

**IN THE SUPREME COURT OF INDIA  
[S.C.R. ORDER XXII RULE 2 (2)]  
CRIMINAL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (CRL.) NO. 16549-52 OF 2025  
(UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA)  
WITH PRAYER FOR INTERIM RELIEF**

(Arising out of the final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025 and impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023)

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

WITH

**CRL. M.P. NO. 263423 OF 2025**

**APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY  
OF THE IMPUGNED INTERIM ORDER AND FINAL IMPUGNED  
ORDER**

AND

**CRL. M.P. NO. 263424 OF 2025**

**APPLICATION FOR EXEMPTION FROM FILING OFFICIAL  
TRANSLATION**

AND

**CRL. M.P. NO. 263425 OF 2025**

**APPLICATION FOR EXEMPTION FROM DISCLOSING THE NAME  
OF THE PETITIONER & RESPONDENT NO. 2**

PAPER BOOK

(FOR INDEX KINDLY SEE INSIDE)

**ADVOCATE FOR THE PETITIONER: DEEPAK PRAKASH**

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**A**

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (CRL.) NO.                      OF 2025**

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

**OFFICE REPORT ON LIMITATION**

1. The Petition is within time.
2. The Petition is barred by time and there is delay of \_\_\_\_ days in filing the same against the impugned order dated 01.07.2025 and petition for Condonation of \_\_\_\_ days delay has been filed.
3. The Petition is barred by time and there is delay of \_\_\_\_ days in filing the same against the impugned order dated 25.08.2025 and petition for Condonation of \_\_\_\_ days delay has been filed.
4. There is a delay of \_\_\_\_\_ day in re-filing the petition and Petition for Condonation of \_\_\_\_\_ days delay in re-filing has been filed.

**BRANCH OFFICER**

Place: New Delhi

Dated: 19.09.2025


**PROFORMA FOR FIRST LISTING**

		<b>SECTION</b>	
The case pertains to (Please tick / check the correct box):			
<input type="checkbox"/>	Central Act: (Title)	N.A.	
<input type="checkbox"/>	Section:	N.A.	
<input type="checkbox"/>	Central Rule: (Title)	N.A.	
<input type="checkbox"/>	Rule No(s)	N.A.	
<input type="checkbox"/>	State Act: (Title)	N.A.	
<input type="checkbox"/>	Section:	N.A.	
<input type="checkbox"/>	State Rule: (Title)	N.A.	
<input type="checkbox"/>	Rule No(s)	N.A.	
<input type="checkbox"/>	Impugned Interim Order: (Date)	01.07.2025	
<input type="checkbox"/>	Impugned Final Order / Decree: (Date)	25.08.2025	
<input type="checkbox"/>	High Court: (Name)	Hon'ble High Court at Calcutta	
<input type="checkbox"/>	Names of Judges:	Hon'ble Dr. Justice Ajoy Kumar Mukherjee	
<input type="checkbox"/>	Tribunal / Authority: (Name)	N.A.	
1.	Nature of Matter	<input type="checkbox"/>	Civil <input checked="" type="checkbox"/> <b>Yes</b> <b>Criminal</b>
2.	(a) Petitioner / Appellant No. 1:	X	
	(b) E-Mail Id:	N.A.	

**A-2**

	(c) Mobile Phone Number:	N.A.		
3.	(a) Respondent No. 1:	THE STATE OF WEST BENGAL & ANR.		
	(b) E-Mail Id:	N. A.		
	(c) Mobile Phone Number:	N. A.		
4.	(a) Main Category Classification.	1400 Criminal Matters		
	(b) Sub Classification:	1407 Others		
5.	Not to be listed before:	N.A.		
6.	(a) Similar disposed of matter with citation, if any, & case details:	No similar matter is disposed of by this Hon'ble Court.		
	(b) Similar pending matter with case details:	No similar matter is pending before this Hon'ble Court.		
7.	Criminal Matters:	<b>Yes</b>		
	(a) Whether accused / convict has surrendered: Yes <input type="checkbox"/> No <input checked="" type="checkbox"/>			
	(b) FIR No.	Fir Not Registered Till Now	Date:	N.A.
	(c) Police Station:	N.A.		
	(d) Sentence Awarded:	Under Trial		
	(e) Period of sentence undergone including period of detention / custody undergone:	NA.		
	(f) Whether any earlier case between the same parties is filed:	N.A.		
	(g) Particulars of the FIR and Case:	N.A.		

### A-3

	(h) Whether any bail application was preferred earlier and decision thereupon:	N.A.
8.	Land Acquisition Matters:	
	(a) Date of Section 4 Notification:	N.A.
	(b) Date of Section 6 Notification:	N.A.
	(c) Date of Section 17 Notification:	N.A.
9.	Tax Matters: Sate the tax effect:	N.A.
10.	Special Category (First Petitioner / Appellant Only):	
	<input type="checkbox"/> Senior Citizen > 65 Years <input type="checkbox"/> SC / ST <input type="checkbox"/> Woman /Child Disabled Legal Aid Case <input type="checkbox"/> In Custody <input type="checkbox"/>	
11.	Vehicle Number (in case of Motor Accident Claim Matters):	N.A.
12.	Whether there was is litigation on the same point of law, if yes, details thereof.	No
Place: New Delhi Dated: 19.09.2025	 DEEPAK PRAKASH Advocate for the Petitioner Registration No. 2210 E-Mail: <a href="mailto:advdeepakprakash@gmail.com">advdeepakprakash@gmail.com</a>	

## **B**

### **SYNOPSIS**

The Petitioner herein is a victim of grave mental and physical cruelty, at the behest of the Respondent No. 2, who is an A-listed national cricketer and a high-net worth Individual, estimated to over 500 Crores. There exists a stark financial disparity between the parties, wherein the Respondent No. 2 despite having all the means to provide a reasonable lifestyle to the Petitioner and his daughter, is deliberately and tactfully failing to do the same, *insofar* as to avoid his lawful liability of maintaining the Petitioner and minor daughter.

In the present case, the Petitioner has been unemployed since her marriage and has no independent source of income and considering the social status of the parties, lifestyle, increasing price index of necessities, the Hon'ble High Court has failed to provide an equitable maintenance amount. The '*monthly expense*' of the Respondent No. 2 is to the tune of Rs. 1.08 Crores, whereas the interim maintenance provided to the Petitioner No. 1 was Rs. 50,000, which has been enhanced to Rs. 1,50,000/- only.

The Petitioner has been subjected to extreme cruelty by the Respondent No. 2 and their family persons for which reason one FIR No. 82 of 2018 dated 08.03.2018 at Jadavpur Police Station stands registered under sections 498A, 328, 307, 376, 325 and 34 IPC and a charge sheet has also been filed for which the Respondent is facing trial.

The Petitioner herein is constrained not to disclose her name in light of extreme acts of harassment being perpetuated by the Respondent herein on online

## C

and virtual platforms, wherein the Petitioner and her minor daughter are getting threats of death along with physical and sexual assault and therefore, insofar as to safeguard her and the daughter's dignity and life, the name of the Petitioner is not being disclosed herein.

By way of the present Petition under Article 136 of the Constitution of India, the Petitioner seeks to challenge the (i) order dated 25.08.2025 passed by the Hon'ble High Court in CRAN No. 2 of 2025 in CRR No.656 of 2023 (**hereinafter referred to as the "Impugned Order dated 25.08.2025"**) and (ii) judgement dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 in I.A. No. CRAN 1 of 2023 (**hereinafter referred to as the "Impugned Order dated 01.07.2025"**) by virtue of which, the Hon'ble High Court has failed to determine the equitable the amount of maintenance.

- A) The operative portion of the Impugned Order dated 25.08.2025 is as under:  
*"The husband/opposite party/applicant herein shall pay total arrear amount of interim maintenance in eight monthly instalments, 1st of which shall be paid by 15th September, 2025 and the remaining amount shall be paid by seven subsequent monthly instalments. The wife/opposite party is directed to open a bank account in the name of their sole daughter within seven days from the date of this order which she at once after opening will communicate to the applicant herein."*
- B) The operative portion of the Impugned order dated 01.07.2025 is as under:  
*"In my considered opinion a sum of Rs. 1,50,000/- per month to the petitioner no.1(wife) and Rs. 2,50,000/- to her daughter would be just fair and reasonable to ensure financial stability for both the petitioners, till disposal of the main application. Such amount is to be paid by the opposite*

## D

*party/husband from the date of filing of the application under section 23 of the PWDV Act, as decided by the Apex Court in Rajnish Vs. Neha (supra). ”*

The Impugned orders have an apparent perversity and error on the face of the record, in light of, among others, the following factors:

- 1) The Respondent No. 2 is living a lavish life and is deliberately manipulating the Ld. Courts for the sole purpose of not providing equitable amount of maintenance to the Petitioner and minor daughter, as established hereinbelow:

S.No.	Particular(s)	Expenditure of the Respondent No. 2 Amount(in Rs.)	Expense of the Petitioner No. 1 Amount(in Rs.)
1.	Individual Monthly Expense of Respondent No. 2 vide Affidavit of Assets and liabilities dated 16.09.2022.	1.08 Crores	As per Maintenance Order: (i) 50,000 (Ld. Trial Court) (ii) 1,50,000 (enhanced by the High Court)
2.	Total Income as per Balance Sheet of Income Tax Return for Financial Year of 2021-2022	47,99,71,774	No taxable Income
3.	<i>Social Welfare Expenses</i> vide Income Tax Return for Financial Year 2019-2020	80,52,600	Nil
4.	Donation to <i>Sah Social Welfare Educational Society</i> vide Income Tax Return for Financial Year 2019-2020	3,87,00,000/-	Nil
5.	Surplus Income as disclosed vide Income Tax Return for the financial year of 2021-2022	8,35,97,174	Nil

## E

6.	Total Income vide Income Tax Return for the financial year of 2022-23	8,99,01,750	1,80,172
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(It has also recently come to the notice of the Petitioner that the Respondent No. 2 is donating a hefty amount of Rs. 10 crores towards the Punjab Floods)

S.No.	Order Details	Amount (in Rs.)
1.	Maintenance awarded to Petitioner No. 1 by the Ld. Trial Court vide Order dated <b>16.08.2018</b>	Nil
2.	Maintenance awarded to the minor daughter by the Ld. Trial Court vide Order dated <b>16.08.2018</b>	80,000/-
3.	Maintenance awarded to Petitioner No. 1 by the Ld. Sessions Court vide Order dated <b>18.01.2023</b>	50,000/-
4.	Maintenance awarded to minor daughter by the Ld. Sessions Court vide Order dated <b>18.01.2023</b>	80,000/-
5.	Maintenance of Petitioner No. 1 enhanced by the Hon'ble High Court vide Impugned Order dated <b>01.07.2024</b>	1,50,000
6.	Maintenance of Petitioner No. 2 enhanced by the Hon'ble High Court vide Impugned Order dated <b>01.07.2024</b>	2,50,000

### **DIFFICULTIES BEING FACED BY THE PETITIONER AND MINOR DAUGHTER**

## F

- 2) The daughter is being compelled to study in an ordinary school, whereas similarly placed children, born in similar kinds of family stature are studying in the premium schools of the area, such as '*La Martienere*' and '*Heritage School*'.
- 3) The Respondent is liable to pay a sum of Rs. 2,41,10,000/- (Rupees Two Crores Forty-One Lakhs Ten Thousand only) and has been erroneously granted time for a period of eight (8) months for making the payment, since the same leads to further delay in providing maintenance to the Petitioner and her minor daughter. The Respondent herein is a star cricket player playing in leagues such as Indian Premier League ("IPL") and must therefore, be directed to pay the maintenance amount at the earliest.
- 4) The Petitioner herein does not have the means to maintain herself, and submits that though she possesses two cars, she is unable to use them in Kolkata due to non-payment of road tax. The road tax, along with fines, has now accumulated to several lakhs of rupees. Moreover, the said vehicles are old and the cost of maintenance has become extremely high, beyond the financial capacity of the Petitioner. In stark contrast, the Respondent is leading an ultra-luxurious lifestyle and is in possession of multiple high-end vehicles such as Fortuner, Range Rover, Jaguar, Mercedes, Alcazar, and Duster.

**PRIMARY FACTORS FOR ADJUDICATION OF MAINTENANCE NOT  
CONSIDERED IN A FAIR MANNER**

## G

The fundamental aspects which are necessary for a fair and proper adjudication for the issue regarding maintenance have not been considered, *inter alia*, (i) living with dignity, (ii) agony and (iii) anguish caused by the acts of the Respondents (iv) Educational qualifications and employment status of the parties (v) reasonable litigation costs of a non-working wife (vi) financial capacity of the husband, as has been laid down in the following judgements, amongst others, as under:

a) ***Bhuwan Mohan Singh vs. Meena and others*** (2015) 6 SCC 353:

*“2. She is entitled in law to lead a life in the similar manner as she would have lived in the house of her husband. That is where the status and strata come into play, and that is where the obligations of the husband, in case of a wife, become a prominent one. In a proceeding of this nature, the husband cannot take subterfuges to deprive her of the benefit of living with dignity. Regard being had to the solemn pledge at the time of marriage and also in consonance with the statutory law that governs the field, it is the obligation of the husband to see that the wife does not become a destitute, a beggar. A situation is not to be maladroitly created whereunder she is compelled to resign to her fate and think of life “dust unto dust”.”*

b) ***Badshah vs. Urmila Badshah Godse and another*** (2014) 1 SCC 188:

*“14. Of late, in this very direction, it is emphasised that the courts have to adopt different approaches in “social justice adjudication”, which is also known as “social context adjudication” as mere “adversarial approach” may not be very appropriate.”*

c) ***Rajnish vs. Neha*** (2021) 2 SCC 324, wherein it has been held as under:

## H

*“Financial status and reasonable needs of applicant — It is no answer to a claim of maintenance that the wife is educated and could support herself — The court must take into consideration the status of the parties and the capacity of the spouse to pay for her or his support — No doubt it is relevant as to whether the applicant is educated and professionally qualified and has independent source of income or not — But the court has to see whether the income is sufficient to enable her to maintain the same standard of living as she was accustomed to in her matrimonial home [S. 20(2) of the DV Act] — The provisions for food, clothing, shelter, education, medical attendance and treatment, etc. of the applicant are relevant factors for determining maintenance.”*

d) **Jasbir Kaur Sehgal v. District Judge, Dehradun** (1997) 7 SCC 7

*“No set formula can be laid for fixing the amount of maintenance. It has, in the very nature of things, to depend on the facts and circumstances of each case. Some scope for leverage can, however, be always there. The court has to consider the status of the parties, their respective needs, the capacity of the husband to pay having regard to his reasonable expenses for his own maintenance and of those he is obliged under the law and statutory but involuntary payments or deductions. The amount of maintenance fixed for the wife should be such as she can live in reasonable comfort considering her status and the mode of life she was used to when she lived with her husband and also that she does not feel handicapped in the prosecution of her case. At the same time, the amount so fixed cannot be excessive or extortionate.”*

e) **Manish Jain v. Akanksha Jain**, (2017) 15 SCC 801:

*“On the other hand, the financial capacity of the husband, his actual income, reasonable expenses for his own maintenance, and dependent family members whom he is obliged to maintain under the law,*

*liabilities if any, would be required to be taken into consideration, to arrive at the appropriate quantum of maintenance to be paid. The court must have due regard to the standard of living of the husband, as well as the spiralling inflation rates and high costs of living. The plea of the husband that he does not possess any source of income ipso facto does not absolve him of his moral duty to maintain his wife if he is able-bodied and has educational qualifications.”*

**BRIEF FACTS OF THE CASE:**

1. The Respondent No. 2/ husband earns approximately over one (1) crore per month having multiple sources of income, which shall be established by the documents produced in the petition, being an A-listed cricketer, however, despite the same the hon'ble High court passed the impugned order, thereby causing grave prejudice to the petitioner and their \minor daughter.
2. That the Respondent No. 2/Husband is leading an ultra-luxurious lifestyle, while deliberately leaving the Petitioner-wife and the minor daughter to suffer in penury. Despite possessing substantial means and resources, the Respondent No. 2 has shirked his statutory and moral duty to maintain his wife and child. It is submitted that in comparison with the standard of living enjoyed by the wives and children of other cricketers of similar standing, the Petitioner and her minor daughter have been subjected to neglect and deprivation ever since the separation. The Respondent No. 2, being the

## J

husband and father, is legally bound to provide for their maintenance and to ensure that they are not reduced to a state of destitution.

3. That the Petitioner is presently living in a highly down-trodden condition and, due to lack of sufficient funds, is unable to provide her minor daughter with even the basic necessities and a life befitting her status. It is submitted that having regard to the affluent lifestyle and high earning capacity of the Respondent No. 2/Husband, the Petitioner and the minor child are entitled to the same standard of living. However, on account of the Respondent No. 2's neglect and failure to discharge his statutory duty, the Petitioner and her minor daughter are constrained to suffer in poverty and deprivation.
4. After marriage, the Petitioner and her daughter faced severe physical and mental abuse by the Respondent and his family. The Petitioner lodged a complaint at Jadavpur Police Station, which was registered as FIR No. 82/2018 dated 08.03.2018 under Sections 498A, 328, 307, 376, 325, and 34 Indian Penal Code 1860.
5. That the petitioner constrained to file the Section 12 and sec 23 of the Protection of woman from the domestic violence act,2005, inter alia praying various relief.
6. The Trial Court granted the Petitioner interim maintenance of Rs. 80,000/- per month vide order dated 16.08.2018. Later, on at the request of the

## K

Petitioner for enhancement of maintenance, the Court revised it to Rs. 50,000/- per month for the Petitioner wife from the date of filing.

7. The Petitioner filed a revision before the Hon'ble High Court of Calcutta seeking higher maintenance, but the Hon'ble court was pleased to enhance the maintenance merely a sum of Rs.1,30,000 for the petitioner and the Rs. 2,50,000 for the minor daughter by order dated 01.07.2025.

In light of the above stated peculiar facts and circumstances, the Petitioner is constrained to approach this Hon'ble Court by way of the present Special Leave Petition under Article 136 of the Constitution of India.

### **LIST OF DATES**

07.04.2014	That the Petitioner and respondent herein solemnized their marriage on 07.04.2014, as per Muslim religious rites and ceremonies, from the said wed-lock a daughter was born named Airah Shami aged about 10 years.
08.03.2018	The petitioner filed a written complained against the Respondent and his family which is treated as the FIR, registered at Jadavpur P.S. under Section 498A/328/307/376 Indian Peal Code,1860. A true copy of the Complaint dated 08.03.2018 sent to The Commissioner of Police, Lal Bazar Street, Kolakata by the Petitioner herein is annexed herewith and marked as <b><u>ANNEXURE P-1 (PAGES 31 TO 37).</u></b>

**L**

	<p>A true translated copy of the First Information Report bearing FIR No. 82 of 2018 registered before Jadav Pur Police Station, District SSD Kolkata, West Bengal dated 08.03.2018 is annexed herewith and marked as <b><u>ANNEXURE P-2 (PAGES 38 TO 40)</u></b>.</p>
April, 2018.	<p>The Petitioner filed the Application under the Section 12 and 23 of the Protection of Woman from the Domestic Violence Act, 2005 to exercise the power under the Sections 17, 18(a), 18(b), 18(c), 18(d), 18(e), 18(f), 18(g), 19, 20, 21, 22 and 23 of the said acts before the Court of the Ld. Chief Judicial Magistrate, Alipore District vide Complaint Case No. A.C. 945 of 2018. A true copy of the Application under Section Sections 17, 18(a), 18(b), 18(c), 18(d), 18(e), 18(f), 18(g), 19, 20, 21, 22 and 23 read with Section 12 of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005) filed before the Court of Ld. Chief Judicial Magistrate at Alipore, West Bengal in Complaint Case No. A.C. 945 of 2018 in the month of April, 2018 is annexed herewith and marked as <b><u>ANNEXURE P-3 (PAGES 41 TO 72)</u></b>.</p>
03.05.2018	<p>The domestic incident report has been filed by Woman Protection Officer. A true typed copy of the Domestic Incident Report filed by the Protection Officer dated 03.05.2018 along</p>

## M

	with original report is annexed herewith and marked as <b><u>ANNEXURE P-4 (PAGES 73 TO 79-G)</u></b> .
01.06.2018	The Respondent filed Application / Written objection on behalf of the Respondent before the Ld. Judicial Magistrate (1 <sup>st</sup> Class), 3 <sup>rd</sup> Court, at Alipore, South 24 Parganas against the Application under the section 12 and 23 of the Protection of Woman from the Domestic Violence Act, 2005. A true copy of the Application / Written Objection filed before the Ld. Court of the Learned Judicial Magistrate, 3 <sup>rd</sup> Court at Alipore in AC Case No. 945 of 2018 dated 01.06.2018 is annexed herewith and marked as <b><u>ANNEXURE P-5 (PAGES 80 TO 99)</u></b> .
16.08.2018	The Ld. Judicial Magistrate (1 <sup>st</sup> Class), 3 <sup>rd</sup> Court, at Alipore, South 24 Parganas passed an order in A.C No. 945 of 2018 and directed to pay the amount of Rs. 80,000/- per month as interim maintenance to the Petitioner and her minor daughter. A true copy of the order dated 16.08.2018 passed by the Ld. Judicial Magistrate (1 <sup>st</sup> Class), 3 <sup>rd</sup> Court, Alipore, 24-Parganas is annexed herewith and marked as <b><u>ANNEXURE P-6 (PAGES 100 TO 101)</u></b> .
04.09.2018	The Petitioner filed the Application under section 29 of the P.W.D.V Act in the Court of the Ld. District & Sessions Judge

