-
 - a. Whether the aggrieved person and the respondent had lived together in the same house, after the marriage between the aggrieved person and the respondent and thus shared a domestic relationship?
 - b. Whether the opposite party No. 1, No2 and No3 has committed domestic violence on the petitioner?
 - c. Whether the petitioner is entitled to the relief/ relieves claimed?
4. I have heard the learned Counsel for the petitioner. I have gone through the evidence placed before the Court by the parties during examination of witnesses. I have also gone through other materials available on record.

DISCUSSION DECISION AND REASONS THEREOF-

5. Now I proceed to appreciate the evidence below to see whether the petitioner has succeeded to prove her case in the purview of section 3 of the Indian Evidence Act, 1872.

In order to decide the points or determination it is necessary to go through the very essence of the PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005. The sole objective of this Act is to provide Civil

remedy to the aggrieved person who has been subjected to Domestic violence.

The instant petition is filed under section 12(1) of the Act whereby the petitioner has alleged that she was subjected to Domestic Violence by the opposite party and therefore has prayed before the court to grant reliefs.

Point No-(a)

6. Smt. Jyotshna Dutta, the aggrieved person has been examined as P.W-1. The P.W-1 has stated that she was married to the respondent namely Sri. Dhruva Kr Dutta, on 19.03.1994, socially as per Hindu rites and customs and that they started to live together at the house of respondent no. 1, situated at Rahmoria, Goalchuk Gaon to lead a conjugal life. In the said house aggrieved person stayed with her husband, father-in-law, mother-in-law, brother-in-laws (respondent no. 2 and 3). In the year 2005, respondent no. 1 shifted with his family consisting his wife and two children, to one Assam type house constructed by him at Boiragimath, Dibrugarh.
7. Sri. Dhruva Kumar Dutta, the respondent no. 1 has been examined as D.W. 1. In his WS as well as in evidence he did not deny the marriage and the birth of his two children. As the D.W. 1 has admitted the marriage with the aggrieved person and has further stated that they have two sons out of the wedlock, no further proof is required as facts admitted need not be proved.

From the evidence recorded above, it is seen that there was a valid marriage between the aggrieved person and the respondent and they had lived together as husband and wife, in the same house after their marriage and have two sons namely Niraj Dutta and Abhishek Dutta out of the wedlock, who are aged twenty years (elder son) and thirteen years (younger son) at the time of filing the application and thus they had shared a domestic relationship.

This point for determination is decided in favour of the aggrieved person.

Point No- (b)

8. The aggrieved person as P.W. 1 testified that the respondent no. 1 Sri. Dhruva Kr Dutta has been torturing her at the instigation of the respondent no. 2 and 3 both mentally and physically in very silly matters and on objection, respondent no. 1 beated the aggrieved person.

It is alleged that Respondent no. 1 was having illicit relationship with other female persons.

Aggrieved person also stated that during the stay in Thanai Tea Estate, respondent no1 used to confine the aggrieved person in his room. He also did not allow her to go to her parents' house. Respondent no1 did not allow the aggrieved person to meet her neighbors and often insulted her and her family members as beggars. She further stated that since 2005 respondent no1 never allowed her to visit

the quarter where respondent number one stayed because he had some illicit relationship and extra marital affair with other woman. She also stated that on many occasions the respondent no 1 beat her whenever she raised voice against his illicit relationship with other women.

She stated that since 2016, the respondent no1 has also been reluctant to provide food, clothes and medicine etc to the aggrieved person. She passed her days in financial hardship and brought up her sons with the financial help from her brother.

Since September, 2016, respondent no1 stopped coming to his residence at Boiragimath to meet his wife and children. Even respondent no1 failed to pay medical expenses of their minor son who is a patient of epilepsy.

During her cross-examination, the P.W-1 has stated that she did not visit the quarter of the respondent at Singlijan Tea Estate because her husband did not allow her. She denied that she worked in Nari Surakhya Samiti, at smile children and at Prerona institute. She also denied that she went to Delhi and Nainital. She stated that she knows whenever her husband sends money to her elder son. Last, on 3/1/2018 he paid Rs. 1,500/- (Rupees One Thousand Five Hundred only).