## N

	<p>Alipore for setting aside or cancelling of the order dated 16.08.2018. A true copy of the Application under Section 29 of PWDV Act filed before the Ld. Court of the Ld. District &amp; Sessions Judge at Alipore in Re. Criminal Appeal No. 203 of 2018 dated 04.09.2018 is annexed herewith and marked as <b><u>ANNEXURE P-7 (PAGES 102 TO 110).</u></b></p>
13.04.2019	<p>A chargesheet No. 920 of 2019 under section 498A and 354 A of I.P.C submitted by the investigation in Jadavpur Police Station Case No. 82 of the dated 08.03.2018. A true copy of the Chargesheet / Final Report filed before the Ld. Addl. Chief Judicial Magistrate, Alipore, 24-Parganas in FIR No. 82 of 2018 dated 13.04.2019 is annexed herewith and marked as <b><u>ANNEXURE P-8 (PAGES 111 TO 118).</u></b></p>
24.07.2022	<p>The gross total Income of the Petitioner herein for the Financial Year 2022-23 is to the tune of Rs. 1,80,172. A true copy of the Income Tax Return filed on 24.07.2022 filed by the Petitioner herein dated 24.07.2022 is annexed herewith and marked as <b><u>ANNEXURE P-9 (PAGES 119 TO 127).</u></b></p>
16.09.2022	<p>The Respondent No. 2 filed his Affidavits of Assets and Liabilities before the Ld. Add. District &amp; Session Judge, F.T.C.-V, Alipore, South Parganas. The Respondent No. 2 had filed his</p>

	<p>Income Tax Return from the financial year 2018 to 2021, which clearly state that the Respondent No.2's financial condition is very sound and approximately 65 Cr. A true of the Affidavit of Assets and Liabilities filed by the Petitioner herein dated 16.09.2022 is annexed herewith and marked as <b><u>ANNEXURE P-10 (PAGES 128 TO 142)</u></b>. A true of the Affidavit of Assets and Liabilities filed by the Respondent No. 2 herein dated 16.09.2022 is annexed herewith and marked as <b><u>ANNEXURE P-11 (PAGES 143 TO 154)</u></b>.</p>
18.01.2023	<p>The Ld. Additional District &amp; Session Judge, F.T.C.-V, at Alipore, South 24 Parganas in Criminal Appeal No. 203 of 2018 directing the Respondent to pay merely a sum of Rs. 50,000/- for the Petitioner wife and Rs. 80,000/- for the minor daughter, from the date of filing the interim maintenance. A true copy of the judgment dated 18.01.2023 passed by the Ld. Additional District &amp; Sessions Judge, Fast Track Court-V, Alipore, 24 Parganas (South) in Criminal Appeal No. 203 of 2018 is annexed herewith and marked as <b><u>ANNEXURE P-12 (PAGES 155 TO 168)</u></b>.</p>
11.04.2023	<p>The Petitioner duly placed on record the Income Tax details of the Respondent No. 2 before the Ld. Judicial Magistrate, Alipore in ACM No. 398 of 2018, thereby establishing the actual income</p>

**P**

	<p>and expenditure of the Respondent No. 2, which was not being placed on record by him.</p> <p>A true copy of the Reply of application dated 11.04.2023 filed on behalf of the Petitioner before the Ld. Judicial Magistrate, 3<sup>rd</sup> court at Alipore in ACM No. 398 of 2018 is annexed herewith and marked as <b><u>ANNEXURE P-13 (PAGES 169 TO 173)</u></b>.</p>
01.07.2025	<p>The Petitioner approached the Hon'ble High Court at Calcutta, in the Criminal Revisional Jurisdiction C.R.R No. 656 of 2023, with the application under section 482 of the Code of Criminal Procedure, 1973. The Hon'ble High Court by the order dated 01.07.2025, directed the Respondent to pay a sum of Rs. 1,30,000 and Rs. 2,50,000, as interim maintenance to the Petitioner wife and the minor Child.</p>
Dated Nil	<p>The photographs of the residence presently occupied by the Petitioner, have been placed on record, which explicitly depict the poor and down-trodden condition. These photographs clearly demonstrate the vulnerable and deprived circumstances in which the Petitioner and her minor daughter are compelled to live, in stark contrast to the ultra-luxurious lifestyle enjoyed by the Respondent No. 2/Husband. A true copy of the photographs of the sub-standard living condition of the petitioner and minor</p>

**Q**

	daughter is annexed herewith and marked as <b><u>ANNEXURE P-14</u></b> <b><u>(PAGES 174 TO 182)</u></b> .
	The Petitioner aggrieved by the order dated 01.07.2025, by the Hon'ble High Court of Calcutta, hence the present Special leave petition.
19.09.2025	Hence the present Special Leave Petition.



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25.8.2025  
sb

**CRR 656 of 2023  
With  
CRAN 2 of 2025**

**XXXX  
Vs.  
The State of West Bengal & Anr.**

Mr. Sandipan Ganguly, Sr. Adv.  
Mr. Soumyapriya Chowdhury  
Mr. Biswajit Kumar

...for the Applicant/petitioner

Mr. Imtiaz Ahmed  
Ms. Ghazala Firdaus  
Mr. Sk. Saidullah  
Mr. Mithun Mondal  
Mr. Md. Arsalan

...for the opposite party

**Re: CRAN 2 of 2025**

Petitioners in this application has sought for clarification of the order dated 1<sup>st</sup> July, 2025 on a plea that the Applicant/opposite party/husband may be permitted to pay total arrear amount of interim maintenance by way of installments and secondly, they have also sought for a direction upon opposite party/petitioner/wife to open a bank account in the name of their female daughter and also pray for a direction to provide the details of expenditure quarterly before the Trial court reflecting that the money paid by the applicant in favour of his daughter is used solely by the petitioner for welfare and benefit of the daughter and may not be misused for any purpose.

Learned counsel for the petitioner/opposite party/wife submits that the total arrear amount of money may be permitted



to be disbursed by the husband/petitioner herein by not more than four installments.

Having heard learned counsel for both the parties, the order dated 1<sup>st</sup> July, 2025 is hereby clarified to that extent as follows:

*“the husband/opposite party/applicant herein shall pay total arrear amount of interim maintenance in eight monthly installments, 1<sup>st</sup> of which shall be paid by 15<sup>th</sup> September, 2025 and the remaining amount shall be paid by seven subsequent monthly installments. The wife/opposite party is directed to open a bank account in the name of their sole daughter within seven days from the date of this order which she at once after opening will communicate to the applicant herein. The husband/applicant herein shall deposit the amount of Rs. 2,50,000/- as awarded towards interim relief including arrear amount to the account of the daughter and that amount shall be used only for the welfare, education and maintenance of the daughter and rest amount shall be kept as unused in her (daughter’s) account and the wife/opposite party herein shall furnish a detailed account of quarterly expenditure incurred towards their daughter before the court below, till disposal of the main application.”*

CRAN 2 of 2025 is accordingly disposed of.

Urgent Photostat certified copy of this order, if applied for, be given to the parties upon compliance of all requisite formalities.

**(Dr. Ajoy Kumar Mukherjee, J.)**

  
**//True Copy//**



**IN THE HIGH COURT AT CALCUTTA  
CRIMINAL REVISIONAL JURISDICTION  
APPELLATE SIDE**

*PRESENT:*

**THE HON'BLE DR.JUSTICE AJOY KUMAR MUKHERJEE**

**CRR 656 of 2023**

**IA No.CRAN 1 of 2023**

**XXXX**

**Vs.**

**The State of West Bengal & Anr.**

For the Petitioner	:	Mr. Imtiaz Ahmed Ms. Ghazala Firdaus Mr. Sk. Saidullah Mr. Mithun Mondal Mr. Md. Arsalan
For the Opposite Party	:	Mr. Sandipan Ganguly Mr. Sompriya Chowdhury Mr. B. Kumar Mr. I. Basu
Heard on	:	21.04.2025
Judgment on	:	01.07.2025

**Dr. Ajoy Kumar Mukherjee, J.**

1. This application has arisen against judgment and order dated 18<sup>th</sup> January, 2023 passed by learned ADJ, FTC Court, Alipore in Criminal Appeal no. 203 of 2018, by which court below disposed of petitioner's prayer for interim monetary relief.



**2.** Before going further, let me reproduce the background of the present case. The petitioner herein got married to the opposite party no.2 on 7<sup>th</sup> April, 2014, following the Islamic Rituals and customs and after the said marriage the couple was blessed with a female child, who was born on 17.07.2015. Incidentally petitioner further disclosed that this was her second marriage and from the previous marriage the petitioner had two daughters, who are also staying with the mother/petitioner.

**3.** The allegation levelled by the petitioner herein against her husband/opposite party no.2 in her application under section 12 of the Protection of Women from Domestic Violation Act, 2005.(in short PWDV Act) is that after marriage the petitioner and her minor daughter were subjected to enormous physical as well as mental torture at the instance of the opposite party no.2 and his family members and for which under very compelling circumstances, the petitioner had to lodge a written complaint which was treated as an FIR and Jadavpur P.S. Case no. 82 of 2018 dated 8<sup>th</sup> March, 2018 under section 498A/328/307/376/325/34 of the Indian Penal code was registered for investigation, against the opposite party no.2 herein and his other family members. Her further contention is that being aggrieved by the continuous mental and physical torture, indifference, neglect meted out upon the petitioner and her minor daughter, she was constrained to file the instant application under section 12 of the PWDV Act *interalia* praying for monetary relief including an interim monetary relief to the tune of Rs. 7 (seven) lakhs per month for herself and monetary relief to the tune of Rs. 3 (three) lakhs for her minor daughter from the opposite party no.2.



4. After receiving notice, the opposite party no.2 entered appearance and filed written objection before the Magistrate, who while disposing such application filed by the petitioner under section 23 of the PWDV Act, rejected the prayer for interim monetary relief qua the petitioner herein and only directed her minor daughter to pay a sum of Rs. 80,000/- per month towards interim monetary relief.

5. Being aggrieved by such order the petitioner herein preferred an appeal before the learned Sessions judge, Alipore under section 29 of PWDV Act, being Criminal Appeal no.203 of 2018. The petitioner and the opposite party no.2 filed their affidavit of assets and liabilities before the court below and by the impugned judgment and order dated 18<sup>th</sup> January, 2023 the court below disposed of the said Criminal Appeal modifying the order dated 16.08.2018 passed by learned Magistrate and thereby directed the opposite party no.2 herein to pay a sum of Rs. 50,000/- per month to the petitioner/wife and further directed the opposite party no.2/daughter to pay a sum of Rs. 80,000/- towards interim monetary relief from the date of filing the interim application.

6. Being aggrieved by the said impugned judgment dated 18.01.2023, Mr. Imtiaz Ahmed learned counsel appearing on behalf of the petitioner submits that while passing the impugned order, the learned Court below put unnecessary reliance upon the written objection filed by the opposite party no.2 and treated the same as gospel truth, while granting meagre interim monetary relief to the petitioner and her minor daughter. The court below while passed the impugned judgment though took due note of the fact that from income tax return filed by opposite party no.2 for the year 2020 -2021,



it is apparent that the total income of the opposite party no.2 is around Rs. 7,19,54,010/-(Rs. Seven Crore nineteen lakhs fifty four thousand and ten) but mechanically granted interim relief to the tune of Rs. 50,0000/- per month to the petitioner and Rs. 80,000/- to her minor child and did not consider that from the affidavit of assets and liabilities filed by the petitioner, it is apparent that the petitioner has meagre monthly income to the tune of Rs. 16,000/-(sixteen thousand) whereas her monthly expenditure is about Rs. 6,12,905/- and as such the interim relief granted to the petitioner and her minor daughter is inadequate and insufficient and liable to be modified.

**7.** Mr. Ahmed further argued that the court below did not minutely perused the documents submitted by the petitioner and the opposite party in its true perspective, while passed the order impugned mechanically. He ought to have taken into consideration the standard of living of the respective parties and other attending facts and circumstances of the case. The factual profile as portrayed in the instant case clearly establish that the opposite party no.2 is an affluent person having a very high standard of life in the society and on the other hand petitioner is a lady of destitute, who has also responsibility to take care of her daughters. In fact petitioner due to her financial Inabilities is not able to admit her daughter in a reputed school similar to the school, where the children of other Indian cricketers studying.

**8.** Referring catena of judgments Mr. Ahmed tried to impress the court that while considering prayer for interim relief made under section 23 of the PWDV Act, the courts have to consider the financial capacity of the husband, his actual income, reasonable expenses and the court must have



due regard to the standard of living of the husband as well as the spiraling inflation rates and high cost of living. At the same time while considering such plea, the wife's meagre income, ipso facto does not absolve him of his moral duty to maintain his wife and children.

**9.** He further contended that the courts below failed to keep it in mind the object of beneficial and protective legislation like the PWDV Act, 2005 which has been enacted as a measure of social justice to provide recourse to the dependent wife and children for their financial support, so as to prevent them from falling into destitution and vagrancy and that the enactment came in the light of Article 15(3) re enforced by Article 39 of the Constitution of India.

**10.** Mr. Ahmed Strenuously argued that the courts below failed to appreciate that it is no answer to a claim of interim monetary relief that the wife is educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her support. The mechanical approach taken by the courts below in awarding meagre amount of monetary relief to the petitioner and her minor daughter has caused extreme prejudice to the petitioner and has defeated the legislative intent of preventing vagrancy and destitution of married women. The courts below ought to have considered that the net income of the opposite party no.2 is to the tune of Rs. 59,96,167/- (approximately) per month. Even if the quantum of monetary relief is calculated at the rate of 1/3<sup>rd</sup> of the net income of the opposite party no.2 the monthly amount goes much higher which becomes payable. Therefore the order impugned is otherwise bad in law and is liable to be set aside and/or quashed and



appropriate direction is required to be passed upon opposite party no.2 to pay interim monetary relief to the tune of an amount which would be appropriate in terms of petitioners' claim and also in terms of the facts and circumstances of the case.

**11.** Mr. Sandipan Ganguly, learned Senior counsel appearing on behalf of the opposite party argued that the petitioner is the divorced wife of the opposite party no.2 who has suppressed various material facts and tried to mislead the court. She has not disclosed that on the self-same cause of action she had filed another application under section 125 of the Code of Criminal procedure being ACM 398 of 2018 before the self-same Judicial Magistrate, wherein she had also filed an affidavit of assets and liabilities, in which she had not disclosed her business income, income from other assets, mutual funds, fixed deposits etc., which is reflected from her income tax return.

**12.** Mr. Ganguly further argued that by an order dated 3<sup>rd</sup> October, 2023, the Magistrate directed the petitioner herein to file documents disclosing the aforesaid facts but the petitioner through her advocate informed the court on 16<sup>th</sup> January, 2024 that she shall not file the document as directed by the court and as such learned Magistrate directed that adverse presumption shall be drawn against the petitioner at the time of consideration of interim maintenance for non-disclosure of relevant documents. Thereafter the petitioner understandably had not proceeded with the application under section 125 of Cr.P.C. and on the other hand she proceeded with the instant proceeding under the PWDV Act.



**13.** He further contended that a bare perusal of the affidavit of assets filed by the petitioner in the proceeding under section 125 Cr.P.C. and the proceeding under PWDV Act, would reflect gross contradiction which shows that the petitioner has made false statements in the affidavit of assets, for which also she is not entitled to get any amount of maintenance.

**14.** The petitioner is a model and actress by profession and she is regularly engaged in modelling and acting assignments and the petitioner regularly uploads her professional assignments in her social media. In fact the petitioner from the income of her modelling assignments, acting and business has purchased properties in her name although she has been occupying the entire residential apartment of the opposite party no.2 in Kolkata and therefore, the petitioner has falsely depicted herself to be a destitute person. Therefore, the order passed by learned Court below awarding interim monetary relief of Rs. 50,000/- per month to the petitioner and Rs. 80,000/- per month for her minor child is more than commensurate for maintaining herself as she has substantial business income of not less than Rs. 5 lakhs per month.

**15.** Relying upon the judgment of the Apex Court in ***Rinku Baheti Vs. Sandesh Sharda*** reported in **2024 SCC online SC 3801** , Mr. Ganguly strenuously argued that the petitioner cannot seek equalization of wealth under the garb of a monetary relief order under PWDV Act. In the instant case the petitioner infact in the garb of her application has sought for monetary relief to the tune of Rs. 7 lakhs per month for herself and Rs. 3 lakhs per month for her minor daughter which is absolutely an attempt to seek equalization of wealth, which is not permissible in the eye of law. He



further contended that under section 20(2) of PWDV Act, the monetary relief grant has to be adequate, fair reasonable and consistent with the standard of living to which aggrieved person is accustomed and the requirement of the status has to be interpreted as the mode of life which the lady was used to during subsistence of her marriage as decided in ***Rinku Baheti Case (supra)***.

16. In this context he further relied upon the judgment of ***Bhagwan Dutt Vs. Kamla Devi & another*** reported in **(1975) 2 SCC 386** where it has been held that the object of these provisions being to prevent vagrancy and destitution, the magistrate has to find out as to what is required to wife to maintain a standard of living which is neither luxurious nor penurious but is modestly consistent with the status of the family. Accordingly the needs and requirement of the wife for such moderate living can be fairly determined only if her separate income also is taken into account together with the earnings of the husband and his commitment. In this context, in support of his argument he also relied upon the observations made by the Apex Court in the case of ***Rajnish Vs. Neha*** reported in **(2021) 2 SCC 324**.

17. Mr. Ganguly further argued that the entire spectrum of the argument made by the petitioner in the instant application is that the opposite party no.2 is a national level cricketer and therefore, he must be saddled with huge maintenance, liability without keeping it in mind that the purpose of the provisions of PWDV Act is not meant for taxing or causing extortion of husband nor its purpose is to create equalization of wealth. He further submits that the quantum of maintenance of Rs. 80,000/- per month is more than enough for a child of 11 years for her education and substantial



upbringing. Mr. Ganguly on instruction of his client further submits that the opposite Party No. 2 undertakes before this court that he is ready and willing to take responsibilities for the higher education of the child. However the petitioner/wife is not entitled to any maintenance at all as she has substantial income of her own. In this context he further submitted that though the petitioner sought to create an equalization of wealth on the basis of income tax return for the current financial year but for the purpose of disposal of the present application, the income of the opposite party no. 2 has to be considered in respect of the standard of his living in 2018 i.e. lastly when they resided together and the petitioner cannot be permitted to rely upon any other document except for affidavit of assets filed by the opposite no. 2 in the proceeding under PWDV Act. Accordingly he prayed for dismissal of the present application.

**18.** At the outset it needs to be mentioned that the factum of marriage and the paternity of child is not in dispute in the present case. Needless to say that the condition precedent for interim monetary relief is that the magistrate has to satisfy himself, though prima facie, that there are domestic relationship between the parties and the claimant has made out a case of commission of domestic violence by the respondent. Here the aggrieved person alleged that she had been subjected to violence in the course of her domestic life with the respondent no.1. In this context there are allegation and counter allegations which cannot be adjudicated at this stage only on the basis of affidavit without the evidence but it is an undisputed fact that a criminal proceeding cropped up out of incidents took place during their matrimonial relationship and for which Jadavpur P.S.



Case no. 82 of 2018 under sections 498A /328/307/276/506/323/34 IPC was initiated by the petitioner/wife and the investigation in the said case has culminated into a charge sheet against the accused/husband and his other family members. Accordingly the said criminal proceeding and the domestic incident report, *prima facie* discloses the incidents of domestic violence to which the aggrieved lady was allegedly subjected to.

**19.** While adjudicating the issue of interim monetary relief claimed by the petitioner no. 1 herein, trial court came to a finding that though the fact of marriage and birth of child due to wedlock is not in dispute but there appears to be no document filed by the aggrieved person to *prima facie* establish the incident of domestic violence against her by the respondent and on the contrary she has independent income to maintain herself. Therefore, trial Court refused to grant any interim monetary relief to the petitioner though he granted Rs. 80,000/- per month towards monthly interim monetary relief to the child. However when appeal preferred against the aforesaid observation of the trial court, the appellant court discussed the issue of domestic violence and had made clear observation that the finding of the Trial court that there appears to be no *prima facie* incident of domestic violence from the fact and circumstances of the case, does not hold good and considering that there being domestic relationship between the parties and *prima facie* she was subjected to domestic violence, court below held that she is entitled to get interim relief. Such observation made by the Trial Court about domestic relationship as well as *prima facie* observation that she was subjected to domestic violence, is not under challenge in the instant application.



**20.** The challenge made herein by the petitioner is about alleged meagre amount of maintenance granted by the court below which according to petitioner is not adequate fair, reasonable or consistent with the standard of living, to which the aggrieved party is accustomed. In this context the court below discussed the term “accustomed” as used in section 20 of the PWDV Act, meaning thereby that the Magistrate shall take into consideration the standard of living of which she was accustomed in course of her living with her husband and at the same time whether it is commensurate with the income of her husband. In the instant case though opposite party no. 2 herein have not specifically disclosed what was his income during continuance of marriage i.e. for the period from 2014 to 2018 but it appears from the photo copy of income tax return of the assessee/opposite party no. 2 for the years 2020-2021 that his total annual income for the said period was Rs. 7,19,54,010/- .