She stated that in para 6 of complaint petition, it was written that respondent no. 1 was instigated by respondent no. 2 and 3, but she is unaware of it. She again stated that

the house of Boiragimath is in her possession. Whenever the respondent no. 1 visits there, he does not enter into their bedroom. He stays in another room. She denied that she did not allow her husband to enter the bedroom. She also denied that the respondent no. 1 cooks for him in the said house whenever he visited. Pw1 has denied all other suggestions.

9. PW2, Diganta Jyoti Dutta, the brother of the aggrieved person, corroborated the facts which are stated by the aggrieved in her evidence. He added that respondent no1 assaulted his sister in front of him. When pw2 requested not to do so, in return respondent no. 1 misbehaved pw2. In fact, aggrieved person was beaten by respondent no. 1 in front of pw2 more than once.

In his cross examination, he denied the suggestions put to him. He stated that respondent no. 1 did not send money to the elder son of the respondent no. 1. Later on said that he did not provide money regularly.

10. DW1, Dhruva Kumar Dutta, stated in his evidence in chief that this case was filed by his wife against him and his brothers. He stated that his brothers did not live with them they lived in village. The house where his wife resides was bought by him and the house was also built by him by taking loan from the Provident fund. Respondent number one stated that the aggrieved person fought with him in some silly matters. She had an affair with one Jitu Gogoi in

2001 /2002 and afterwards.

11. In the year 2014 agree person despite his resistance went to tour Delhi and Nainital with some he fellows. When she returned respondent no1 asked her about it and she became violent. She started torturing responding no. 1 as he asked her about it. She threatened him to lodge false case against him by misusing the laws meant for women. She did not prepare food for the responding number one though he had done the marketing of all the goods sometimes he had his food in hotel and sometimes he had to eat somewhere else. She threatened him to kill by putting poison in his food or getting him killed by higher persons.
12. In January 2017 Respondent no. 1's wife hit his head with a piece of stone injuring his forehead and it bled profusely; then he went to Gabhoru Pothar police outpost. Police took him to Dibrugarh state hospital. Since his wife continued torturing him he listened the number of days coming home from the tea garden later he used to come home come home only on Saturdays because his wife did not treat him well. He exhibited some slips of payment of fees to his younger son's school, receipts of money sending to his elder son and some electricity bill payment receipts.
13. In his cross examination, DW1 stated many things including that in 2006, he was forced to resign under certain circumstances from the Thanai Tea Estate to which

he challenged in the Labour Court and the High Court. He won the case and he was reinstated there and got ₹31,07478.26 as back wages including PF. After that on 1/5/2018 he resigned from Singlijan Tea estate and he received ₹2,06,745/-. On 22nd may 2018 he was transferred to Hazle Bank tea estate. Since then he has been working as PS clerk and his basic including the DA and VDA is ₹20,810.40. He purchased a Maruti desire vehicle amounting to rupees 7 Lac.

14. From the above it is seen that both the aggrieved and the respondent have brought on record contrasting claims with regard to the circumstances leading up to the breakdown in the conjugal life of the aggrieved and the respondent. The plea of the aggrieved is that she was harassed mentally and physically. The plea of the respondent is that the aggrieved misbehaves the respondent and did not allow visiting his own house. His contention is that he has been maintaining the wife and the children.

15. Now the question is whether the petitioner was subjected to Domestic Violence by the opposite party as the sole objective of this Act is to provide relief to a person being aggrieved person by Domestic Violence. The petitioner stated that she was mentally and physically harassed by the respondents. She was insulted, she was assaulted and respondent had illicit relationship with other women.

This version of the petitioner was totally denied by the opposite party by stating that in fact the petitioner had illicit relationship with other men. She did not allow him to visit her and her children. She was very violent in nature.

Now in order to be entitled to any kind of relief the petitioner must shoulder her responsibility to prove that she was aggrieved person by domestic violence as enumerated under the said act.