**21.** There is no quarrel with the proposition of law that equalization of wealth with the other party cannot be the basis for determination of interim monetary relief amount as held by Supreme Court In **Rinku Baheti Case (Supra)** which reflects in paragraph 80 as follows :-

*“80. We have serious reservations with the tendency of the parties seeking maintenance or alimony as an equalisation of wealth with the other party. It is often seen that parties in their application for maintenance or alimony highlight the assets, status and income of their spouse, and then ask for an amount that can equal their wealth to that of the spouse. However, there is an inconsistency in this practice, because the demands of equalisation are made only in cases where the spouse is a person of means or is doing well for himself. But such demands are conspicuously absent in cases where the wealth of the spouse has decreased since the time of separation. There cannot be two different approaches to seeking and granting maintenance or alimony, depending on the status and income of the spouse. The law of maintenance is aimed at empowering the destitute and achieving social justice and dignity of the individual. The husband is under a legal*



*obligation to sufficiently provide for his wife. As per settled law, the wife is entitled to be maintained as far as possible in a manner that is similar to what she was accustomed to in her matrimonial home while the parties were together. But once the parties have separated, it cannot be expected of the husband to maintain her as per his present status all his life. If the husband has moved ahead and is fortunately doing better in life post his separation, then to ask him to always maintain the status of the wife as per his own changing status would be putting a burden on his own personal progress. We wonder, would the wife be willing to seek an equalisation of wealth with the husband if due to some unfortunate events post-separation, he has been rendered a pauper?"*

**22.** It is true that petitioner in her affidavit of assets and liabilities shown her meagre income of Rs. 16,000/- per month from bank interest but it is settled law that even if the wife is earning some amount of money, it is not sufficient to rule out the application for monetary relief. **(Zahir Abdullah & another Vs. Oman Abdullah, reported in 2023 SCC Online Del 5321).** Therefore while it is true that the question of awarding an excessive amount of monetary relief to make an attempt for equalization of wealth with the husband/ opposite party does not arise but at the same time awarding of very low amount of monetary relief also cannot be accepted which does not match with the standard of living of the parties. In this context court is not supposed to accept in one hand the submission of the petitioner/wife that the maintenance must be equal to husband's wealth to award exorbitantly inflated amount but on the other hand he is also not supposed to accept the submission of the opposite party/husband in the absence of sufficiently proven fact that the wife is financially secured enough to sustain herself and the child and that there is no requirement for the husband to discharge his paternal duties or can absolve himself from his duty by paying meagre amount of monetary relief in terms of his income.



**23.** In the present case though a point sought to be agitated by the husband that petitioner wife leading life outside this marital relationship and for which she is also not entitled to maintenance but the court below while dealt with the issue came to a finding that though it is true that in the instant case, either side projected the easy life of another and most of their accusations are based on paper publication and media reports and it is also true that personal life of both the contending parties is under the vigil of media and public but the same cannot take the seat of prima facie material or have any such convincing value in the eye of law, in the absence of any such clear material on record that the aggrieved person has married or is living a separate married life. In the absence of such fact the allegation of adulterous life of the parties cannot speak volume at this stage, to shun the responsibility and obligations.

**24.** Considering above mentioned submissions made by both the parties and materials so far placed on record including the observations of the courts below, it is not clear what was the basis of fixing of interim maintenance amount awarded to the tune of Rs. 50,000/- and 80,000/- in the context of affidavit of assets and liabilities and other materials placed on record in support of income. In view of materials placed before me and considering the elements for determination of quantum of maintenance as held in the salutary judgments, I am of the view that the quantum of interim monetary relief as fixed by the Court below requires revision. The opposite party/husband's income, financial disclosure and earnings established that he is in a position to pay a higher amount. The petitioner wife who has remained un-married and is living independently with the child is entitled to



a levelled maintenance that she enjoyed during her continuance of marriage and which reasonably secure her future as well as future of the child.

**25.** In my considered opinion a sum of Rs. 1,50,000/- per month to the petitioner no.1(wife) and Rs. 2,50,000/- to her daughter would be just fair and reasonable to ensure financial stability for both the petitioners, till disposal of the main application. Such amount is to be paid by the opposite party/husband from the date of filing of the application under section 23 of the PWDV Act, as decided by the Apex Court in **Rajnish Vs. Neha (supra)**. However as regards petitioner's child the husband /opposite party No.2 will always be at liberty to voluntarily assist her with educational and/or other reasonable expenses, over and above the aforesaid amount.

**26. CRR 656 of 2023** thus stands disposed of. The Trial Court is directed to dispose of main application as early as possible, keeping in mind that in case of an application under Section 12 of the Act, magistrate shall make every endeavour to dispose of every such application within a period of sixty days from the date of it's first hearing. It is also made clear that while disposing the application filed under section 12 of the PWDV Act finally, court below will come to a finding on the basis of evidence and documents that would be placed before him and shall not be influenced by any observation made herein.

Urgent Xerox certified photocopies of this Judgment, if applied for, be given to the parties upon compliance of the requisite formalities.

**(DR. AJOY KUMAR MUKHERJEE, J.)**

**//True Copy//**

**IN THE SUPREME COURT OF INDIA**  
**[S.C.R. ORDER XXII RULE 2 (2)]**  
**CRIMINAL APPELLATE JURISDICTION**  
**SPECIAL LEAVE PETITION (CRL.) NO.            OF 2025**  
**(UNDER ARTICLE 136 OF THE CONSTITUTION OF INDIA)**

**WITH PRAYER FOR INTERIM RELIEF**

(Arising out of the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025)

<b>BETWEEN CAUSE TITLE IN CRR NO. 656 OF 2023 I.A. NO. CRAN 1 OF 2023</b>		<b>BEFORE THE HON'BLE HIGH COURT</b>	<b>IN THIS HON'BLE COURT</b>
X		PETITIONER	PETITIONER
VERSUS			
1.	THE STATE OF WEST BENGAL, THROUGH STATION HOUSE OFFICER, POLICE STATION JADAVPUR, KOLKATA, WEST BENGAL.	OPPOSITE PARTY NO. 1	CONTESTING RESPONDENT NO. 1
2.	YYYYY	OPPOSITE PARTY NO. 2	CONTESTING RESPONDENT NO. 2

<b>BETWEEN CAUSE TITLE IN CRR NO. 656 OF 2023 I.A. NO. CRAN 2 OF 2025</b>		<b>BEFORE THE HON'BLE HIGH COURT</b>	<b>IN THIS HON'BLE COURT</b>
X		PETITIONER	PETITIONER
VERSUS			
1.	THE STATE OF WEST BENGAL, THROUGH STATION HOUSE OFFICER, POLICE STATION JADAVPUR, KOLKATA, WEST BENGAL.	OPPOSITE PARTY NO. 1	CONTESTING RESPONDENT NO. 1
2.	YYYYY	OPPOSITE PARTY NO. 2	CONTESTING RESPONDENT NO. 2

TO  
THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS OTHERS COMPANION JUDGES OF  
THIS HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. The present Special Leave Petition under Article 136 of the Constitution of India is being filed by the Petitioner is against the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025, by virtue of which, the Hon'ble High Court has failed to meticulously decide the quantum of maintenance and mode of payment for the same by the Respondent, who has placed on record incorrect and false financial documents, insofar as to avoid his lawful duty of maintaining the Petitioner and his minor child.

2. **QUESTIONS OF LAW**

The following questions of law arise for consideration by this Hon'ble Court:

A. Whether the Hon'ble High Court failed to adjudicate upon the integral factors while deciding the quantum of maintenance, such as sustenance, standard of living as per the matrimonial home and living with dignity, as held in the case of *Bhuvan Mohan Singh vs. Meena and others* (2015) 6 SCC 353?

- B. Whether the Hon'ble High Court failed to consider the binding precedent laid down in *Rajnish vs. Neha* (2021) 2 SCC 324 which mandates maintenance in line with the standard of living of the wife during matrimony?
- C. Whether the courts below failed to interpret and apply the principle of equalization of wealth as laid down in *Rinku Bahati vs. Sandesh Sharda* (2024) 3 SCC 686 and while ignoring actual requirement of financial parity and protection from destitution?
- D. Whether denial of reasonable maintenance to a minor daughter, who is constitutionally entitled to equal opportunities and lifestyle, violates her fundamental rights?

3. **DECLARATION IN TERMS OF RULE 3 (2)**

The Petitioner states that no other petition seeking Special Leave to appeal has been filed by her against the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025.

4. **DECLARATION IN TERMS OF RULE 5**

That the Annexures P-1 to P-14 produced herewith are true copies of the documents which formed a part of the records of the case against whose order the leave to appeal is sought for in the instant Special Leave Petition.

5. **GROUNDNS**

- A. Because the impugned judgment fails to appreciate the settled law that maintenance must reflect the husband's income and wife's accustomed lifestyle during matrimony as held in the case of *Rajnish v. Neha* (2021) 2 SCC 324.
- B. Because courts below erred in holding the wife's meagre earnings as a bar to adequate maintenance despite her role as primary caregiver of the child and lack of stable income sources.
- C. Because the standard of living during cohabitation and husband's financial capability are the correct benchmarks—not current hardship alone.
- D. Because under Section 20 of the DV Act, the monetary relief must be "adequate, fair, reasonable and consistent" with the standard of living to which the wife and child were accustomed.
- E. Because the child, who is studying below her entitlement due to lack of funds, is entitled to the same educational and lifestyle standards as other children of elite cricketers.
- F. Because the High Court failed to imply the dictum laid down in *Rinku Baheti vs. Sandesh Sharda* (2024) 3 SCC 686 and confused "equalization of wealth" with constitutionally valid financial parity.
- G. Because the object of DV Act is social justice and protection of dependent women and children, as emphasized in *Bhagwan Dutt v. Kamla Devi* (1975) 2 SCC 386.

- H. Because that the Ld. Add. District & Sessions Judge, F.T.C.-V, Alipore, South 24 Parganas while passing impugned Judgement and order dated 18.01.2023, on one hand took due note of the fact that from ITR filed by the Respondent No. 2 for the year 2020 to 2021 it was apparent the total income of the Respondent No. 2 was around Rs 7,19,54,010 (Rs Seven Crore Nineteen Lakh Four Thousand and Ten only) and on the other hand mechanically granted interim relief to the tune of Rs. 50,000/- per month to the petitioner and Rs. 80,000/- towards the minor child.
- I. Because the learned court below did not take into consideration that the Affidavit of Assets and Labilities filed by the Petitioner it was apparent that Respondent no. 2 have mere monthly income to the tune of Rs. 16,000 (Rupees sixteen thousand) came from the banking interest and has an monthly expenditure near about Rs. 6,12,905 (Rupees Six Lakh Twelve Thousand and Nine Hundred and Five) and as such the interim relief granted to the Petitioner and her minor daughter is inadequate and insufficient and liable to modified by this Hon'ble Court in the interest of Justice.
- J. Because the Ld. Add. District & Sessions Judge, F.T.C.-V, Alipore, South 24 Parganas did not minutely peruse the documents submitted by the Petitioner and Respondent no.2 in its true perspective and mechanically passed the order dated 18.01.2023.

- K. Because the Ld. Judge and Magistrate while deciding interim application for monetary relief did not take into consideration the standard of living of the respective parties and other attending facts and circumstances of a case. The factual profile as portrayed in the instant case clearly establishes that the Respondent No. 2 is an affluent person having a lady of destitute who is also responsible for taking care of her daughters.
- L. Because while passing impugned order of interim relief the Learned Magistrate failed to appreciate that the test for determination of maintenance and/or monetary relief in matrimonial disputes depends on the financial status of the respondent, and the standard of living that the applicant was accustomed to in her matrimonial home.
- M. For that, beneficial and protective legislation like the *Protection of Women from Domestic Violence Act, 2005* have been enacted as a measure of social justice to provide recourse to dependent wives and children for their financial support, so as to prevent them falling into destitution and vagrancy. Such enactment came in the light of the Article 15 (3) reinforced by Article 39 of the Constitution of India, which envisages a positive role for the state in fostering change towards the empowerment of women, irrespective of the religious community to which they belong, apart from the personal law applicable to various religions.
- N. Because the Ld. Trial Court while passing the order dated 18.01.2023 failed to appreciate that it is no answer to a claim of maintenance that the wife is

educated and could support herself. The court must take into consideration the status of the parties and the capacity of the spouse to pay for her support. Maintenance and/or monetary relief is dependent upon factual situations; the Court should mould the claim for maintenance and/or monetary relief based on various factors brought before it.

- O. Because the Ld. Trial Court while passing the order dated 18.01.2023 did not take into consideration that the net income of the opposite party no.2 is to the tune of Rs. 59,96,167/- per month. For the sake of argument and without admitting anything, it is submitted that computing the quantum of interim maintenance and/or monetary relief at the rates of 1/3rd of the net income of the opposite party no.2, the amounts of Rs. 7,19,54,010 (Rupees Seven Crore Nineteen Lakh Fifty-Four Thousand and Ten Only) become payable. In view of the same, the amount of interim maintenance and/or monetary relief adjustment by the Ld. Judge to the tune of Rs. 50,000/- per month to the Petitioner and Rs. 80,000/- towards her minor child is meagre, inappropriate and is not borne out either in facts or in law.
- P. Because the order dated 18.1.2023 passed by the Learned Additional District & Sessions Judge, F.T.C-V, Alipore, South 24 Parganas in Criminal Appeal No. 203 of 2018, is otherwise bad in law and is liable to be set aside and/or quashed and appropriate directions deserve to be passed by this Hon'ble Court directing the opposite party no. 2 to pay interim maintenance and/or monetary relief to the petitioner at the rate of Rs.

7,00,000/- per month and at the rate of Rs. 3,00,000/- per month to her minor daughter or such other amount as may be deemed fit and proper by this Hon'ble Court.

**6. GROUNDS FOR INTERIM RELIEF.**

- A. Because the factual matrix of the case clearly establishes that Respondent No. 2 is an affluent and financially resourceful individual, enjoying a significantly high standard of living in society. The Petitioner wife and the minor daughter, who are both legally and morally entitled to be maintained in accordance with the same standard of living, are presently deprived of the same due to the Respondent's refusal to provide adequate support.
- B. Because the minor daughter, who is of tender age and currently pursuing her education, is forced to study in conditions far below her rightful entitlement solely due to lack of funds. The minor child is entitled to the same quality of education, lifestyle, and social exposure as the children of similarly placed elite sportspersons, including other cricketers with equivalent stature and financial capacity as the Respondent No.2.
- C. Because it is a settled principle of law that a child is entitled to be maintained by the father in accordance with the latter's status, lifestyle, and financial resources. The Respondent No. 2 cannot shirk his legal and moral obligation towards his daughter by citing technical or procedural objections.

- D. Because the Petitioner, despite being qualified, is presently without any independent source of income and is solely burdened with the responsibility of upbringing the minor daughter. The plea that the Petitioner is educated does not absolve the Respondent of his statutory and constitutional duty to provide for the maintenance of his wife and child.
- E. Because the interim orders passed by the courts below are mechanical, unjust, and fail to consider the spiralling cost of living, inflation, education expenses, medical needs, and social expectations that a minor child of a public figure like Respondent No. 2 is required to meet in day-to-day life.
- F. Because the Respondent's refusal to provide sufficient maintenance has resulted in grave hardship to the Petitioner and the minor child, who are compelled to live a life of financial insecurity, emotional distress, and social exclusion—despite being entitled to a life of dignity and equality under Article 21 of the Constitution of India.
- G. Because Section 23 of the Protection of Women from Domestic Violence Act, 2005 empowers the Hon'ble Court to grant immediate and appropriate interim relief in order to protect the aggrieved persons from further economic abuse, hardship, and deprivation. The facts of the present case clearly warrant such protection.
- H. Because the purpose of interim maintenance is to secure the immediate needs of the wife and child during the pendency of proceedings, and the denial of such relief effectively defeats the spirit of the legislation and the

object sought to be achieved by the Parliament through the enactment of the DV Act.

**7. MAIN PRAYER**

In view of the above facts and grounds, the Petitioner most respectfully prays that this Hon'ble Court may graciously be pleased to:

- a) Grant Special Leave to Appeal against the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025; and
- b) Pass such further and other orders as may be deemed just and proper in the facts and circumstances of the case.

**8. PRAYER FOR INTERIM PRAYER**

It is most respectfully prayed that this Hon'ble Court may be pleased to:

- a) Stay the operations of impugned interim order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025; and
- b) Direct Respondent husband to pay an interim maintenance amount to the tune of ₹7,00,000/- per month to the petitioner wife and ₹3,00,000/- per month to the minor daughter from the date of filing of the Application under Section 23 of the DV Act by the Petitioner, i.e. 07.04.2018 forthwith; and

- c) Pass any other interim orders as deemed just and proper in the interest of justice.

**AND FOR WHICH ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

**DRAWN BY:  
SOLICITORSINDIA LAW OFFICES  
ADVOCATES**

Filed by:



**DEEPAK PRAKASH  
ADVOCATE FOR THE PETITIONER**

Drawn on: 04.09.2025

Place: New Delhi

Dated: 19.09.2025

**IN THE SUPREME COURT OF INDIA**  
**CRIMINAL APPELLATE JURISDICTION**  
**SPECIAL LEAVE PETITION (CRL.) NO.                      OF 2025**

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

**CERTIFICATE**

Certified that the Special Leave Petition is confined only to the pleadings before the Court / Tribunal whose order is challenged and the other documents relied upon in those proceedings. No additional facts, documents or grounds have been taken therein or relied upon in the Special Leave Petition. It is further certified that the copies of the documents / Annexures attached to the Special Leave Petition are necessary to answer the question of law raised in the petition or to make out grounds urged in the Special Leave Petition for consideration of this Hon'ble Court. This certificate is given on the basis of the instructions given by the petitioner / person authorized by the petitioner whose affidavit is filed in support of the Special Leave Petition.

Filed by:

  
**DEEPAK PRAKASH**

**ADVOCATE FOR THE PETITIONER**

Place: New Delhi

Dated: 19.09.2025

BEFORE THE NOTARY  
ALIPORE POLICE COURT  
KOLKATA-700027

S/L. No. 4 ..... 14 AUG 2025



IN THE SUPREME COURT OF INDIA  
CIVIL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (CIVIL) NO.

OF 2025  
PETITIONER  
RESPONDENTS

IN THE MATTER OF:

XXXXX

VERSUS

THE STATE OF WEST BENGAL & ANR.

AFFIDAVIT

I, XXXXX

Residing at

presently at

do hereby solemnly affirm and state as follows:

1. I am the Petitioner in the above-mentioned Special Leave Petition, and as

such I am well conversant with the facts of the case and thus competent to swear this affidavit.



I say that the I have read and understood the contents of the Synopsis and List of Dates at Pages B to Q and contents of Para 1 to 8 at Pages 17 to 28 of the Special Leave Petition and connected applications at Pages 183 to 189 and state that the facts mentioned therein are true to my knowledge and belief and information derived from the records of the case as per the legal advice received and

14 AUG 2025

believed by me. I say that the facts and circumstances stated in the Special Leave Petition and connected applications are true and correct.



- 3. That the annexures filed along with this Special Leave Petition are true copies of their respective originals.
- 4. I say that the averments of facts stated herein above are true to my knowledge and no part of it is false and nothing material has been concealed there from.

**DEPONENT**

**VERIFICATION**

I the above-named deponent affirms that the contents of Para 1 to 4 of this affidavit are true and correct to best of my knowledge and belief and no part of it is false and nothing material has been concealed there from.



Identified at \_\_\_\_\_ on this the 04<sup>th</sup> day of August, 2025.

I hereby affirm and declared before me on Identification of Advocate : Alipore Police Court Kolkata-700 027 under Notaries Act. 1952

**DEPONENT**

Identified by me

*[Signature]*  
Advocate

**ROUSHAN ARA**  
NOTARY  
Govt. of India  
Regd. No.-55804/2025

**14 AUG 2025**

**ANNEXURE P-1**

Dated: 08.03.2018

To,

The Commissioner of Police  
18, Lalbazar Street,  
Kolkata-700001.

**Sub: Complaint about continuous mental and physical torture by husband  
and other in laws: (1)**

**and (2) Md. Hasib Ahamed, Son of Late Tousif Ahamed (Brother in Law), (3) Shama Parveen, Wife of Md. Hasib Ahamed, (4) Anjuman Ara Begum (Mother in Law), Wife of Late Tousif Ahamed of Village Shanpure, Ali Nagar, P.O. Dadol, District J.P. Nagar, Amroha, Uttar Pradesh, Pin Code-244222 (5) Sabina Anjum (Sister in Law), Wife of Gaznabi, Daughter of Late Tousif Ahamed of Village Pallola, P.O. Dadoli, U.P.**

Dear Sir,

With reference to the above, I \_\_\_\_\_, Wife of \_\_\_\_\_, of 128, Prince Golam Hossain Shah Road, "Senkuthi", 1<sup>st</sup> Floor, Flat No. 1-B, P.S. Jadavpur, Kolkata-700032, beg to lodge this complaint before you as follows:

That my husband \_\_\_\_\_ is a professional cricketer and regular member of Indian National Cricket Team, during Indian Premier League Session 2012, I was introduced with him and thereafter time been in force well fall in love and ultimately on 07.04.2014 our marriage was solemnized under the provision of Mohammadan Marriage Act, followed by Sunni Muslim Marriage Religious Rituals and Customs with the instance of both sides guardian in presence of all common relatives, friends and well-wishers of my paternal house situate at 123, Prince Golam Hossain Shah Road, Senkuthi, 1<sup>st</sup> Floor, Flat No. 1-B, P.S. Jadavpur, Kolkata-700032.

That after solemnization of our said marriage, a reception was held on 06.06.2014 at Five Star Resort namely Holiday Regency at Muradabad, Uttar Pradesh and at that time my parents gave 15 bhoris of gold ornaments as ritual gift.

That after solemnization of our marriage we started our conjugal life at matrimonial home situate of Shashipore P.O. + P.S. Dadoli, Distt. J.P. Nagar, Uttar Pradesh and our marriage was duly consummated.

That thereafter sometime in the month of July, 2014 had to return back at Kolkata due to professional career of my husband and started to live as husband and wife as Senkuthi, 1<sup>st</sup> Floor, Flat No. 1-B, P.S. Jadavpur, Kolkata-700032. In the meantime out of our Wedlock a female child namely Aairah Shami was born on 17.07.2015, I always used to go in my in laws village in U.P. as per the direction, will and desire of my husband.

That while our love affair time, I disclosed my family life, family background to my husband, and my husband also aware and know that I was working girl attached with advertisement and its ancillary business and I love and respect my profession. My husband during our affair time assured and committed me that I can independently continue my job, though due to continuous torture of my husband, I compelled to left my job.

Just after my marriage, I came to know and realized that my husband is very narrow mentalities personality and always influenced by his elder brother and mother above named. It is to be mentioned here that against my brother in law, number of criminal cases are pending to their local Dadoli Police Station, Uttar Pradesh and he is always surrounded by group of antisocial elements namely Riaz Alam, Inameul Hassain and Md. Ali @ Channu.

That after our said marriage my husband got regular chance as ahead “bowler” of the Indian National Cricket Team”, day by day his name, fame and financial establishment developed. After upgrading of financial establishment of my husband he was caught hold and trapped by other family members of in laws under the leadership of my said brother in law namely Hasib.

That my husband now started to neglect me and my daughter and inflicted mental and physical tortured upon me as per the direction of aforesaid persons, whose names mentioned as above in this application. Furthermore my husband and other in laws created pressure upon me to left from my husband’s life and get him divorce otherwise, they will drive out me from his house, so

that they can give second marriage of my husband with a multimillionaire girl, who is a “Bollywood Actress” of Mumbai.

I further submit that on 07.12.2017, I along with my husband went to his native village, and I faced with a traumatic experience, when my husband forced me to make sexual relationship with my brother in law namely Md. Hasib Ahamed and they also tried to kill me mixing and / or using a number of sleeping pills with my meal, anyhow fortunately my life was saved and I manage to escape from their house and I return to Kolkata on 08.01.2018.

That my husband returned Kolkata on 19.02.2018 from South Africa Tour in course of my marital life I came to know that my husband is an womanizer and the maintain steady sexual relation with one Esther Mawi, resident of Bangaluru also with one Manju from Nagpur and also with one Alishba of Karachi, Pakistan. After knowing the entire facts when I protested and raised my voice against my husband’s such type of activities, he assaulted me brutally on 23.02.2018 it is to be noted that I can prove the aforesaid perverted activities of my husband from his social network such as face book, whats app etc. for correspondence.

Be it mentioned herein from while returning from South Africa he stayed at Dubai, wherein from his expression, he bought one Pakistani Girl namely Alishba and enjoyed her at Dubai, I came to know from his social medical correspondence. My husband having a BMW Car being No. WB-02-AE-6551 which is exclusively self drive rided by him. On 23.02.2018 at about 09.30

P.M. he give the keys of his personal BMW car to get the documentary thereafter, I got one HTC mobile set, having is connection number +4447864905556, which was gifted to my husband by his IPL Team, Delhi Dare Devils. I became shocked and astonished when I got one condom packet and the said exclusive user mobile phone of my husband from the driver seat legs space under carpet of the said car. After opening the said personal mobile phone of my husband, going through his correspondence, photography, sexual chat throughout social media, I became totally broken down, how bad my husband. It is witnesses from his social media correspondence of my husband that he is regular illegal sexual enjoyer and he used to chat with so many girls and some of the girls is being attracted by professional fame and name, some are his fan and taking advantage of his social reputation as a Indian National Cricket Team Member, he made them bed partner. One Pakistani Girl namely Alishba was exploited and sexually enjoyed by my husband and subsequently at Dubai and my husband committed to marry her shortly.

I have tried my level best to adjust with him only with a hope shortly my husband will realize his fault and he will be a gentlemen and we shall live a happy conjugal life with my children I have absorbed all my possible tolerance and pain and did not lodge any complaint inspite of knowing his illicit sexual relationship with so many girls in India and abroad with a hope that end of the day he shall realize his fault and come back in family life.

But when my husband informed me that he is going to marry the said Pakistani Girl and I have to stay in his life as a kept then I started hue and cry and over phone. I have reacted and a hot altercation took place between me and my husband.

Thereafter under the extreme mental depression, I, on 06.03.2018 posted all his illicit relations, correspondence, a sexual chat, naked photography in face book / social media, but unfortunately on and from yesterday i.e. 07.03.2018 all my posting in face book has been deleted and / or blocked reason not known to me.

That my husband purchased 300/- (Three Hundred) bighas more or less agricultural land at his native village in his name and one flat at Kolkata, where I am presently residing but nothing is in my name and my daughter's name for our future.

That my husband in connivance with my mother, sister, brother in laws and aforesaid elements threatening me by saying that "If I not withdraw / divorce my husband and then they will kill me and my daughter".

That even my husband not providing me day to day sufficient expenses as per my basis requirements, I have no own accommodation at Kolkata rather they are pressuring me to left his house from his life.

That frequently I have to go my in laws village and I am apprehending that over the said issue, I may be kill by the aforesaid persons. As because they are very dangerous and desperate type of people, having their criminal

background and money power and they may do anything to achieve their own purpose, even I am apprehending I may be kidnapped by the aforesaid persons from Kolkata.

I was traumatic conditions, as such causing delay to submit this complaint.

Therefore through this written complaint I put my humble request that, considering this overall facts and events and after starting a proper investigation by treating my complaints as an FIR and take appropriate legal steps against all the aforesaid persons and provide necessary security to protect me life and my child's life.

Thanking you,

Yours faithfully

  
//True Typed Copy//

## ANNEXURE P-2

**FIRST INFORMATION REPORT****(Under Section 154 Cr. P.C.)**

1.	District:	Sub Dvn.	P.S.:	Year:	FIR No.	Date:
	<b>SSD Kolkata</b>	Alipore	<b>Jadav Pur</b>	<b>2018</b>	<b>82</b>	<b>08.03.2018</b>
2.	Act(s):					
	1	<b>IPC 1860</b>	Section(s):	<b>498-A, 328, 307, 354/34</b>		
3.	Occurrence of Offence:			<b>On or after 07.04.2018</b>		
	(a)	Day:	Date From:	Date to:		
		Time Period:	Time From:	Time To:		
	(b)	Information Received at P.S.	Date:	<b>08.03.2018</b>	Time:	<b>21.40</b>
	(c)	General Diary Reference:	Entry No.:	<b>713</b>	Time:	<b>21.40</b>
4.	Type of Information:	<b>Written letter of complaint by the complainant</b>				
5.	Place of Occurrence:					
	(a)	Direction and Distance from P.S.	<b>Around 5 Km. south west.</b>	Beat No.		
	(b)	Address:	<b>128, Prince Golam, Hossain Shah Road, "Senkuthi", First Floor, Flat No. 1-B, Kolkata-37 and other places.</b>			
	(c)	In case, Outside the limit of the Police Station:			District:	
		Name of P.S.:				
6.	Complainant / Informant:					
	(a)	Name:				

(b)	Husband's Name		(c) Date of Birth		
(d)	Nationality	<b>India</b>	(e) UID No.		
(f)	Passport No.		Date of Issue: Place of Issue:		
(g)	Id details (Ration Card, Voter ID Card, UID No., Driving License, PAN)				
	S. No.	Id Type		Id Number	
	(h)	Occupation			
	(i)	Address			
	Sl. No.	Address Type		Address	
	1.	Present Address:			
	2.	Permanent Address:			
	(j)	Phone Number			
		Mobile Number			
7.	Details of Known / Suspect / Unknown accused with full particulars (attach separate sheet if necessary):				
	S. No.	Name	Alias	Relatives Name	Address
	1.				Not Legible
	2.	Mohd. Shakir Pasa			Not Legible
	3.	Imran Ali			Not Legible
8.	Reason for delay in reporting by the complainant / informant:				

9.	Particulars of the properties stolen / involved (attach separate if necessary):					
	Sl. No.	Property Type (Description)	Sub Type	Description	Status	
10.	Total value of property stolen:					
11.	Inquest Report U/.D. Case No., if any:					
12.	F.I.R. Contents (attach separate sheet, if require):					
	The FIR named accused persons, husband and in-laws of the complainant started torturing her mentally and physically since her marriage solemnized on 07.04.2014 in that the accused persons assaulted the complainant and attempted to commit murder of the complainant. It is also alleged by the complainant that the accused person in front of people put some pressure on her to commit forceful sexual intercourse with her and also criminal intimidation.					
13.	Action Taken Since the above information reveals commission of offence U/s. as mentioned at item No. 2.					
	(i)	Registered the case and took up the investigation			OR	
	(ii)	Directed (Name of the I.O.):		<b>Kumar Dutta</b>		
		Rank: <b>Inspector of Police</b>		No. :		
	(iii)	Refused investigation due to:			OR	
	(iv)	Transferred to P.S. (name) on point of jurisdiction			District:	
	F.I.R. read over to the complainant / informant admitted to be correctly recorded and a copy given to the complainant / informant free of cost:					
14.	<b>R.O.A.C.</b>					
	Signature / Thumb Impression of the Complainant / Informant:			Signature of Officer		
				Name:		
				Rank:		
		No.				
15.	Date and Time of dispatch to the Court:					

  
//True Typed Copy//

ANNEXURE P-3

**IN THE COURT OF THE CHIEF JUDICIAL MAGISTRATE, AT  
ALIPORE (DIST. ALIPORE)**

**COMPLAINT CASE NO. A.C. 945 OF 2018**

P.S. Jadavpore

**IN THE MATTER OF:**

An application under Section 12 and 23 of the Protection of Women from Domestic Violence Act, 2005 (Act 43 of 2005) to exercise power given under Sections 17, 18 (a), 18 (b), 18 (c), 18 (d), 18 (f), 18 (g), 19, 20, 21, 22 and 23 of the said act.

**IN THE MATTER OF:**

XXXXXX

Petitioner/Aggrieved Person

Versus

1. YYYYYY
2. Md. Hasib, Son of Late Tousif Ahamed.
3. Shama Parveen, Wife of Hasib Ahamed.
4. Anjuman Ara Begum, Wife of Late Tousif Ahamed.
5. Sabina Anjum, Wife of Gaznabi. Respondents/Opposite Parties

**APPLICATION UNDER SECTIONS 17, 18 (A), 18 (B), 18 (C), 18 (D),  
18 (F), 18 (G), 19, 20, 21, 22 AND 23 READ WITH SECTION 12 OF  
THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE  
ACT, 2005 (43 OF 2005)**

The humble petition of the Petitioner above named.

**MOST RESPECTFULLY SHEWETH:**

1. That the application under Section 17, 18(a), 18 (b), 18 (c), 18 (d), 18 (1), 18 (g), 19(1), 20, 21, 22 and 23 read with Section 12 of the Protection of Women from Domestic Violence Act, 2005 is being filed by-
  - 1.a) Aggrieved parson:

Daughter of Md. Hossain, A Muslim by Religion, aged about 34 years, presently residing at 128 Prince Golan Hossain Shah Road, 'Senkathi", 1st Floor, Flat No.-1B, P.S. Jadavpur, Kolkata-700032.
2. It is prayed that the Hon'ble Court take cognizance of the Complaint / Domestic Incident and pass all/ any of the orders, as deemed necessary in the Circumstances of the case;
3.
  - a) Pass protection orders under Section 18 and/ or: YES
  - b) Pass residence orders under Section 19 and/or: YES
  - c) Direct the Respondents to pay monetary relief under Section 20 and/or YES
  - d) Pass orders under section 21 of the Act, remain custody of your petitioner minor daughter namely Aairah Shami Yes

- e) Direct the respondent to grant compensation or damages under section 22 end/ YES
  - f) Pass such interim orders as the Court deems just and proper,
  - g) Pass any orders as deems fit in the circumstances of the case.
4. This Application is being filed to direct the respondents to provide the complaint with same level and status of alternate accommodation under Section 19 (1) of the Protection of Women from Domestic Violence Act, as prayed by her in the shared household. The respondent Nol is the husband of the complaint. Respondent No. 1 is the husband of the complaint. Respondent No. 2 brother-in-law husband's brother), 3. Sister-in-law/ Jaa, (wife of the Hasib Ahamed) 4. Anjuman Ara Begum mother-in-law) 5. Shabina Anjum (sister-in-law/named).
5. The petitioner is praying for a protection order to prohibit the respondents from committing further acts of Domestic violence. Petitioner is also praying that the Respondents be restrained from alienating any assets which are held and/ or were enjoyed by both the parties. Petitioner in praying for restrain orders under Section 19 of the Domestic Violence Act, for monetary relief for herself and her child, for compensation orders for the mental cruelty, emotional

distress and injury caused by Respondents to her. Petitioner is also praying for custody orders of the minor child. Petitioner is further praying for interim ex-parte orders with regard to the aforesaid reliefs. This petition is being filed for monetary reliefs of maintenance, custody orders and medical expenses.

**BRIEF FACTS:-**

6. That the marriage between your petitioner and the respondent. No. 1/ husband was solemnized on 07.04.2014 at 128, Prince Golam Hossain Saha Rond "Senkuthi", 1<sup>st</sup> Floor, P.S. Jadavpur, Kolkata-700032 according to Sunni Muslim Marriage Act, followed by limine religious marriage rituals and customs in presence of both side guardians, common relatives, friends and well-wishers, the said marriage subsisting.

A photography of the Marriage is annexed herewith marked as Annexure 'A' for your Honour's kind perusal.

7. That after solemnization of the said, marriage, a reception party was held on 06.06.2014 at Resort namely "Holiday Regency" at Muradabad, Uttar Pradesh. Your petitioners and the Respondent No. 1 / husband used to started not legible life, initially at her matrimonial in law village / house at Shashpore P.O. & P.S. Dadoli, District J.P.

Nagar, Amroha, Uttar Pradesh and their marriage was duly co-habited, consummated, and out of lawful wed-lock of the said marriage, one female child namely Aairah Shami @ Bebo was born on 17.07.2015 (who is now about 2 and half years) and presently under the care and charity of your Petitioner.

8. That at the time of marriage your petitioner's parents gave 15 Bhoris of gold ornaments as ritual gift for your petitioner and to live gold finger rings and "golden buttons" their son-in-law 10., Respondent No.1/ husband and sum gold ornaments to the others in-law family members and costly wearl and apparels to the Respondent Ne 1/ husband.
9. That the Respondent No. 1 / husband is a professional cricket player, a first blower, regular team member of "Indian National Cricket Team". During Indian Premier League Session, 2012 Respondent No. 1 / husband was only a member of Kolkata Knight Rider Cricket Team. Indian Premier League Session 2012, your Petitioner was also attached with Kolkata Knight Rider Cricket Team as a "Cheers Leader" and while the evening party sessions of the Kolkata Knight Rider Cricket Team, your Petitioner was introduced with Respondent No. 1 / husband thereafter, time been in-force at the approach,

motivation instant and influence of the Respondent No. 1/ husband they are fall in love. At that point of time the Respondent No. 1/husband was also a cricket player of the Mohan Bagan Club, Kolkata, to draw attention and to get sympathy from your petitioner the Respondent No. 1/ Husband told your petitioner that he is staying at Mohan Bagan Club Mess, Premises No. 35, Eliot Road, Park Street, Kolkata-700016, and he is staying in the said Club Meas like a "Orphane Boy" and nobody in the city of Kolkata from his family to take proper care of him. Be it mention herein in the year 2012 Respondent No. 1/ husband though having good quality of bowler, but his fame, finance and name was not established lite as on this date.

10. That your petitioner states that in the year 2010 she gat divorce from her Firat Husband, she used to reside with her two daughters namely i) Hashi and ii) Khushi (of her first marriage) in a rented flat at 2/25 Rabindra Ragar, P.S. Jadavpin, Kalbata-700052; having two maid servants in the said flat to look after your Petitioner's daughters and household work. In the year 2012 your petitioner used to earn sufficient money to maintain her family. The Respondent No.1/ husband during love affair time used to regular visit, take meat and spent time with your petitioners and her minor two daughters, while

love affair time your petitioner disclosed her first marriage, Introduced with her two daughters from the first husband and family life, family back ground to the Respondent / Husband and the Respondent No. 1 / husband was also well aware that your petitioner is a working girl, attached with the Advertisement, Modelling, business. Your petitioner also informed the Respondent No.1/ husband that your petitioner loved and respect her profession and she will continue her profession even after marriage. During love affair time with your petitioner, the Respondent No.1/ husband was also well aware about your petitioner's every part of life and sometime the Respondent No.1/ husband accompanied the said two daughters of your petitioner for their school and tuition, the Respondent No.1/ husband knowing the said back ground of your petitioner assured, committed and represented to your petitioners that if your petitioner willing to marry the Respondent No.1/ husband, then he will allow your Petitioner to continue her job independently, he will take care of her said two daughters, believing upon the said representation and commitment of the Respondent No. 1 / husband your Petitioner ultimately gave her consent of the said marriage, but after the marriage the Respondent No. 1 / husband suddenly changed his mind,

attitude, mentality and induced, brain wash of your petitioners by saying that he will earn much more money from cricket and from his income they will live a happy life and shall acquire many Assets and more money in their joint name, her said two daughters shall provide proper education and better life, believing upon the said representation, commitment assurance and the pressure of the Respondent No. 1 / husband thinking the same as genuine, your petitioners in order to give respect of his (false) love and to enjoy a happy marriage life. Ultimately your petitioner willing to marry the Respondent No.1/ husband and thereafter she quit/ left from her all professional carrier and job, confined herself in the house of the Respondent No. 1/ husband and became a true housewife. Be it mentioned that before marriage with the Respondent No. 1 / husband requested, instructed to your petitioner that not disclosed about her first marriage and the said two daughters to his family members because if she disclosed the same to the members of her in-laws family, then the social reputation, prestige and position of the Respondent No.1/ husband before his friends, relatives and colleague shall be insulted. The marriage dated 07.04.2024 was organized by the

Respondent No. 1 / husband at his own cost and according to his own will and choice.

11. That after few days of your petitioner's marriage, all the respondents started inflicting torture upon your petitioner and they started teasing and insulting your petitioners by saying that "Your petitioner is a Bangal ", having no culture about their mentality and also over the issue of the wearls, apparels dressing sense they always teased and abused your petitioner with filthy languages, when your petitioner protested and raised her objection, then the Respondent No. not legible in law, mother in law and sister in law respectively jointly started to abused your petitioner with high volume and most vulgar and harsh abusive words and languages. Your petitioner states that after marriage your petitioner came to know the Respondent No.1/ husband is a lady killer, womaniser addicted with the vulgar movies, fun of making telephonic called sex partners over phone and characterless. Your petitioner further states that though the Respondent used to show he is a very short spoken person, but it is only his musk, by heart he is very short tempered, aggressive and character leas person, over the silly issue, he used to physically assault, beat and inflict mental torture upon your petitioner without

any rime and region, sometime proper maintenance was not provide to your petitioner, but considering her 1 marriage, background of divorce and two daughters and social prestige, reputation and position, your petitioner was totally shattered and silent about the said torture, behaviour and the acts of the Respondent No. 1/husband, your petitioner level beat tolerated the torture of the Respondent No.1/husband with a hope the one day respondent No.1/ husband will realise his fault and appear as a good husband, Your petitioner informed and/ or shared the said acts, attitude and misbehaviour of the Respondent No.1/husband to her mother in law and Respondents Nos. 2 to 5, but without raising any objection of the said crime of the Respondent No. 1/ husband mother in law and there is members started quarrel, mental torture using un parliamentary language by saying that "the Respondent No.1/husband is a star cricketer, having his fame, name, money" so that he may do anything even make new bed partner/s with any girls according his sweet will. Your petitioner states that inspite her level bent effort, dedication, tolerance the behaviour of all the respondents were not change, rather over the said issue the physical and mental torture upon your petitioner increased day by day.

12. That your petitioner further states that after the marriage, the Respondent No.1/ husband got regular chance as a lead bowler of the Indian National Cricket Team, and day by day, the Respondent No.1/ husband, got his name, fame and financial establishment. After up grading of his financial establishment, the Respondent No.1/ husband was caught hold and trapped by his elder brother i.e., respondent No. 2 Above named and other in-laws family members under the leadership of Uin Respondent No. 2.
13. That your petitioner states that the Respondent No.1/husband started to neglect your petitioner and her minor daughter and inflicted mental and physical torture to your petitioner as per direction of Respondent No. 2, 3, 4 & 5 namely Md. Hasib, (brother-in-law) Shama Parveen, wife of Md. Hasib Ahmed and Anjuman Ara Begum (mother in law), Shabana Anjum respectively, furthermore the Respondent No.1/husband and the respondent Mos. 2 to 5 in connivance with each other m de un-wholly conspiracy and without any issue started physical torture upon your petitioner, so that your petitioner shall compel to leave from the Respondent No. 1/husband's life and get her divorce from the respondent No.1/husband, otherwise all the respondents will driven out your petitioner from her matrimonial

house. The respondent No. 2, 3, 4 & 5 also told that they planned to give second marriage of the Respondent No. 1/ husband with a multi-millionaire girl who is bolly wood actress of Mumbai.

14. That your petitioner states that on 07.12.2017 Respondent No. 1/ husband's took your petitioner at his said native place/ village, your petitioner had been at said native place with the Respondent No.1/ husband with an open mind/trust to enjoy/ pass the holiday along with her daughters. When your petitioner stayed at her said matrimonial home in that point of time, all the respondents made a conspiracy and younger sister of the Respondent No. 3 Shama Parveen i.e. the Sali of the Respondent No.2 in your petitioners said native in-laws house and all the respondents to humiliate your petitioner otherwise involved the said sister of the Respondent No. 3 Shama Parveen namely Shahnaz so that your petitioner compelled to quit from the life of the Respondent No.1/ husband and permanently she left her said matrimonial home. Furthermore, she was also face a traumatic experience. from the Respondent No. 1/ husband's, he forced your petitioner to make sexually relation with respondent No. 2/ i.e. brother-in-law namely Md. Hasib Ahamed. The Respondent No. 1/ husband told to your petitioner, that your petitioner in model, good

looking, good height for that reason respondent No. 2 is very much like your petitioner, if your petitioner make the said relation with the Respondent No.2 then the Respondent No.2 also will be under the central of the Respondent No.1/husband. Without protesting the said acts of the Respondent Nos. 1 & 2 all the Respondents tried to driven cut your petitioner form the house as well as from the life of the Respondent No. 1/ husband's, all the Respondent made a deep rooted criminal conspiracy inconvenience with each other tried to kill/ murder your petitioner by providing sleeping pills normal mines. Side effect of consuming of the said sleeping pills, your petitioner two days was/were unconscious, slepted with sound less motion, thereafter your petitioner over phone called her father and informed the entire incident and torture inflicted upon your petitioner by the respondents, then your petitioner's father sent her the said two daughters to your petitioner's from her native place to rescue your petitioner also from the hands of the respondents. Your petitioner somehow managed to escape from Respondent's family members and from their house with the help of some locale people and your petitioner ultimately returned to Kolkata on 08.01.2018.