Now the term Domestic Violence is well defined by section 3 of the ACT which states as under:

16. **Sec 3. Definition of domestic violence.**—For the purposes of this Act, any act, omission or commission or conduct of the respondent shall constitute domestic violence in case it—

(a) harms or injures or endangers the health, safety, life, limb or well-being, whether mental or physical, of the aggrieved person or tends to do so and includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse; or

(b) harasses, harms, injures or endangers the aggrieved person with a view to coerce her or any other person related to her to meet any unlawful demand for any dowry or other property or valuable security; or

(c) has the effect of threatening the aggrieved person or any person related to her by any conduct mentioned in

clause (a) or clause (b); or

(d) otherwise injures or causes harm, whether physical or mental, to the aggrieved person. Explanation I.—For the purposes of this section,—

(i) “physical abuse” means any act or conduct which is of such a nature as to cause bodily pain, harm, or danger to life, limb, or health or impair the health or development of the aggrieved person and includes assault, criminal intimidation and criminal force;

(ii) “sexual abuse” includes any conduct of a sexual nature that abuses, humiliates, degrades or otherwise violates the dignity of woman;

(iii) “verbal and emotional abuse” includes—

(a) insults, ridicule, humiliation, name calling and insults or ridicule specially with regard to not having a child or a male child; and

(b) repeated threats to cause physical pain to any person in whom the aggrieved person is interested.

(iv) “economic abuse” includes—

(a) deprivation of all or any economic or financial resources to which the aggrieved person is entitled under any law or custom whether payable under an order of a court or otherwise or which the aggrieved person requires out of necessity including, but not limited to, household

necessities for the aggrieved person and her children, if any, stridhan, property, jointly or separately owned by the aggrieved person, payment of rental related to the shared household and maintenance;

(b) disposal of household effects, any alienation of assets whether movable or immovable, valuables, shares, securities, bonds and the like or other property in which the aggrieved person has an interest or is entitled to use by virtue of the domestic relationship or which may be reasonably required by the aggrieved person or her children or her stridhan or any other property jointly or separately held by the aggrieved person; and

(c) prohibition or restriction to continued access to resources or facilities which the aggrieved person is entitled to use or enjoy by virtue of the domestic relationship including access to the shared household. Explanation II.—For the purpose of determining whether any act, omission, commission or conduct of the respondent constitutes “domestic violence” under this section, the overall facts and circumstances of the case shall be taken into consideration.

17. Now the Act has very specifically defined the Act or Omission of the opposite party that will constitute Domestic Violence. Domestic Violence includes Act or Omission on the part of the respondent that would cause harm, injury or endangers the health, safety, life, limb or

well-being, whether mental or physical of the aggrieved person party and shall include includes causing physical abuse, sexual abuse, verbal and emotional abuse and economic abuse.

The provision also defines physical, sexual, verbal, emotional and economic abuse.

In the instant case at hand, the aggrieved person alleges the respondent of mental, physical and economic abuse.

18. Respondent no. 1 has exhibited some documents stating that he has been maintaining his wife and children. The aggrieved person also admitted that respondent sometimes deposits money in the account of his son. But it was irregular. Looking at the exhibits it is found that respondent no1 has paid school admission fees, some newspaper bill, electricity bill and other bank account transfer receipts are also there. Moreover, the aggrieved person was allowed a monthly maintenance on 4/4/2017. Since then the respondent has been paying the maintenance. So she was not economically abused.

However, regarding mental and physical abuse, it cannot be overlooked that from the evidence of both pw1 and pw2 it is found that the petitioner has faced mental and physical abuse. It is evident that petitioner was assaulted on many occasions. Many times she was assaulted in front of her brother. Even she had lodged FIR

in the police station. However, considering the future of the children, she continued to stay with her husband. But her husband finally, stopped coming to their shared household.

Thus, the plea taken up by the aggrieved is more probable as a young woman, who had two minor sons to look after, would not just like to bring her conjugal life to a halt, without any reason, so as to live the remaining of her life in loneliness as her separation from her husband would only expose her to financial distress and emotional breakdown. The aggrieved has been able to bring on record the physical and mental harassment for no fault of her.