15. In spite of that in order to maintain conjugal and family life, your petitioner's family members, common friend and well-wishers tried to resolve the matter. But all the respondents are criminal in nature having their no love and respect to your petitioner. The Respondent No.1/ husband during his playing to with Indian Cricket Team at South Africa always use to quarrel and threatening upon your petitioner that after returning from the said Cricket Tour he will divorce your petitioner. Your petitioner again informed the said illegal act and motives of the Respondent No.1/ husband to the other respondents as well as close relation of the Respondent No.1/ husband, his friends, well-wisher of the respondent family, except the Respondent No. 2 to 4 other aforesaid persons assured to your petitioner that they will advice the Respondent No.1/ husband to rectifying his character and they will not do anything wrong with petitioner and they will take care of all illegality done by the Respondent No.1/husband to your petitioner and settled the dispute after returned back of the Respondent No. 1/ husband from South Africa cricket tour, but all are in-vain nobody took any initiative to dissolved your petitioner's problem.

16. That the Respondent No. 1 / husband, while from South Africa Cricket Tour, the Respondent No.1/ husband stay with one Pakistani girl namely Alishba in a hotel at Dubai, UAE. On 19.02.2018 the Respondent No.1/ husband return back Kolkata from the said tour and thereafter the Respondent No.1/husband increased in human physical, mental torture and tried to outs of your petitioner from her said flat and also tried to give her divorce so that the Respondent No. 1/ husband marry the said Pakistani girl namely Alishba, keeping living behind their daughter Ahirra Shami Bebo with your petitioner and the respondent/ husband threatened to your petitioner he shall not provide any fooding, lodging and other expenses to your petitioner, over the said issue of the physical, mental torture by the Respondent No.1/ husband to your petitioner, your petitioner was afraid any time anything may happened at the Instant of her husband, always hot alteration took place in their home even no normal relation as husband wife between your petitioner and the Respondent No. 1/ husband was not took place. On 21.02.2018 the Respondent No.1/ husband tried to permanently left from the said flat, at Kolkata and from your petitioner's life, and took his all-original Land Deeds, Flat Deed wearl ta apparels, all gold and diamond jewelleries and other valuable

articles packing in four (4) big trolley bags keeping your petitioner and her daughter along. But your petitioner to keep their conjugal relation and social reputation folding hand even caught hold the legs of the Respondent No. 1 / husband and time being stopped him to go. In the mean time inspite of best searching not got the original paper documents of his BMW Car being No. WB-02 AE-6551. On 23.02.2018 at about 9:30 P.M. your petitioner while searching the original paper documents in the said BMW car in presence of the Respondent No.1/ husband, got one HTC Mobile Bet having its connection No. +447864905556, which was gifted to respondent No. 1/husband by his IPL Team, Delhi Dare Devil, found and got the said mobile phone from the said BMW Car being No. WB-02 AB-6551 which is exclusively use, occupy and self-drive rider by respondent No.1/ husband, and also got one condom packet containing four condoms then your petitioner became shocked, and astonished and faint, when she got the said condom packet from the driver seat under carpet leg space, of the said BMW Car which is never being allowed to ride or drive save and except exclusively use drive & ride only by the Respondent No.1/husband.

17. That there after your petitioner totally broken down and the Respondent No.1/ husband keep in dark without any discussion after physical and mental torture went Dharmashala, Himachal Pradesh for Cricket match. Thereafter your petitioner everyday passing her life with mental, agony and depression and tried to open the said HTC Mobile phone of the respondent No.1/husband and after opening the said personal mobile phone of Respondent No. 1 / husband and going through the phone correspondent photograph, "sexual chat", through social media, your petitioner came to know that the Respondent No. 1 / husband use to sex chat with one Manju, of Nagpur one with Alishba of Karachi, Pakistan and so many girls in the country and abroad and he became totally the sex addicted and mental perverted persons, after knowing the entire facts, when your petitioner protested and raised her objection (your petitioner) wins the act of the Respondent No.1/ husband's, then Respondent No.1/ husband directly threatened your petitioners he will divorce your petitioner without providing any minimum maintenance. On and from 23.02.2018 your petitioner totally broken down, knowing character how bad your petitioner's husband and she also came to know that the Respondent No.1/husband is a regular "illegal sexual enjoyer and your petitioner

husband used to chat with so many girls and also with married women, out of which someone of the girls is/ are being attracted by your petitioner husband "professional, fame and name and some girls are being hired by your Petitioner's husband. Your petitioner further states that the Respondent No.1/ husband taking advantage of his social reputation, strong financial background as an "Indian National Cricket Team" member convert all the girl as his bed partner. Specially the said Pakistani girl namely "Alishba" was exploited and sexually enjoyed by the Respondent No. 1 husband at Dubai, whom he committed to marry her shortly.

18. That in spite of that your petitioner having love, affection and responsibility and your petitioner tried her label best to adjust with Respondent No. 1 husband with only with hope shortly your petitioner the Respondent No.1/ husband will realise the entire fault and your petitioner the Respondent No.1 /husband will be gentle man and your petitioner and her daughters shall live a happy conjugal life and for that your petitioner observe all torture and render her all possible tolerance and paying her last breathing and as such on cartier occasion did not lodged any complaint against the Respondent No.1/husband and all the respondents, in spite of knowing the Respondent No.1/

husband illicit sexually relationship so many girls in India and abroad with a hope that end of the day the respondent shall realise his fault and came back in her life. But after reaching Dharmashala, the Respondent No.1/ husband informed and threatened your petitioner that shortly he is going to marry the said Pakistani girl and your petitioner have to stay in your petitioner's husband life as a "Kept/ Satin", then your petitioners started hue and cry, over phone your petitioner have reacted and the hoi altercation took place between your petitioner and petitioner's husband. But the Respondent No.1/husband without resolving the issue was very much rigid to his second marry.

19. Thereafter your petitioner fall in extremely mental depression and on 06.03.2018 posted all illicit relationship, correspondents, a sexual chat, photography of the Respondent No. 1/ husband in her face book/ social media and thereafter all the respondents became very furious and openly threatened your petitioner to kill, but unfortunately with the influences of the Respondents on and form 07.03.15 all the face book posting of your petitioner has been deleted and/or blocked. That your petitioner also states that the Respondent No.1/ husband purchased more or less (300) three hundred bighas agricultural land

at your petitioner husband native place in petitioner husband's own name and one flat at Kolkata, wherein your petitioner presently residing but, nothing is in your petitioner's joint name nor in your petitioner daughter's name. Thereafter the Respondent No.1/ husband and other respondents continuously threatening to your petitioner that if your petitioner not given divorce the Respondent No.1/ Husband, than Respondents No. 2 to 5 will kill your petitioner and kidnapped your petitioner minor daughter and shall not provide any maintenance or day to day expenses to your Petitioner.

20. That having no other alternative, on 08.03.2018 your Petitioner compelled lodged a written complaint before the Commissioner of Police, 18 Lal Bazar Street, Kolkata-700001 and on the basis of the said written complaint, dated 08.03.2018 lodged by your petitioner the Police of the Detective Department, Lal Bazar drawn up an FIR being Jadavpur P.S. Case No. 83 dated 08.03.2018 under Section 498A/328/307/376/323 and 34 IPC state YYYY and others which is now under investigation.
21. That thereafter your petitioner is subjected to threatening by the all respondents and their relatives with dire consequences the respondents putting pressure to your petitioner to withdraw the

criminal case pending against them. Till date, the respondent no. 1/ husband and his other family members are still being cruel behaviour and activities upon your petitioner and as such your petitioner and her daughters in/ are suffering from a mental stress and agony and she is totally uncertain about her future.

22. That your petitioner submits that throughout the conjugal life, your petitioner was treated with cruelty, negligence, tortures, domestic violence by the all respondents as stated above.
23. That your petitioner states that the Respondent No. 1/husband is a Indian National Cricket Team member and he has several Savings Accounts, Insurance, Securities, Immovable Properties in his name. The Respondents No. 1/ husband has a substantial income more than of Rs.10 Crore (Rupees Ten Crore) only per annum from his profession and other sources. The Respondent No. 1/ husband having one flat, in his own name and measuring an area about Not Legible with two car parking space on the ground floor at premises No. 128, Prince Golam Hossain Shah Road, 'Senkathi' 1<sup>st</sup> Floor, Flat No. 1-B, P.S. Jadavpur, Kolkata-700032 also 300 (Three Hundred) Bigha land is in pes name at his native place. Save and except the above, the Respondent No. 1 is having his three four wheelers and have huge

immovable properties, saving securities in his name and also in all the Respondent's name. All the respondents are leading luxurious lifestyle, but they always neglected the petitioner in all respects, rather all the respondents are greedy in nature. Your petitioner further states that the Respondent No.1/ husband not providing day to day minimum expenses as per the your petitioner basic requirements, your petitioner have no accommodation at Kolkata rather all respondents are pressurized to your petitioner to left from the said flat Kolkata Le., her only residential place in the city and also from the life of the Respondent No.1/ husband.

24. Your petitioner further states that the Respondent having sufficient means to maintain in spite of that they has failed neglected to maintain the petitioner and her amor daughter and at present your petitioner passing her day in great hardship. Your petitioner has no source of income and thereby she is totally unable herself and her minor daughter.
25. Your Petitioner states that the Respondent No.1/husband as a part maintain of her monthly expenses issued a cheque being No. 303720 dated 20.03.2018 of Rs.1,00,000/- (Rupees One Lakh) only drawn on Axis Bank, Sarat Bose Road Branch, Kolkata, but of the said cheque

for encashment has been dishonour by the banker of the Respondent No. 1 / husband on the ground “payment stop by the drawer” as a result of which your petitioner having her no minimum maintenance from the Respondent No. 1 / husband.

26. Your petitioner states that by dishonouring the said cheque the respondent husband shown and established his cruel mentality, committed domestic Violence and Criminal Acts with a motive that your petitioner and her minor daughter shall not get minimum fooding, treatment and maintenance.
27. Your petitioner states that she and her minor daughter are entitle to be maintain according to the status of respondent No. 1/ husband and which have to be determined considering the lavish life and class of day to day expenses and affairs leading by the Respondent No.1/ Husband.
28. Your petitioner states that from the Electronic and print media news she got an information of an accident of the Respondent No.1/ husband and there after she got shocked pain and tense about the health of the Respondent No.1/husband and there after your petitioner tried to contract to all the respondents to get the Information of health of the Respondent No.1/ husband, but all the respondents and other

family members of the respondent's did not co-operate with your petitioner not updated anything about the health of the respondent No.1/ husband. Finally as a wife of the Respondent No.1/ husband out of her love, affection, responsibility as wife she along with her minor daughter at her own cost initially fly for Delhi on 27.03.2018 to meet the Respondent No. 1 / Husband and after reaching Delhi, she came to know that the Respondent No. 1 / Husband and his mother is staying and / or passing their sweet luxurious life in a Five Start Hotel namely "Raddison Ford" at Ghaziabad, U.P. Your petitioner along with her daughter and maid had been to the said Hotel to meet the Respondent No.1 husband, but Respondent No.1/ Husband without with talking with your petitioner started to abuse your petitioner with filthy languages by saying "kutti, vkhari, chinnal, vkhik mangney aye, tere to nanga karke chorengey, kuch paisa bhi nehi dengaye, teri samne dushra ladki lake ghumengaye, Sali chala Ja Idhan se". Your petitioner mother-in-law i.e. Respondent No. 4 directed the Respondent No.1 / Husband "Londia ko lathi marke vagade, however your petitioner as a responsible mother allow her daughter to spends some time with her father, and ultimately your petitioner after

humiliation and torture by the Respondent No.1/ husband and her mother-in-law return back.

29. That the petitioner states that she and her minor daughter are entitled to be maintained by the respondent no. 1/ husband according to his status and which have to be determined considering the class in which the petitioner and the respondent no. 1/ husband belongs.
30. That under the law, the petitioner and her minor daughter are entitled to be maintained at the same standard of living as enjoyed by the husband (Respondent No.1) of the petitioner and which was supposed to be enjoyed by the petitioner till the time when the Petitioner was driven away from the Petitioner matrimonial house.
31. That according to the settled principles of law, the petitioner according to the social status, age and education and other requirement is entitled to the amount as demanded for maintenance pendente lite, medical expenditure of the Petitioner as temporary maintenance during the pendency of the instant case.
32. That under the facts and circumstances the petitioner is entitled to reliefs as prayed hereunder.

33. That this application is made bonafide and is required to be allowed for the ends of justice and unless an order as prayed for is allowed the petitioner would be put great irreparable loss and injury.
34. That under the above facts and circumstances, unless, the petitioner/aggrieved person be given the necessary relief/reliefs as prayed for, your petitioner will suffer irreparable loss and injury.
35. That the cause of action of this case arose few months after their marriage and on 03.03.2018 when the Respondent No.1/husband physically assaulted your petitioner and leave the flat permanently for Dharmashala, Himachal Pradesh keeping your petitioner and her minor daughter along without arranging sufficient maintenance for them in reading all period of her matrimonial life which is still continuing and increasing day to day.
36. Your petitioner states that the Respondent No. 1/ husband is a man high society, enjoying, lavish life style, expending huge money but your petitioner and her minor daughter are suffering and starving by day to day livelihood.
37. The Respondent's are extremely well to do's having their affluent means and money and specially the Respondent No.1/husband is under the duty to maintain his wife and his minor daughter entitled and

expect the same status maintenance after the life style of the Respondent No.1/husband. The detail of the property owned by the Respondent No.1/husband are follows:

**IMMOVABLE ASSETS**

- i) One ownership flat being Flat No. 15, at "Senkuthi" Premises No. 128, 128, G.H.S Road, P.S. Jadavpur, Kolkata-700032 admeasuring area of 1400 Sq. Ft. along with two car parking space on the ground floor at the said premises valued of Rs.1,50,00,000/- (Rupees One Crore and Fifty Lakhs) only.
- ii) More than 300 Bigha's ownership land on Muradabad Highway and different ..... location in Utter Pradesh, minimum valued of Rs 30,00,00,000/- (Rupees Thirty Crore).
- iii) Joint heavily / kuthi at Village Not Legible P.S. Dudoli, District J.P. Nagar, U.P. with all modern amenities such as AC Car, valued of Rs. 1,00,00,00000/- (Rupees Hundred Crore) only.
- iv) Other landed properties owned by the Respondent No. 1 / husband in different place if India.

**MOVABLE ASSETS**

Sl. No.	Bank Accounts	Address
1.	Axis Bank Ltd. A/c. No. 913010011095963	Shibpur Branch, 439/1, G.T. Road, Shibpur, Howrah.
2.	HDFC Bank Ltd. A/o. No. 100092994538	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.

3.	HDFC Bank Ltd. A/c. No. 08098153001152	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.
4.	UCO Bank A/c. No. 17320110026915	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.
5.	HDFC Bank Ltd. A/c. No. 08091530013678	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.
6.	HDFC Bank Ltd. A/c. No. 08091530013677	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.
7.	Yes Bank A/c. No. 004490700000650	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.
8.	Yes Bank A/c. No. 004483900001234	Nagar Panchayat Joya, Amroaha, Dist. J.P. Nagar, U.P.
9.	PNB A/c. No. 6511000100089896	Sahaspur, Dadoli, Amroaha, J.P. Nagar, U.P.
10.	Axis Bank Ltd. A/c. No. 00918100046204	Sarat Bose Road, Lunsdown Tower, Kolkata- 700020.

- 2) 3 (Three) Cars (i) Ford, (ii) Hyundai Creta, (iv) BMW valued of Rs. 1.10 Crores.
- 3) Gold Jewelleries, Diamond sets and silver valued of Rs. 4,00,000,00/- (Rupees Four Crore) Only.

- 4) Various life insurance policy which premium for more than 30,00,000/- (Rupees Thirty Lakhs) only per annum (particular are not available with your petitioners).
38. Your Petitioner states that the Respondent No. 1 / Husband may be directed to file bank statements of his all accounts for last four years, money receipt from BCCI, Cricket test match, O.D.I. and T20 from advertisement endorsement.
39. Your petitioner submits that kindly give a direction to the Respondent No.1/ husband to submits the statement of telephone bills and ether investment in order to provide accommodation of your petitioner residential address to secure the same status and level monthly maintenance permit hereto right the Hyundai Creta Car for schooling of her minor daughter and protect and or restrain the respondents not to tale force able custody of your petitioner minor daughter as per the provision under this act.
40. Your petitioner humbly submits before your Honour that your Honour would graciously please to pass and order of protection of residential occupation and enjoyment of the said Flat at 128, P.G.H. Road, Kolkata-700032 custody of her minor child shall continue with her, compensation and other monetary reliefs as she was subjected to in

human mental and physical torture and suffer from financial hardship by the Respondents specially the Respondent No.1/ husband shall be protected by your Honours kind order otherwise your petitioner shall suffer, from serious loss and injury.

41. That this application is made Bonafide for the ends of justice.

In the above facts and circumstances, the petitioner/ aggrieved person therefore prays that your Honour may graciously be pleased to issue notice upon the respondents/opposite parties and call for D.I.R. from the Protection Officer, hear both the sides and injunct the respondents/opposite parties from continuing;

- a) Aiding or abetting or any acts of domestic violence;
- b) Attempting to communicate in any form whatsoever with the aggrieved person, alienating any including the stridhan articles of the petitioner/ aggrieved person or any other property held either jointly or separately by the respondents without the leave of the Learned Court;
- c) Causing violence to the defendants, or other relatives or any person who give the aggrieved person assistance from domestic violence;

- d) Committing any acts as specified in the protection order in terms of Section 18 of the Protection of Women from Domestic Violence Act, 2005;

AND

- a) Restraining the opposite parties from alienating or disposing of the shared household at 200B/1, Santosh Roy Road, Sakher Basar, P.B. Thakurpukur, Kolkata-700008 or encumbering the same;
- b) And to direct the respondents/opposite parties to return the Stridhen articles of the petitioner/aggrieved person which is lying with the opposite parties, in terms of section 19 of the Protection of Women, from Domestic Violence Act, 2005;

AND

To direct the opposite Party No. 1 to pay of Ra. 15,00,000/- (Rupees Fifteen Lakhs) only per month to the petitioner/ aggrieved person and her minor daughter towards their monetary relief/maintenance, medical expenditure and other daily basic necessities in terms of section-20 of the said Act;

AND

Your Petitioner prayed before your Ld. Court for custody order under Sec. 21 Great Interim custody of the minor child to the petitioner and

direct the respondents not to disturb the custody of the minor daughter of your petitioner.

AND

Pass ex-party order maintenance for your petition Rs.7,00,000/- (Rupees Seven Lakhs) only and her minor daughter Rs. 3,00,000/- per month for their day to day livelihood immediately.

Further compensation order in terms of Section 22 of the said Act, directing the Respondents / Opposite Parties to pay a compensation of a sum of Rs. 10,00,00,000/- (Rupees Ten Crore) only to the Petitioner towards damage for the injuries including mental, physical torture and emotional distress caused by the acts of Domestic Violence by the Opposite Parties;

AND

Any other relief or reliefs which the Petitioner is entitled under the law and equity and / or pass such other necessary order / orders as your honour may deem fit and proper.

And for which the act of your kindness, your petitioner, as in duty bound shall every pray.

Alipore, Kolkata  
Dated: April, 2018.

  
//True Typed Copy//

## FORM 1

[SEE RULE 5 (1) AND (2) AND 17 (3)]

**DOMESTIC INCIDENT REPORT UNDER SECTION 9 (B) AND 37  
(2) OF THE PROTECTION OF WOMEN FROM DOMESTIC  
VIOLENCE ACT, 2005 (43 OF 2005)**

1. Details of the complainant / aggrieved person:

(1) Name of the Complainant / Aggrieved Person:

(2) Age: 34

(3) Address of shred household:

(4) Present Address:

(5) Phone Number, if any:

2. Details of Respondents

Sl. No.	Name	Relationship with the aggrieved person	Address	Telephone, if any
1.	YYYY	Husband	---	---
2.	Hasib Ahmed	Brother in Law	---	---
3.	Shama Parveen	Wife of the Brother	---	---
4.	Anjum Ara Begum	Mother in Law	---	---
5.	Sabina Anjum	Sister in Law	---	---

3. Details of Children, if any, of the aggrieved person:

(a) Number of Children: 3 Children

(b) Details of Children

Sl.	Name	Age	Sex	With whom at present residing
1.	Afrin Jahan	14 Years	F	With my Ex-Husband
2.	Arshi Jahan	11 Years	F	With me at my present residents

3.	Aairah Shami	2 Years 8 Months	F	With me at my present residents
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**Incidents of domestic violence:**

Sl. No.	Name, Place and Name of the Violence	Person who caused domestic violence	Type of Violence (i) Physical Violence  Causing hurt of any kind.	Remarks
1.	Not Readable			

**(ii) Sexual Violence**

Please tick mark the column applicable.

	My husband force fully saw me to my brother in laws not legible.	<p>Forced sexual intercourse.</p> <p>Forced to watch pornography or other obscene material.</p> <p>Forcibly using you to entertain other.</p> <p>Any other act of sexual nature, abusing, humiliating, degrading or otherwise violative or otherwise violence of your dignity.</p> <p>Please specify detail in the space provided below)</p>	
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**(iii) Verbal and emotional abuse**

Sl. No.	Name, Place and Name of the Violence	Person who caused domestic violence	Type of Violence	Remarks
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<p>Always my husband accused me or my character. Always insult met and my father also for demanding more dowry. When my girl child born that my husband want to get a boy child. Prevent me for taking my not legible. Always my husband my in laws insult me to not legible.</p>		<p>Accusation / aspersion on your character on conduct, etc.          Insult for not brining dowry, etc.          Insult for not having a male child.          Insult for not having any child.          Demeaning humiliating or undermining remark statement.          Forcing you to not attend school, college or any other educational institution.          Preventing you from taking up a job.          Preventing you from leaving the home.          Preventing you from meeting any particular person.          Forcing you to get married against your will.          Preventing you from marrying a person of your choice.          Forcing you to marry a person of his / their own choice.          Any other verbal or emotional abuse (please specify detail in the space provided below).</p>	
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## (iv) Economic Violence

Sl. No.	Name, Place and Name of the Violence	Person who caused domestic violence	Type of Violence	Remarks
			<p>Not providing money for maintaining you or your children.</p> <p>Not providing food, cloths, medicine, etc. for you or your children.</p> <p>Forcing you out of the house live in.</p> <p>Preventing you from accessing or using any part of the house you live in.</p> <p>Preventing you from accessing or using any part of the house.</p> <p>Preventing or obstructing you from carrying on you employment.</p> <p>Not allowing you to take up an employment.</p> <p>Non-payment of rent in case of a rented accommodation.</p> <p>Not allowing you to use clothes or articles of general household use.</p> <p>Selling or pawing your stridhan or any other valuables without</p>	

			<p>informing you and without your consent.</p> <p>Forcibly taking away your salary, income or wages etc.</p> <p>Disposing your stridhan.</p> <p>Non-payment of other bills such as electricity, etc.</p> <p>Any other economic violence (please specify details in the space provided below).</p> <p>Demand for dowry made, please specify.</p> <p>Any other detail with regard to dowry, please specify.</p> <p>Whether details of dowry items, stridhan, etc. attached with the form.</p> <p>Yes</p> <p>No.</p>	
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(vi) Any other information regarding acts of domestic violence against you or your children.

Last year March 2018 my husband finally leave our residence, I am stop payment one not legible.

(Signature or thumb impression of the complaint / aggrieved person)

(List of documents attached)

Name of the document	Date	Any other detail
Doctor's certificate or any other prescription.		
List of stridhan		
Any other document		

6. Order that you need under the protection of women from domestic violence act, 2005.

S. No.	Orders	Yes / No	Any other
1	Protection order under Section 18	Yes	
2	Residence order under Section 20	Yes	(Interim residence order)
3	Maintenance order under Section 20	Yes	(Interim maintenance)
4	Custody order under Section 21	Yes	
5	Compensation order under section 22	Yes	
6	Any other order (specify)	Yes	

7. Assistance that you need.

S. No.	Assistance Available	Yes / No	Nature of Assistant
1	Counsellor		
2	Police Assistance	Yes	
3	Assistance for initiating criminal		
4	Shelter home		
5	Medical facilities		
6	Legal aid		

Action for the police officer assistant in registration of a domestic incident.

Whenever the information provided in this Form discloses an offence under the Indian Penal Code for any other law, the police officer shall-

- (a) Inform the aggrieved person that she can also initiate criminal proceedings by lodging a First Information Report under the Code of Criminal Procedure, 1973 (2 of 1973).
- (b) If the aggrieved person does not want to initiate criminal proceedings, then make daily dairy entry as per the information contained in the domestic incident report with a remark that the aggrieved person due to the intimate nature of the relationship with the accused wants to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information received by her, the matter has been kept pending for appropriate enquiry before registration of FIR.

Counter signature of Protection Officer / Service Provider

Place: Alipore

Date: 03.05.2018

Name: Aparna

Address: Woman Protection Officer

South 24 Pargana



//True Typed Copy//

FORM 1  
[See rule 5(1) and (2) and 17(3)]

Domestic Incident Report under sections 9(b) and 37 (2) (c) of the Protection of Women from Domestic Violence Act, 2005 (43 of 2005)

1. Details of the complainant/aggrieved person:

79-A

(1) Name of the complainant/aggrieved person:

(2) Age: 34.

(3) Address of the shared household:

(4) Present Address:

(5) Phone Number, if any:

2. Details of Respondents

S. No	Name	Relationship with the aggrieved person	Address	Telephone No. if any.
1.		- Husband	vill- Sahaspur	8700586936.
2.	Hosib Ahmad	Brother-in-law	Ati. Nagar	—
3.	Shama Parveen	wife of Brother in-law.	P.O + P.S. Dadoli	—
4.	Anjum Ara. P. J.	- Mother in law	(Dist. - J. P. Nagar	—
5.	Sabina Anjum	Sister in-law.	Amroha Uttar Pradesh P.W. - 2442222.	—

3. Details of children, if any, of the aggrieved person:

(a) Number of Children: 3 children.

(b) Details of children:

Name	Age	Sex	With whom at present residing
1. Afsin Jahan	- 14 years	F	- with my Ex husband.
2. Arshi Jahan	- 11 years.	F	} with me at my present residence.
3. Aairah Shahi	- 2 Y. 8 months	F	

Signature: P. S.

To in paragraph: .....

Foregoing Petition affirmed

by: H. Jahan

in this: 20/2/2023

Complainant's Signature

Incidents of domestic violence:

Date, place and time of the violence	Person who caused domestic violence	Types of violence (i) Physical violence	Remarks
7-04-14 marriage was solemnized	we both start to stay together at my present address	Causing hurt of any kind, please specify After my marriage overall our relation was good, but after my child's birth my husband start to avoid me and want to dumping me and get fond of from that relation. He start to lead a different type of life with different girls.	After my marriage we both start to stay together at my present address. After my marriage overall our relation was good, but after my child's birth my husband start to avoid me and want to dumping me and get fond of from that relation. He start to lead a different type of life with different girls.

(ii) Sexual violence  
Please tick mark  the column applicable.

<p>my husband force fully send me to my brother in-law room to entertain him.</p> <p>Remembers my brother in-law abused me sexually.</p>		<p><input checked="" type="checkbox"/> * Forced sexual intercourse</p> <p><input checked="" type="checkbox"/> * Forced to watch pornography or other obscene material</p> <p><input checked="" type="checkbox"/> * Forcibly using you to entertain other</p> <p><input checked="" type="checkbox"/> * Any other act of sexual nature, abusing, humiliating, degrading or otherwise violative of your dignity</p> <p>(please specify detail in the space provided below)</p>	
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(iii) Verbal and emotional abuse

Place and of the violence	Person who caused domestic violence	Types of violence	Remarks
Always my husband accused me or my character.		<ul style="list-style-type: none"> <li>* Accusation/ aspersion on your character on conduct, etc.</li> <li>* Insult for not brining dowry, etc.</li> <li>* Insult for not having a male child</li> <li>* Insult for not having any child</li> <li>* Demeaning, humiliating or undermining remark/ statement</li> <li>* Ridicule</li> <li>* Name calling</li> <li>* Forcing you to not attend school, college or any other educational institution</li> <li>* Preventing you from taking up a job</li> <li>* Preventing you from leaving the home</li> <li>* Preventing you from meeting any particular person</li> <li>* Forcing you to get married against your will</li> <li>* Preventing you from marrying a person of your choice</li> <li>* Forcing you to marry a person of his/ their own choice</li> <li>* Any other verbal or emotional abuse (please specify detail in the space provided below)</li> </ul>	
- Always I insult me & my father also for demanding more dowry.			
- When my girl child born that time my husband want to get a boy child.			
- Prevent me for taking my profession			
- Abuse my husband and my in-laws I would use to leave the house.			

(iv) Economic violence

Place and of the violence	Person who caused domestic violence	Types of violence	Remarks
<p>from march my husband don't take any responsibility of me and my minor child.</p>		<ul style="list-style-type: none"> <li>* Not providing money for maintaining you or your children</li> <li>* Not providing food, clothes, medicine, etc. for you or your children</li> <li>* Forcing you out of the house you live in</li> <li>* Preventing you from accessing or using any part of the house</li> <li>* Preventing or obstructing you from carrying on your employment</li> <li>* Not allowing you to take up an employment</li> <li>* Non-payment of rent in case of a rented accommodation</li> <li>* Not allowing you to use clothes or articles of general household use</li> <li>* Selling or pawning your stridhan or any other valuables without informing you and without your consent</li> <li>* Forcibly taking away your salary, income or wages etc.</li> <li>* Disposing your stridhan</li> <li>* Non-payment of other bills such as electricity, etc</li> <li>* Any other economic violence (please specify detail in the space provided below)</li> </ul>	<p>✓</p>
<p>from last 2 years my husband want to forcing me out from the house.</p>			<p>✓</p>
<p>Preventing me to get back my modelling profession</p>			<p>✓</p>
<p>On the month of march 2018 my husband stop paying of my maintenance @ Rs. 50,000.</p>			<p>✓</p>

## (v) Dowry related harassment

Place and date of the violence	Person who caused domestic violence	Types of violence	Remarks
	Always demand more dowry, Expensive car from my parents.	<ul style="list-style-type: none"> <li>* Demand for dowry made, please specify</li> <li>* Any other detail with regard to dowry, please specify</li> <li>* Whether details of dowry items, stridhan, etc. attached with the form</li> <li>* Yes</li> <li>* No</li> </ul>	/

## (vi) Any other information regarding acts of domestic violence against you or your children

Last 21<sup>st</sup> March 2018 my husband finally leave ~~the~~ our residence, and stop payment of the maintenance allow and bank charges. From that time he never contact with me & my minor daughter further. I submit all the whatsapp chat detail to the Jd's Court: (for understanding the detail character of my heart)

(Signature or thumb impression of the complaint/aggrieved person)

of documents attached

Name of document	Date	Any other detail
Legal certificate		
Doctor's certificate or any other prescription	/	/
List of stridhan		
Any other document		(Call whatsapp detail submit here with the format)

6. Order that you need under the Protection of Women from Domestic Violence Act, 2005

S.No	Orders	Yes/No	Any other
1	Protection order under section 18	yes	
2	Residence order under section 19	yes	(interim residence order)
3	Maintenance order under section 20	yes.	(interim maintainance)
4	Custody order under section 21	yes.	
5	Compensation order under section 22	yes.	/
6	Any other order ( specify )	yes.	

7. Assistance that you need

S.No	Assistance available	Yes/No	Nature of assistance
1	Counsellor		
2	Police assistance	yes.	
3	Assistance for initiating criminal proceedings		/
4	Shelter home		
5	Medical facilities		
6	Legal aid		

on for the Police officer assisting in registration of a Domestic incident

Whenever the information provided in this Form discloses an offence under the Indian Penal Code or any other law, the police officer shall-

(a) inform the aggrieved person that she can also initiate criminal proceedings by lodging a First Information Report under the Code of Criminal Procedure, 1973 (2 of 1973)

(b) if the aggrieved person does not want to initiate criminal proceedings, then make daily diary entry as per the information contained in the domestic incident report with a remark that the aggrieved person due to the intimate nature of the

relationship with the accused wants to pursue the civil remedies for protection against domestic violence and has requested that on the basis of the information received by her, the matter has been kept pending for appropriate enquiry before registration of an FIR.

(c) if any physical injury or pain being reported by the aggrieved person, offer immediate medical assistance and get the aggrieved person medically examined.

Place: Alipore  
Date: 2/05/18.

(Counter signature of Protection officer / Service provider)

Name: Aparna (Dutta) Ray  
Address: APARNA DUTTA (RAY) 2/05/18.  
Women Protection Officer (PWDV. . .)  
South 24 Pargan. . .

(Seal)

Copy forwarded to:-

1. Local Police Station
2. Service Provider/Protection Officer
3. Aggrieved person
4. Magistrate

//True Copy//

ANNEXURE P-5

DISTRICT 24 PARGANAS (SOUTH)

IN THE COURT OF THE LERANED JUDICIAL MAGISTRATE, 3<sup>RD</sup>

COURT AT ALIPORE

AC CASE NO. 945 OF 2018

**IN THE MATTER OF:**

AC Case No. 945 of 2018 under Section 12, 17, 18 (a), 18 (b), 18 (c), 18 (d), 18 (f), 18 (g), 19, 20, 21, 22, 21 of the Protection of Women from Domestic Violence Act, 2005.

**IN THE MATTER OF:**

YYYYYY, Son of \_\_\_\_\_, Residing at \_\_\_\_\_.

Respondent

Versus

XXXXX, Wife of YYYYY, Residing at \_\_\_\_\_.

Petitioner

**AN APPLICATION / WRITTEN OBJECTION ON BEHALF OF THE RESPONDENT AGAINST THE APPLICATION OF THE APPLICANT UNDER SECTION 12 & 23 OF THE PROTECTION OF WOMEN FROM DOMESTIC VIOLENCE ACT, 2005.**

The humble petition on behalf of the Respondent above named.

**MOST RESPECTFULLY SHEWETH:**

1. That the Respondent No. 1 has been served with a copy of the purported application under Section 12 of the Protection of Women from Domestic Violence Act, 2005 [hereinafter referred to as "The Act") filed by the

Applicant. He has perused the contents of the same, understood the meaning and purport thereof and in reply and response to the said purported application begs to file this Show Cause Reply / Written Objection.

2. That the Applicant has no right to file the instant petition under Section 12 of The Protection of Women from Domestic Violence Act, 2005 against the Respondent.
3. That at the outset the Respondent No. 1 states that the Applicant herein has filed the instant application against the Respondent No. 1 with some oblique motive and most of the contents of the said purported application are false, fake, frivolous, concocted, afterthought, baseless, distorted, malafide, defamatory and derogatory as well as far from the truth.
4. That the Respondent No. 1 most emphatically denies and disputes such contents / submission averments stated in her purported application under Section 12 of the said Act save and except those which are matters of record and / or appearing therefrom and / or specifically admitted herein. The Respondent No. 1 further submits that the Applicant herein has no lawful cause of action against the Respondent No. 1.
5. That the Applicant intentionally suppressed so many facts, the Applicant brought some allegations in her application against the Respondent which

are strictly denied and opposed by the Respondent. That the present proceeding is not maintainable in its present form and contents and the same is liable to be dismissed in limine.

6. That the present proceeding is also barred in law due to want of jurisdiction and so that the same miserably deserves to be dismissed.
7. That the present proceeding is also barred on the principle of waiver, acquiescence and estoppel.
8. That the Respondent No. 1 states that the instant proceeding has been set into motion by the Applicant in order to hoodwink her own misdeeds and to apply arm-twisting method upon the Respondent No. 1, Permitting the Applicant to pursue this proceeding would be an abuse of the process of law.
9. That the Respondent No. 1 states that the Applicant has suppressed material facts with a view to mislead the Learned Court, which if disclosed would not have permitted the judicial conscience of this Learned Court to proceed thereon. Before dealing with the allegations made in the said application in seriatim, the Respondent No. 1 lays out the true and correct facts in the below mentioned paragraphs with all brevity, which have been miserably

suppressed by the Applicant in her purported application under Section 12 of the said Act.

- a) The Respondent No. 2 was born and brought up in the family home situated at Ali Nagar, District Moradabad, U.P. The Respondent's No. 1 father was a farmer and despite being from humble background the Respondent's No. 1 talent for fast bowling came to be recognized. His father took him Moradabad where he trained for fast bowling.
- b) In the year 2005 the Respondent/Husband moved to Calcutta for playing cricket in the clubs of Calcutta in order to professionally play cricket as a career and play for the national team.

Thereafter the Respondent/Husband came to be recognized as an aggressive and dynamic fast bowler. He was selected for Kolkata Knight Riders IPL Team to play for them. The Respondent/Husband also selected for Indian Cricket.

- c) The Respondent/Husband met the Applicant who was a cheer leader for the matches of IPL at a party.
- d) Respondent No. 1 and the Applicant were married at Kolkata as per Muslim rites and rituals. The Respondent No. 1 himself bore all the expenses of the marriage and he even did not ask for a single penny from

the family of the Applicant. The marriage was solemnized followed with a reception party with great pomp and show.

- e) The Applicant gave birth to a female child. The birth of the daughter was celebrated in the family with much happiness.
- f) The Respondent/Husband on various occasions on the demands of Applicant as well as out of love and affection gifted jewellery ornaments of gold and diamond to the Applicant and also transferred cash to the account of the Applicant to maintain the lifestyle and full fill her all expenses.
- g) The Respondent/Husband purchased a flat in the village of The Applicant worth of Rs. 35,00,000/- in the name of the Applicant. Moreover, the Respondent/Husband paid Rs. 10 Lakhs to the Applicant for purchase of the said flat for making payment of loan amount. Altogether the Respondent mode expenses of Rs. 65 Lakhs on the said flat. Thereafter, on the same day the Applicant purchased gold jewellery from PC. Chand Jewellery Calcutta for an amount of Rs. 16,10,000/-.
- h) The Applicant went to the village of the Respondent/Husband to live with the family. There were certain WhatsApp messages exchanged between the Applicant and the Respondent/Husband which shows that the Applicant as

not happy that the Respondent/Husband was involving his brother in financial affairs. A partnership deed was to be executed between the Respondent/Husband and his brother to carry on a business of real estate. The Applicant was unhappy and wanted fully control of the Finances of the Respondent/Husband and repeatedly discourage the Respondent/Husband from having any kind of business jointly with the brother.

- i) That in the month of December 2017 the Applicant requested that her relative's daughter who is 14 years old wants to stay with her as she is shifting to Kolkata from a small village for educational purposes. However, later on the Respondent/Husband came to see the passport of the said relative's daughter namely Aafrin Jahan, therein the name of the Applicant was mentioned as the mother and father was mentioned as S.K. Saifudin. The Respondent/Husband was shocked beyond comprehension and was not able to face the situation. But still the Respondent/Husband allowed her daughter to stay with them as long as she wishes and her daughter has stayed for one year with them.
- j) The Applicant along with her Daughter Aafrin Jahan along with the Respondent/Husband's daughter travelled to Delhi froms Kolkata and thereafter came to stay in the village along with the family of the

Respondent/Husband. Thereafter, the invitation to attend the marriage of Anushka Sharma and Virat Kohli on 26.12.2017 was received. Accordingly, plan was being made to go to Bombay to attend the wedding reception.

- k) On 24.12.2017 the Applicant behaved in an extremely reasonable and rigid manner and alleged that Hasib Ahmed's (who is brother of the Respondent/Husband) having an Respondent/Husband, without any basis, in fact the said unfounded shocking allegation created a lot of dismay in the Respondent/Husband's mind and his family members.
- l) On 26.12.2017 the Applicant purchased luxury bag from Ambience Mall Delhi. Thereafter, the Respondent/Husband was said to travel to Bombay to attend the marriage function. But the Applicant did not accompany the Respondent/Husband on the plea that precious Jewellery has to be brought and has to be gifted to her for attending such marriage function. The Respondent could not do that since already one month back he brought a necklace worth al Rs. 16 Lakh for the Applicant.
- m) Thereafter the Respondent/Husband left for South Africa to play for the Indian Cricket Team in the South Africa series from Bombay after attending the wedding reception of Virat and Anushka.

- n) That on 27.12.2017 to 07.01.2018 the Applicant stayed in the family home along with the Respondent/Husband's family amicably. In fact, the Applicant wanted to donate blankets to the poor in the cold weather which was readily agreed to by the Respondent/Husband on phone and the brother of the Respondent/Husband got the said merchandize from the shops. The Applicant along with the mother of the Respondent/Husband donated the blankets and other goods amongst the poor and needy. Hence, it is evident that Applicant was living happily as a family member with the Respondent/Husband's family.
- o) On 08.01.2018 the Applicant along with her children came to Kolkata from Delhi. The distance of about 135 kilometers from Village Amroha to Delhi was covered by road. The Respondent has been told that friend's of Applicant has sent car for such Journey. The Respondent states that he requested her to get a car from family and should be accompanied by any family member to ensure her safety but instead of listing such request she choose to travel with her end and did not observe the family culture and the social position of the Respondent/Husband.
- p) While the Respondent/Husband was staying in his hotel in Dubai the Applicant repeatedly kept demanding gold jewellery and other luxury

merchandize from Dubai. The Respondent/Husband informed the Applicant that he does not have a visa and will not be able to go out of his room. However, the Applicant kept on pressurizing the Respondent/Husband for purchase of goods and jewellery. Due to tremendous pressure from the Applicant the Respondent/Husband arranged for a visa on urgent basis from a travel agent and went out of the hotel to purchase the goods for the Applicant who was demanding it at any cost.

- q) Thereafter, the Respondent/Husband came back to India on 19.02.2018. Upon reaching India the Respondent/Husband went to stay at his home at Kolkata with the Applicant. After sometime the Respondent/Husband realized and confronted the Applicant with regard to the previous marriage and her misrepresentation regarding her relative's child being actually her own child who was living with her. The Respondent/Husband also came to know from the passport the details of the father and mother of the child and realized that the Applicant has concealed about her previous marriage and children from the Respondent/Husband. Upon being confronted with the same the Applicant threatened the Respondent/Husband with criminal case and use foul language. The Applicant also alleged wild allegations against

the Respondent/Husband's family members without any basis thereby causing lot of problems for the Respondent/Husband. The Applicant also stated that she will ruin the career of the Respondent/Husband if he does not accept the child and forget about her previous marriage.

- r) To the utter shock and dismay of the Respondent/Husband the Applicant filed one complaint before Jadavpur Police Station against the Respondent/Husband making wild and baseless allegations against him and his family members.
10. That without prejudice to the forgoing submission, now the Respondent/Husband shall deal with the contents of the purported application filed by the Applicant paragraphs wise, which are as more specifically dealt with herein below.
- A) That with regard to the statements made in Paragraphs No. 6 & 7 of the purported application filed by the applicant under Section 12 of The Protection of Women from Domestic Violence Act, 2005 are partly right and partly wrong. Though it is true that the marriage between the Applicant and the Respondent solemnized on 07.04.2014, it is also admitted that one female child namely Aairah Shami @ Bebo was born on 17.07.2015. As per the rituals prevalent in the family the Respondent/Husband donated

food and other goods amongst the poor and destitute people. The Applicant had put up a picture of herself in a sleeveless dress. Some of IND the bigoted and narrow-minded persons started trolling the Respondent/Husband and petitioner who is a celebrity having his own Twitter account that his wife was doing un-Islamic practice of wearing clothes and showing her face and therefore she is not following Islam. The the Respondent/Husband vehemently supported Applicant's right to dress and look the way she wants as a modern woman and countered the trolls repeatedly online and otherwise as well. Hence, it is clear that the Respondent/Husband was always supporting and encouraging towards the Applicant.