Thus in view of the above discussion, it is held that the respondent had subjected the petitioner to acts of domestic violence.

Regarding respondent no2 and 3 the aggrieved person stated in her cross examination that she made respondent no2 and 3 party because they have not taken any action even after aggrieved person informed them about the misdeeds of the respondent.

Therefore, in my considered opinion respondent no2 and 3 are innocent.

Accordingly, this point is decided in favour of the Petitioner and against respondent no1.

Point No- (c)

As the point no- (ii) has been decided in favour of the aggrieved, it is held that the petitioner/aggrieved is entitled to the reliefs claimed, the extent of which shall be decided hereon.

ORDER

19. In the light of the discussion on point for determination Numbers - (i), (ii) and (iii) and the decision arrived there at, it is held that the petitioner/aggrieved person is entitled to the following reliefs:

A. **Protection order U/s-18**: The respondent- Sri Dhruba Kumar Dutta is prohibited from committing any act of or aiding or abetting in the commission of domestic violence upon the aggrieved person, at the place of her current residence. He is also prohibited from making any humiliating statement to the aggrieved and threatening her through any media, over phone or any other electronic means. The respondent is restrained from driving out the complainant and her children from the shared household situated at Boiragimath PS and District Dibrugarh, where she is living with her children.

B. **Residence order U/s-19**: The respondent- Sri Dhruba Kumar Dutta is restrained from dispossessing or in any other manner disturbing the possession of the aggrieved

person and her children from the share household situated at Boiragimath. He is also restrained from alienating or disposing of the shared household or encumbering the same the respondent.

C. **Monetary Relief u/s 20**: The respondent- Sri Dhruba Kumar Dutta shall pay maintenance of **Rs.7000/-** per month to the aggrieved person which is made effective from the date of this order and is to be paid within the first seven days of each succeeding calendar month.

D. **compensation u/s 22**: As the respondent- Sri Dhruba Kumar Dutta had subjected the aggrieved to mental and physical torture, she must have been mentally and physically suffered a lot for which she must be compensated but taking into consideration the fact that the aggrieved was granted ad-interim maintenance, the respondent is directed to pay Rs **75,000/- (Rupees Seventy Five thousand)** as compensation and damages for the mental torture and emotional distress caused by the acts of domestic violence committed by the respondent and shall be paid within thirty days of this order.

19. As final order has been passed today, the ad-interim maintenance amount granted vide order dated 04.04.2017 shall come to an end now and if there is an arrear amount left with regard to the interim maintenance till today, the respondent is directed to pay the same to the aggrieved.

20. The officer-in-charge of Dibrugarh P.S. is directed to give protection to the aggrieved person as and when she approaches seeking such protection so as to implement this Court's order.

21. Let a copy of this order be given free of cost to the petitioner/aggrieved, to the respondent no1 and to the officer-in-charge of Dibrugarh P.S.

22. Given under my hand and seal of this Court on this 30th day of December, 2021.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh

APPENDIX

Prosecution Witnesses:

- PW-1 : Smti. Jyotshna Dutta
PW-2 : Sri Diganta Jyoti Dutta

Defence Witnesses:

- DW-1 : Sri Dhruba Kumar Dutta

Exhibits of the Aggrieved person :

1. Doc. 1 and 2 - Birth Certificates
2. Doc. 3 - 1 (one) photograph

Exhibits of the Respondent :

1. Doc. 1 - Complaint to SP, Dibrugarh
2. Doc. 2 - Salary Slip of Sri Dhruba Kr. Dutta
3. Doc. 3 to 19 - Money Transction receipts of PNB.
4. Doc. 20 to 22 - Admission receipts of Sri Abhishek Dutta
5. Doc. 23 & 24 - Bill of APDCL
6. Doc. 25 - Newspaper Bill of Friends New Corner
7. Doc. 26 - Admission of receipt of Sri Niraj Dutta
8. Doc. 27 - Medical doucment of Sri Abhishek Dutta.

Deepsikha Das
Judicial Magistrate First Class,
Dibrugarh