- B) That with regard to the statements made in Paragraph No. 8 of the purported application is absolutely false and fabricated and as such vehemently denied by the Respondent. The fact remains that the Applicant's parents never gave any gold ornaments to the Respondent/Husband and/or his family at the time of marriage. On the other hand, the Respondent/Husband himself bore all the expenses of the marriage and he even did not ask for a single penny from the family of the

Applicant. The marriage was solemnized followed with a reception party with great pomp and show.

- C) That with regard to the statements made in paragraph no, 9 of the purported application the respondent denies and dispute the same as those are totally false and concocted. That the statement made by the Applicant that "the Respondent/Husband was introduced with Respondent/husband, thereafter time been in force at the approach, motivation, instant and influence of the Respondent/husband they are fall in love". This statement is totally vague and truth less, fact remains that the Applicant intentionally and with ill motive came to the Respondent/Husband contact forcefully, the Respondent/Husband never tried to build up any relationship with the Applicant. The Applicant laid a snare for the wherein the Respondent/Husband Respondent/Husband was trapped by the Applicant for which the Respondent/Husband compels to make relationship with the Applicant. Finally, Respondent/Husband agreed to marry her to save his life and carrier. the
- D) That with regard to the statements made in paragraph no. 10 of the purported application is totally false and denied by the Respondent. True fact is that the Applicant was married earlier and she did not disclose the

said fact at the time of marriage or before it with the Respondent/Husband. Not only that she had two children from the previous marriage and she had not even divorced with previous husband. Hence, the Applicant committed fraud upon the Respondent/Husband and by concealing her marital status got married the Respondent/Husband. In her marriage certificate she stated that she is a Bachelor.

- E) That with regard to the statements made in paragraph no. 11 of the purported application is totally false and denied by the Respondent. Fact remains that after the marriage the Respondent/Husband and the Applicant started living at Kolkata. The Applicant never came to any domestic relationship with the family members of the Respondent/Husband. She always tried to avoid them as they are living in a village She tried to make distance from them.
- F) That with regard to the statements made in Paragraph No. 12 & 13 of the purported application are totally false and denied by the Respondent. Fact remains that in course of conjugal life neither any mental pressure nor any physical torture was made upon Applicant by the Respondent or his family due to reason of divorce. The Respondent/Husband/Respondent always tried to keep the Applicants happy and always running their peacefully

conjugal life. The Respondent/Husband/Respondent always fulfils all her wishes, necessities and demands etc.

- G) That with regard to the statements made in Paragraph No. 14 & 15 of the purported application are totally false and denied by the Respondent. Noting had happened with the Applicant as alleged, that on the date of purported alleged Incident the Applicant was organizing a house retual like "Milad" and she was set to organize the same. To organize the said ritual on U8th December, 2017 she wrote massages vikle WhatsApp to Respondent No. 1 to bring some materials and other massages are also written by the Applicant. Further on 07th December, 2017 there are also numerous 1537/2000/massages which shows usual and heartily relation between a common husband and wife. Pertinent to mention that at the time of writing those massages in those two days and subsequent days the Applicant was staying comfortably al her in-law's house. Mare reading of all those massages it is apparently clear that nothing untoward incident happened with the Applicant. Rather she was enjoying her presence at her matrimonial house. It is also very pertinent to mention here that she left the said house on 08.01.2018 which is almost after one month. It obvious to

assume that if such type of incident has taken place she should not have stayed under the same roof for more 23 days.

- H) That with regard to the statements made in paragraph no. 16 of the purported application are totally false and denied by the Respondent. The fact remains that to maintain the dignity and social status, image of the Respondent husband, the Respondent had to forcefully leave from his own house in Jadavpur, living behind all his valuable, ornaments, gifts, trophies, three cars and all the original documents including the Land Deed and Flat deed and those are still lying at the same premises. Pertinent to mention here that the Applicant in-spite of having her own apartment to stay (which has been gifted by the Respondent) forcefully she has been occupying the said apartment of the Respondent.
- I) That with regard to the statements made in paragraph no. 17 to 19 of the purported application are totally false and denied by the Respondent.
- J) That the statements made in Paragraph No. 20 is the matter of record. The Respondent/Husband came back to India on 19.02.2018 from his tour. Upon reaching India the Respondent/Husband went to stay at his home at Kolkata with the Applicant. After some the Respondent/Husband realized and confronted the Applicant with regard to the previous marriage and her

misrepresentation regarding her relative's child being actually her own child who was living with her. The Respondent/Husband also came to know from the passport the details of the father and mother of the child and realized that the Applicant has concealed about her previous marriage and children from the Respondent/Husband. Upon being confronted with the same the Applicant threatened the Respondent/Husband with criminal case and use foul language. The Applicant also alleged wild allegations against the Respondent/Husband's family members without any basis thereby causing lot of problems for the Respondent/Husband. The Applicant also stated that she will ruin the career of the Respondent/Husband if he does not accept the child and forget about her previous marriage. To the utter shock and dismay of the Respondent/Husband the Applicant gave a complaint in the Jadavpur Police Station in Kolkata for registration of FIR against the Respondent/Husband making wild and baseless allegations against him and his family members.

K) That with regard to the statements made in Paragraph No. 21 to 28 of the purported application are totally false and by the Respondent. That the statements made in those paragraphs are false and fabricated, that those allegations fully denied by the Respondent/Husband. The Respondent

states that he is a contractual player, he does not have fixed Income, his income varies upon his performance. Due to the present family turmoil his income has fallen down miserably since now a day he could not perform properly. It is well evident that recently the respondent's performance has been miserably deteriorated due the over act of the Applicant. Even the IPL franchisee also raised objection regarding his readiness to play.

The Applicant does not deserve to get any maintenance from the Respondent, since she earns lump sum amount from her own income, further a person is eligible for getting maintenance as per her standard of living she accustomed. It is stated that the Applicant was born and brought up in a lower Income group family. Her father was a driver of his own Bus, wherefrom he used to earn Rs. 10,000/- per month. That from the said income he used to run his family consisting four children, his parents and wife (8 persons). So, it can be well presumed that the livelihood of the Applicant was not so superior that she could ask from her husband towards the maintenance a burly amount.

- L) That with regard to the statements made in paragraph no. 15 to 36 of the purported application is totally false and denied by the Respondent. Fact

remains that prior to filling this case IN the Respondent/Husband has been sending money to the Applicant for the daily needs, as the Respondent/Husband is a Cricketer and for which most of the time he has travel outside Kolkata. Pertinent to mention here that the Applicant has been staying at the Respondent/Husband's flat along with his servant, car, driver etc. on the contrary the Applicant has stated that she pausing her days in distressed condition.

- M) That the Applicant has her own income. She is a model and she work for various AD agencies and companies like "abhi Lifestyle Blouse all over the India. Moreover, recently she has been assigned as a profession model and is under contract with so many companies who pay her regularly. The Applicant now has become a famous Bollywood actress, she made her appearance in many films, lastly, she has completed her two short films which are to be released in the month of August, at present she has so many 'Bollywood Films' in her hand. She has signed one big budget Film approx. 25 Crore namely 'Fatwa' where she is playing lead role and from the said movie contract she earned huge amount in Crore. It is stated that at present approximately she earns Rs. 10,00,000/- (10 Lakhs) per month from her profession as a professional model and female actor.

- N) That with regard to the prayer made by the Applicant before this learned Court, the Respondent most emphatically states and submits that in view of the above facts and circumstances narrated hereinabove, which she had miserably suppressed in her purported application, the application is disentitled herself from getting any reliefs as prayed for from this learned Court and should not be allowed to take advantage of her own wrongs.
11. That the Respondent states that the Applicant is not entitle to get any relief or remedy as per her purported application since she earns quit handsome amount from her profession and she can reside at the premises belongs to her, gifted by the Respondent and she is not at all subjected to any domestic violence. On the contrary the Applicant taking advantage of the fame and social status of the Respondent caused severe inconvenience, torture upon the Respondent. In respect of daughter of the Respondent, she has been provided all amenities and benefits from the Respondent, not only that the Respondent apprehend that the child is not properly taken care by her mother, since she is very busy with her profession. The Respondent deserves right to custody of the child, but till the custody of the child comes to the Respondent, the Respondent has been paying sufficient amount to the Applicant for welfare of the child. The child is being provided good

education, attendance, accommodation and all necessities by the Respondents. Further the Respondent is ready to incur any additional expenses for the child directly to the concern person or institution. The Respondent is ultimate concern of welfare of the child and as such he apprehends if unaccounted money is given, the same may be embezzled by the Applicant.

12. What in the conspectus of what has been canvassed hereinabove, / purported application filed by the Applicant under Section 23 of the Act. is liable to be rejected in limini with exemplary costs. In the facts and circumstance mentioned above and in view of the present written submissions, this Hon'ble Court may kindly be pleased to dismiss the present application with exemplary costs.

Hence in these premises it is humbly prayed that your honour would graciously be pleased to admit this written statement of the Respondent and further be pleased to dismiss the prayer of the Applicant and grant justice to the Respondent / Husband / Respondent and pass any other order / orders as your Honour may deem fit and proper.

And for this act of kindness the Respondent / husband as in duty bound shall every pray.



//True Typed Copy//

**ANNEXURE P-6****IN THE COURT OF LD. JUDICIAL MAGISTRATE (1<sup>ST</sup> CLASS), 3<sup>RD</sup> COURT,  
ALIPORE, 24-PARGANAS  
AC NO. 945 OF 2018**

Order Dated: 16.08.2018

Today is fixed for passing order in respect of relief under Section 23 of PWDV Act filed on behalf of the A.P.

Both the parties were heard in full and the record is taken up for passing order.

The facts as alleged by the AP in petition on affidavit under Section 23 of PWDV Act Inter alle is that her second marriage was solemnized with respondent No. 1 namely Md. Shami according to Muslim rites and customs on 07.04.2014 after the termination of her first marriage. Gold ornaments for both AP and respondent No.1 and his family members along with expensive items were given as the date of marriage by her family. Respondent No.1 is a professional cricket player and a regular team member of Indian National Cricket Team and the acquaintance and courtship of AP with respondent No. 1 dates back to the year 2012 when respondent No.1 was playing for KKR and the AP was cheer leader for the same team. The AP has two daughters from her first marriage. The Respondent No.1 accepted her as she was after knowing everything about her past, However, after few days of her marriage she was mentally and physically tortured and harassed by the Respondent No.1 and his family in various ways which she kept on tolerating. She was forced for establishing an illicit relationship with her brother-in-law i.e. Respondent No. 2 by Respondent No.1 at the native place of her husband and attempt to kill her was also made. With the help of localities she somehow managed to escape and returned to Kolkata on 08.01.2018. She has also alleged that respondent No.1 has an illicit relationship with a Pakistani girl named Alishba and had many other sex partners. A female child was born to the AP out of the second marriage namely Ahirra Shami @ Bebo. A cheque for amount of Rs. 1 lakh was issued by Respondent No.1 on 20.03.2018 which has been dishonoured when presented for encashment on the ground that the payment was stopped by the drawer.

Under these circumstances, a written complaint was filed on 08.03.2018 by the AP before Lal Bazar Police Department against respondent No. 1 and others. She has stated that Respondent No.1 being a member of Indian National Cricket Team has substantial Income of Rs. 10 Crores per annum from cricket and other sources apart from other landed properties measuring approximately about 300 (Three hundred) bighas, flats and other expensive valuables. He failed and neglected to maintain the AP and the minor daughter for which they are entitled to.

Under these circumstances, AP prays for Rs. 7 lakh as interim relief for herself and Rs. 3 lakh for her daughter.

In written objection, Respondent No.1 has denied and disputed the allegations and statements, apart from marriage and birth of a female child, made by the AP. He has stated that he has gifted many valuable ornaments, cash and flat worth Rs. 35 lakh to the AP. The AP wanted to have full control over the financial affairs of this respondent. The AP kept this respondent in dark about the first marriage and he came to know only after his own marriage with the same. This respondent had to face a lot of flak from his relatives and

communities for the modern life style and an unislamic practices by the AP and she on her own will left her matrimonial house.

In regard to income, the respondent No.1 has stated that he is a contractual player and does not have a fixed Income which varies according to his performance. His performance has been miserably down due to the conduct of AP. He has not stated about his monthly Income or annual Income in a concrete manner.

Ld. Advocate for respondent No.1 has annexed with the petition of objection, various newspaper clipping and pages from Facebook along with WhatsApp chat messages showing that the AP is at present working in various movie projects and actively involved in modelling and has an independent source of income. A photocopy of marriage registration certificate is also annexed wherein status given by AI at the time of her second marriage was that of a "bachelor",

No documents filed on behalf of the AP.

Perused the DIR.

In Seema Arshod Vs. Municipal Corporation (2006) 5 SCC 282 the principles governing the grant of Interim order are laid down which are the same when disposing of an application under Order 39 Rule 1 & 2 of Code of Civil Procedure, the discretion of the court grant any interim order is exercised only when the following requirements are made out by the claimant:

1. Existence of prima facie case as pleaded, necessitating protection of her rights by issue of an interim order including an order of temporary injunction;
2. When need for protection of claimant's right is compared with or weighed against the need for protection of the respondent's right or likely impeachment of the respondents right, the balance of convenience tilting in favour of the claimant.
3. Clear possibility of irreparable injury being caused to the claimant, if the interim order as prayed for is not granted.

The fact of marriage and birth of child is in as admitted position. There are no documents filed by the aggrieved person to prima facie establish the incident of domestic violence against her by any of the respondents. It prima facie appears from the documents filed by the respondent No. 1. that the AI' It having an independent source of income to maintain herself.

As per &. 23(1) of the Act in any proceeding, before him under this Act, the Magistrate may parts such interim order es he deems Just and proper.

Further, the respondent has not denied that they wise mat to a domestic relationship.

Judicial Magistrate (1<sup>st</sup> Class)  
3<sup>rd</sup> Court, Alipore, 24 Pgn.



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**DISTRICT 24 PARGANAS (SOUTH)**  
**IN THE COURT OF THE LD. DISTRICT & SESSIONS JUDGE AT**  
**ALIPORE**

**Re: Criminal Appeal Case No. 203 of 2018**

**IN THE MATTER OF:**

An application under Section 29 of P.W.D. Act with a prayer for setting aside or cancelling for the impugned order dated 16.08.2018 passed by the Ld. Judicial Magistrate, 3<sup>rd</sup> Court at Alipore, in connection with Case No. AC 945 of 2018 as interim order.

And

**IN THE MATTER OF:**

XXXXX, Wife of YYYYY, Daughter of \_\_\_\_\_, Residing at  
 \_\_\_\_\_ . Appellant

Versus

1. YYYYY, Son of \_\_\_\_\_, Residing at \_\_\_\_\_.
2. The State of West Bengal. Respondents

The humble prayed on behalf of the named Appellant.

**MOST RESPECTFULLY SHEWETH:**

1. That the petitioner submits that the present Petitioner has filed an application for interim relief under Section 23 of P. W. D. V. Act with other prayers against the present Respondent No. 1 herein, i.e. the legally married husband of the present petitioner and her other in laws, before the Id. Additional Chief Judicial Magistrate at Alipore and the case was

subsequently transferred to the file of Ld. 3rd Judicial Magistrate for adjudication, trial and disposal.

2. That, accordingly notice was served upon the Respondent No. 1. The said Respondent No. 1 appeared before the Ld. Court and submitted his written objection.
3. That, the said matter was taken up for hearing, for granting interim reliefs. The said Ld. 3 Judicial Magistrate (hereinafter called and referred to as the Ld. Court below subsequently was pleased to pass an interim order for maintenance on 16. 08. 2018 directing the Respondent No. 1 to pay Rs. 80, 000/- per month to the aggrieved person for her minor child as interim monetary relief rejecting her prayer to grant interim monetary relief to herself along with other prayers.
4. That the petitioner submits that being aggrieved by such impugned order dated 16. 08. 2018 passed by the Ld. Court below in connection with Case no. AC-945/2018 in disposal of the Interim prayers u/s 23 of P. W. D. V. Act filed by the Petitioner herein, the petitioner prefers to move/file this Criminal Appeal before your Honour's Court on the following amongst other grounds: -

**GROUND**

- a) For that the impugned order dated 16.08.2008 passed by the Ld. Court below is no maintainable either in law or in facts and the same is required to be interfered with, by this Ld. Court.

- b) For that while passing such impugned order dated 16.08.2018, the Ld. Court below did not apply his judicial mind properly and without application of the same, the Ld. Court below has mechanically passed such impugned order on 16.09.2018 and thus, committed the error.
- c) For that the Lat. Court Below failed to understand that the Petitioner is a housewife and do not have any independent income of her own to maintain herself. The petitioner recently made a profile and shoot her recent photos to try out her career to start afresh after a long gap since her marriage. She also acted in a short film but that was an honorary work which was absolutely free of any remuneration.
- d) Your petitioner states that she was once into modelling. But now after her marriage with the Respondent No. 1 she was forced to lead the life of a housewife and leave her profession and presently at the time of filing of the said application, the Petitioner does not have any earning to sustain herself or her little minor child. On the contrary the Respondent No. 1 namely Md. Shami is a professional Cricket player and is a regular team member of the National Cricket Team of our Country India. He has also played for the team KKR and for the last few years he is playing for Delhi Dare Devils team in IPL and way back in the year 2012 the Petitioner and the Respondent No. 1 got acquainted with each other through this platform as the petitioner was the cheer leader of the team KKR Team. Not only that, the Respondent No. 1 has got huge income from other sources as well. He has got earning contract with some companies for upliftment of their brand.

He has got contract with BCCI and Delhi Dare Devils Team as well. He has got 300 Bighas of land and huge Income from agriculture. He also has a huge income from property dealings. Still, the Ld. Court Below failed to appreciate and understand the true in Paragraph Number 23 of the main application under Section 12 of the P.W.D. Act that the income of the Respondent No. more than Rs. 10 Crore.

The photocopies of some of the documents that have been collected by your petitioner is annexed herewith and marked as "Annexure – A" collectively.

- e) For that while passing such impugned order the Ld. Court below failed to appreciate that while passing various judgments, the Hon'ble Supreme Court of India as well as various Hon'ble High Courts stated in catena of Judgments that the amount of maintenance awarded to the wife must be fitting the status of the parties and the capacity of the spouse to pay maintenance, Maintenance is always dependant on the factual situation of the case and the court would be justified in moulding the claim for maintenance passed on various factors.
- f) For that the Ld. Court Below failed to appreciate that it has been categorically stated in the application of Domestic Violence Act that prima facie there was a serious allegation of domestic violence and there was a domestic relationship between the parties which were not denied by the respondent no. I therein. It is the cardinal principal of P. W. D. V. Act and in order to bring home the interim reliefs as claimed by the aggrieved

person two abovementioned ingredients has to be proved prima facie and later on the Ld. Magistrate decides interim application keeping in mind the object of this act being "Beneficial ". Your Petitioner most humbly submits that the principal were not followed strictly by the Ld. Court below.

- g) For that in a catena of decisions the Hon'ble Apex Court in of the view that the most important right which comes to the wife in the wake of her marriage is the right of maintenance. Immediately after marriage a husband is legally obliged to maintain his wife.
- h) For that the intention of the legislature thereby enacting P. W. D. V. Act 2005 is to prevent vagrancy and to provide adequate monetary relief according to the status, livelihood of the parties which were completely overlooked by the Ld. Magistrate while passing the order dated 16.08.2018.
- i) For that the Ld. Court below failed to appreciate the view taken by the Hon'ble Apex Court in Meen Singh versus Bhuwan Mohan Singh (Cri Appeal No. 1331 of 2014). It is the sacrosanct duty of the husband to render financial support to his wife even if the husband is required to earn money with his physical labour.
- j) For that the Ld. Court below failed to appreciate that it is the prima facie duty of the husband to disclose his income under 106 of Indian Evidence Act as the self-income is in the special knowledge of the husband and if it is not disclosed by him then the Ld. Court shall hold the version of the wife about her husband's income. Your Petitioner craves leave to submit

judgment of the Hostile High Court and Hon'ble Supreme Court in this regard at the time of hearing.

- k) For that the Ld. Court failed in appreciate the appellant herein categorically stated her husband's income as more than Rs. 10 Crore per annum and 300 Bighas of land and other properties, cars and assets where the Respondent No. 1 in his show cause did not comply with his legitimate duty to disclose his version about his own income that definitely would have created presumption against him and Ld. Court below would have presumed the same amount that the appellant had narrated in her application according to the principles laid down by the Hon'ble High Courts and Hon'ble Apex Court.
- l) For that the Ld. Court below failed to appreciate that the Respondent No. 1 is highly influential being the regular player of Indian Cricket Team and it is the requirement of law that the appellant/petitioner wife must be protected prima facie from any kind of violence towards her.
- m) For that the Ld. Court below failed to appreciate that the basic object and principle of P. W. D. V. Act 2005 is to create a shield to women and children from the act of domestic violence and to establish her rights from any sort of abuse. It has not been taken into account by the Ld. Court below that the aggrieved person has been mercilessly tortured by Respondent and his relatives but he being as influential, that the Med person had to face serious obstacles luth mental and physical for her rights.

- n) For that the Ld. Court below failed to appreciate that the documents that has been submitted by the Respondent No. 1 with his written objection before the Court below are mostly electronic documents and those electronic documents cannot be taken into account without a certificate as required by Section 65B of the Indian Evidence Act. Further few of the documents were newspaper cuttings without even with a prima facie proof of publication by the editor of such newspapers.
- o) For that the but the Ed. Court below without considering all such facts passed the impugned order based on his surmises and conjectures.
- p) For that the Ld. Court below has committed a miscarriage of justice by passing the impugned order without proper verification and authenticity of the documents as filed by the respondents.
- q) For that the Ld. Court below ought to have believed the written version filed by your Appellant/Petitioner Wife in said AC-945 of 2018 P. W. D. V. Act being a beneficial legislation towards Women and Children, and thereby committed a great mistake in law.
- r) For that the Ld. Court below failed to appreciate that the documents that has been submitted by the Respondent No. I herein in his written objection before the Id. Court below are all electronic documents and those electronic documents cannot be taken into account without a certificate as required by Section 658 of the Indian Evidence Act. In Civil Appeal No. 4226 of 2012 in the case of Anvar F. V. versus P.K. Basheer and Ors., it has been opined by the Hon'ble Apex Court that any documentary evidence by way

of an electronic record can be proved only in accordance with the procedure prescribed under Section 658 of the Indian Evidence Act. So, prima facie holding the aggrieved person as working lady relying upon electronic documents without any certificate as required under Section 558 of the Indian Evidence Act, and thereby rejecting the prayer for interim monetary relief for herself, causes serious mis carriage justice.

- s) For that the Ld. Court below has committed a mistake in law by passing the impugned interim order, hence the order liable to be set aside.
- t) For that while passed such impugned order, the Ld. Court below did not consider the provisions as laid down in the P. W. D. V. Act in its true spirit and ornaments and thus committed the error.
- u) For that the petitioner craves leave to produce more silent points and grounds and all relevant documents, at the time of hearing of this application.
- v) For that the petition is made bonafide for the ends of justice.

It is therefore prayed that Your Honour would graciously be pleased to admit this Appeal, issue notice upon the Respondents, call for the lower court record and fix up a date for hearing and upon hearing all the concerned parties and upon perusal of all relevant documents, kindly cancel or set aside the impugned order dated 16.08.2018 passed by the Ld. Judicial Magistrate, 3 Court, at Alipore in Case No. AC 945/2015 and further would be pleased to direct the Respondent No. 1 to pay an interim monetary relief towards the petitioner wife to the tune of Rs. 7, 00, 000/-

only and further please to enhance the Interim monetary relief of the minor child to the tune of Rs. 3,00, 000/- only and pass an interim residence order to the shared household towards your petitioner at 128 Prince Golum Hossain Shah Road, Senkathi", Floor, Flat No. 1B, Police Station - Jadavpur, Kolkata-700032, along with other necessary Interim orders and pass all such necessary order / orders as your Honour may deem fit and proper for the ends of Justice.

And for this act of kindness your petitioner as is duty bound shall ever pray.

**AFFIDAVIT**

I, XXXXXX, Wife of YYYY, Daughter of \_\_\_\_\_, Residing at \_\_\_\_\_, do hereby solemnly affirm and declare as follows:

1. That I am the Petitioner of the instant case and is fully conversant with the facts and circumstances of this case.
2. That the statements made in the foregoing paragraphs are true to the best of my knowledge and belief and nothing is concealed therein.
3. That I am an Indian National.

Deponent

Identified by me

Advocate



//True Typed Copy//

**CHARGE SHEET / FINAL REPORT**  
**(UNDER SECTION 173 CR. P.C.)**

1. In the Court of Ld. Addl. Chief Judicial Magistrate, Alipore, 24 Pargana (South).  
Dist. S.S.D. P.S. Jadavpore Year 2018 FIR No. 82/2018 dated 08.03.2018
2. Final Report / Charge Sheet No. 90 dated 13.04.2019
3. (i) Act IPC Section 498A , 354A
4. Type of Final Report: Charge Sheet
5. If FR uncured: False / Mistake of facts / mistake of law / non-cognizable / civil nature.
6. If Supplementary or Original: Confidential
7. Name, Rank and Number (if any) and the I.O.: 1) SI Partha Not Legible of Jadavpore P.S., 2) Inspector
8. (a) Name of complainant / Informant: XXXX  
(b) Father's / Husband's name, XXXX
9. Date on which the complainant / informant was informed of the result: 13.03.2018
10. Details of properties / articles / documents recovered / seized during investigation and relied upon (separate list can be attached if necessary):

Sl. No.	Property Description	Estimated Value (On Rs.)	P.S. Property Register No.	From whom / where recovered or received	Disposal
1	2	3	4	5	6
Separate Sheet is attached					

- 10a. Number of accused persons charge sheeted: 02 (Two)
- 10b. Number of accused persons not charge sheeted: 03 (Three)
11. Particulars of accused persons charge sheeted:
  - (i) Name:
  - (ii) Father's/Husband's Name:
  - (iii) Date/Year of Birth:
  - (iv) Sex:
  - (v) Nationality:
  - (vi) Religion:
  - (vii) Whether SC/ST:
  - (viii) Occupation
  - (ix) Address:

- (x) Provisional Criminal No.
- (xi) Regular Criminal No.
- (xii) Date of Arrest:
- (xiii) Date of Release on Bail:
- (xiv) Date on which forwarded on court:
- (xv) Under Acts and Sections:
- (xvi) Names and address of sureties.
- (xvii) Previous convictions with case reference:
- (xviii) Forwarded / Bailed by police / under Police Custody / Bailed by court / in Judicial Custody / Absconding / Proclaimed Offender.

12. Particulars of accused persons charge sheeted:

- (i) Name:
- (ii) Father's/Husband's Name:
- (iii) Date/Year of Birth:
- (iv) Sex:
- (v) Nationality:
- (vi) Religion:
- (vii) Whether SC/ST:
- (viii) Occupation
- (ix) Address:
- (x) Provisional Criminal No.
- (xi) Suspicion Approved: Yes / No
- (xii) Forwarded / Bailed by police / under Police Custody / Bailed by court / in Judicial Custody / Absconding / Proclaimed Offender.
- (xiii) Under Acts and Sections:
- (xiv) Special remarks including reasons for not charge-sheeting:

13. Particulars of witnesses to be examined:

Separate Sheet is Attached.

14. If FR is false, indicate action taken or proposed to be taken under Section 382/288 IPC.

N.A.

15. Result of laboratory analysis: Not Readable

16. Brief facts of the case:

Separate Sheet is attached.

Name: Gitasree Mukherjee  
Rank: L/INSPECTOR  
Number, if any: Not Legible  
Date: 13.03.2019

Ref: Jadavpore P.S. / DD Case No. 82 dated 08.03.2018

11. Particulars of the accused persons charge sheeted:

i.	Name	1. YYYY	2. Hasib Ahamed
ii.	Father's / Husband's Name	S/o. Late Tousif Ahamed	S/o. Late Tousif Ahamed
iii.	Date / Year of Birth	03.09.1990	34 Years
iv.	Sex	Male	Male
v.	Nationality	Indian	Indian
vi.	Religion	Muslim	Muslim
vii.	Whether SC / ST		
viii.	Occupation	International Cricket Player of India	Business
ix.	Address	Village Sahaspur, Alinagar, District Amroha, P.S. Didauli, Uttar Pradesh and also at 128, Prince Golam Hossain Shah Road, Senkuthi, 1 <sup>st</sup> Floor, Flat No. 1B, P.S. Jadavpur, Kolkata-700032.	Village + P.S. Pakwara, 3 <sup>rd</sup> Floor, Parshab Nath Plaza, Muradabad and also at Village Sahaspur, Alinagar, District Amroha, P.S. Didauli, Uttar Pradesh.
x.	Provisional Criminal No.	X	X
xi.	Regular Criminal No.	X	X
xii.	Date of Arrest	Not Arrested	Not Arrested
xiii.	Date of Release on Bail		
xiv.	Date on which forwarded to court		
xv.	Under Act and Sections	498A IPC	498A / 354A IPC
xvi.	Name and address of sureties		
xvii.	Previous conviction with case references.		
xviii.	Bailed by police / under police custody / bailed by court in judicial custody / absconding / proclaimed offender.	Not arrested, process may kindly be issued for ensuring his appearance.	Not arrested, process may kindly be issued for ensuring his appearance.

Ref: Jadavpore P.S. / DD Case No. 82 dated 08.03.2018

## 12. Particulars of the accused persons charge sheeted (suspended):

I	Name	1. Shama Parveen	2. Anjum Ara Begum	3. Sabina Anjum
II	Father's / Husband's Name	W/o. Md. Hasib Ahamed	W/o. Lt. Tousif Ahamed	W/o. Md. Gaznabi
III	Date / Year of Birth	34 Years	45 Years	31 Years
IV	Sex	Female	Female	Female
V	Nationality	Indian	Indian	Indian
VI	Religion	Muslim	Muslim	Muslim
VII	Whether SC / ST			
VIII	Occupation	Teacher	House Wife	House Wife
IX	Address	Village + P.S. Pakwara, 3 <sup>rd</sup> Floor, Parshab Nath Plaza, Muradabad and also at Village Sahaspur, Alinagar, District Amroha, P.S. Didauli, Uttar Pradesh.	Village Sahaspur, Alinagar, District Amroha, P.S. Didauli, Uttar Pradesh.	Village Palolla, Joya Block, District Amroha, P.S. Didauli, Uttar Pradesh.
X	Provisional Criminal No.	X	X	X
XI	Suspicion Approved:			
XII	Forwarded / Bailed by police / bailed by court in judicial custody absconding proclaimed offender.	Not Arrested	Not Arrested	Not Arrested
XIII	Under Acts and Sections	498A/323/328/307/506/ 34 of IPC	498A/323/328/307/506/ 34 of IPC	498A/323/328/307/506/ 34 of IPC
XIV	Any special remarks including reasons for not charge sheeting:	Want of Evidence	Want of Evidence	Want of Evidence

Submitted  
Gitasree Mukherjee  
Insp. / W.G. Cell / DD  
13.03.2019

Ref: Jadavpore P.S. / DD Case No. 82 dated 08.03.2018

13. Particulars of the witness is be examined:

Sl. No.	Name	Father's / Husband's Name	Date / Year of Birth	Occupation	Address	Type of residence to be tendered
1.	XXXX	D/o. Md. Hussain, W/o. YYYY	34 Years	House Wife	XXXX	Complainant
2.	Afrin Jahan	D/o. S.K. Saifuddin	14 Years	Student	Village Sonasore Park, Pahu Backery, Suri P.S. Suri, District Birbhum	Corroborative witness daughter of complainant
3.	Arshi Jahan	D/o. S.K. Saifuddin	11 Years	Student	Village Sonasore Park, Pahu Backery, Suri P.S. Suri, District Birbhum	Corroborative witness daughter of complainant
4.	Md. Hossain	S/o. Late Abdul Latif	61 Years	Business	Village Sonasore Park, Pahu Backery, Suri P.S. Suri, District Birbhum	Corroborative witness father of complainant
5.	Nikhat Afrin	D/o. Md. Hossain, W/o. Anish Ahmed	24 Years	House Wife	Asansol, Sugam Park, Asansol, Paschim Bardhaman, P.S. Asansol	Corroborative witness sister of complainant
6.	Goutam Dey	S/o. Late Gaur Dey	52 Years	Private	170/52, Lakes Gardens, P.S. Lake, Kolkata-700045.	Corroborative Witness
7.	Mrs. Bhattacharjee	D/o. Lt. Jagatbandhu Bhattacharjee	45 Years	Fashion Designer	52D/4, Babushan Lane, Selimpur, P.S. Lake, Kolkata-700031.	Corroborative Witness
8.	Sonia Sarkar	D/o. Subir Sarkar	34 Years	Dance Teacher	522A, Lake Gardens, P.S. Lake, Kolkata-700045.	Corroborative Witness
9.	Md. Narul Islam	S/o. Lt. Md. Hanif	52 Years	Marriage Registrar	Ram Bazar, Koys Road, P.S. Ram Bazar	Registrar the Marriage between XXXX and YYYY at Kolkata
10.	Rupali Gayen	W/o. Bhagirath Gayen	29 Years	Maid of Complainant	Village Bhambari Lhair, P.O. Bari Bhangabad, P.S. Raklighi, District 24 Pargana (South)	Corroborative Witness

11.	Md. Jahangir @ Aman	S/o. Hazi Bhure @ Mehboob	35 Years	Business	Village Sahaspur, Alinagar P.O. P.S. Didauli, District Amroha, Uttar Pradesh.	Corroborative Witness
12.	Arman Ali	S/o. Hazi Abrar Hossain	35 Years	Business	Village Muda Irama P.O. & P.S. Didauli, District Amroha, Uttar Pradesh.	Corroborative Witness
13.	Md. Shakir Pasa	S/o. Md. Ayyub	38 Years	Doctor	Ward No. 10, Nagar Panchayat Joya P.O. & P.S. Didauli, District Amroha, Uttar Pradesh.	Corroborative Witness
14.	Md. Irman Ali	S/o. Sahid Hossain	38 Years	Driver	Village Joya P.O. & P.S. Didauli, District Amroha, Uttar Pradesh.	Corroborative Witness
15.	Md. Hossain	S/o. Rashid Ahmed	37 Years	Business	Village Asgaripur, P.O. Joya, P.S. Didauli, District Amroha, Uttar Pradesh.	Corroborative Witness
16.	Suraj Rajak	S/o. Lal Behari Rajak	33 Years	Driver	59A, H/3, Shambhu Baba Lane, P.S. – Entally, Kolkata-700014.	Seizure Witness dated 12.03.2018 & 13.03.2018
17.	Md. Akhtar	S/o. Sardar Ali	41 Years	Driver	15, Srajith Lane, P.S. Takala, Kolkata-700013.	Seizure Witness dated 16.04.2018
18.	Susanta Mondal			SI of Kolkata Police	Jadavpore Police Station	Producer of the seized document as per seizure list dated 21.03.2018
19.	Tanmoy Kanit Guha	S/o. Tapan Kumar Guha	29 Years	Civil Volunteer of Jadavpore Police Station	101, Shanty Garh Graham Road, P.S. Jadavpore, Kolkata-700030	Seizure Witness dated 21.03.2018
20.	Smt. Neha Sharma			Ld. Judicial Magistrate 3 <sup>rd</sup> Court, Alipore, 24 Pargana (South)		Record judicial statement of the complainant Received judicial statement of both the daughters of the complainant

21.	Shri Debasish Barman			Ld. Judicial Magistrate 7 <sup>th</sup> Court, Alipore 24 Pargana (South)		Recorded Judicial statement of Arman Ali, Md. Shakir Pasa, Md. Imran Ali
22.	Dr. P. Paul Ramesh			Assistant Director & Scientist – C (Physics)	Central Forensic Science Laboratory, DFSS, MHA, Govt. of India, 30 Gorachand Road, Kolkata-700014.	Prepared report invite CFSL Report No. CFSL (KVEE/2018/PHY/WB/952/P-60/18
23.	Smt. M. Maheshwari			Scientist-B (Physics)	Central Forensic Science Laboratory, DFSS, MHA, Govt. of India, 30 Gorachand Road, Kolkata-700014.	Prepared report invite CFSL Report No. CFSL (KVEE/2018/PHY/WB/372/CP-313
24.	Jt. Commissioner of Stamp Revenue, West Bengal or any other competent person				Directorate of Registration of Stamp Revenue, 23A, N.S. Road, Fortune Tower, 9 <sup>th</sup> Floor, Kolkata-700031.	Will prove the certified copy of marriage certificate
25.	Rahul Johri, CEO of BCCI or any other competent person				The Board of Control for Cricket in India, Cricket Centre, Wankhede Stadium D-Road, Churchgate, Mumbai-400020.	Will prove the journey details of YYYY
26.	Partha Brahma			Sub Inspector of Kolkata Pollice	Jadavpore Police Station	1 <sup>st</sup> IO of the case.
27.	Gitasree Mukherjee			Inspector of Kolkata Police	W.O. Cell, DD 18 Lal Bazar Street, Kolkata-700001	IO of the case Submitted Gitasree Mukherjee Insp. / W.G. Cell / DD
28.	And others					13.03.2019

Petition No. X 4868/2019

1. Date of Application for copy. 17.06.2019.
2. Date fixed for notifying the requisite stamp. 17.06.2019.
3. Date of delivery of the requisite stamp. 19.06.2019.
4. Date on which the copy was ready. 19.06.2019
5. Date of making over the copy to the application. 19.06.2019.
6. Cost of copy. Rs. 16/-.
7. Number of Xerox. 8 Sheets.
8. Cost of Application. 5.05



//True Typed Copy//

## ANNEXURE P-9

<b>FORM</b>	<b>ITR-4 SUGAM</b>	<b>INDIAN INCOME TAX RETURN</b> [For Individuals, HUFs and Firms (other than LLP) being a resident having total income upto Rs.50 Lakh and having income from business and profession which is computed under sections 44AD, 44ADA or 44AE] [Not for an individual who is either Director in a company or has invested in unlisted equity shares or if income-tax is deferred on ESOP or has agricultural income more than Rs.5000] (Please refer instructions for eligibility)	Assessment Year 2022-23
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## PART A GENERAL INFORMATION

(A1) First Name	(A2) Middle Name	(A3) Last Name	(A4) Permanent Account Number <b>AQEPJ2582Q</b>
(A5) Date of Birth/Formation (DD/MM/YYYY) <b>02-Feb-1984</b>	(A6) Flat/Door/Block No. <b>128</b>		
(A7) Name of Premises/ Building/ Village <b>PRINCE GOLAM HOSSAIN SHAH ROAD</b>		(A8) Road/Street/Post Office <b>Jadavpur University S.O</b>	(A9) Area/Locality <b>Kolkata</b>
(A10) Town/City/District <b>KOLKATA</b>	(A11) State <b>32 - West Bengal</b>	(A12) Country/Region <b>91 - India</b>	(A13) PIN Code/ZIP Code <b>700032</b>
(A14) Aadhaar Number (12 digits)/ Aadhaar Enrolment Id (28 digits) (if eligible for Aadhaar No.) <b>2xxx xxxx 5249</b>			(A15) Status <input checked="" type="checkbox"/> <b>Individual</b> <input type="checkbox"/> <b>HUF</b> <input type="checkbox"/> <b>Firm (other than LLP)</b>
(A16) Residential/Office Phone Number with STD code/ Mobile No.1 <b>91 9163843116</b>		(A17) Mobile No.2	(A18) Email Address-1 (Self) <b>tanima85@rediffmail .com</b> Email Address-2
(A19) Nature of Employment - <input type="checkbox"/> Central Govt. <input type="checkbox"/> State Govt. <input type="checkbox"/> Public Sector Undertaking <input type="checkbox"/> CG - Pensioners <input type="checkbox"/> SG - Pensioners <input type="checkbox"/> PSU - Pensioners <input type="checkbox"/> Other Pensioners <input checked="" type="checkbox"/> Others <input type="checkbox"/> Not Applicable (e.g. Family Pension etc.)			
(A20) (a) Filed u/s [Please see instruction]-	<input checked="" type="checkbox"/> 139(1)-On or before due date <input type="checkbox"/> 139(4)-After due date <input type="checkbox"/> 142(1) <input type="checkbox"/> 148 <input type="checkbox"/> 139(5)- Revised Return <input type="checkbox"/> 139(9) <input type="checkbox"/> 139(9A) / 119(2)(b)- After condonation of delay <input type="checkbox"/> 139(8A)		
(b) Or Filed in response to notice u/s	<input type="checkbox"/> 139(9) <input type="checkbox"/> 142(1) <input type="checkbox"/> 148		
(A21) If revised/defective then enter Receipt No.and Date of filing of original return (DD/MM/YYYY)			
(A22) If filed in response to notice u/s 139(9) /142(1)/148 or order u/s 119(2)(b)- enter Unique Number/ Document Identification Number (DIN) and Date of such Notice or Order			
(A23) Have you opted for new tax regime u/s 115BAC and filed Form 10IE in AY 2021-22? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No			
Option for current assessment year <input type="checkbox"/> Opting in now <input checked="" type="checkbox"/> Not opting <input type="checkbox"/> Continue to opt <input type="checkbox"/> Opt out For other than not opting, please furnish date of filing of form 10-IE along with Acknowledgment number			

(A24) Are you filing return of income under Seventh proviso to section 139(1) but otherwise not required to furnish return of income? (Not applicable in case of firm) - <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
If yes, please furnish following information [Note: To be filled only if a person is not required to furnish a return of income under section 139(1) but filing return of income due to fulfilling one or more conditions mentioned in the seventh proviso to section 139(1)]							
(i) Have you deposited amount or aggregate of amounts exceeding Rs. 1 Crore in one or more current account during the previous year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					0		
(ii) Have you incurred expenditure of an amount or aggregate of amount exceeding Rs. 2 lakhs for travel to a foreign country for yourself or for any other person? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					0		
(iii) Have you incurred expenditure of amount or aggregate of amount exceeding Rs. 1 lakh on consumption of electricity during the previous year? <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No					0		
(iv) Are you required to file a return as per other conditions prescribed under clause (iv) of seventh provision to section 139(1) (If yes, please select the relevant condition from the drop-down menu) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
S.No.	Nature				Amount		
(A25) Whether this return is being filed by a representative assessee? (Tick) <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No							
If yes, please furnish following information -							
(1)	Name of the representative						
(2)	Capacity of the representative						
(3)	Address of the representative						
(4)	Permanent Account Number (PAN)/ Aadhaar No. of the representative						
PART B GROSS TOTAL INCOME					Whole- Rupee ( ) only		
B1	Income from Business & Profession (Note- Enter value from E8 of Sch BP)				B1	78,388	
B2	i	Gross Salary (ia+ib+ic+id+ie)			i	0	
SALARY / PENSION	a	Salary as per section 17(1)	ia	0			
	b	Value of perquisites as per section 17(2)	ib	0			
	c	Profits in lieu of salary as per section 17(3)	ic	0			
	d	Income from retirement benefit account maintained in a notified country u/s 89A	id	0			
	e	Income from retirement benefit account maintained in a country other than notified country u/s 89A	ie	0			
	ii	Less allowances to the extent exempt u/s 10 [Ensure that it is included in salary income u/s 17(1)/17(2)/17(3)]			ii	0	
	SL.No.	Nature of Exempt Allowance			Description ( If Any Other selected)	Amount	
	iiia	Less: Income claimed for relief from taxation u/s 89A			iiia	0	
	iii	Net Salary (i – ii - iiia)			iii	0	
	iv	Deductions u/s 16 (iva + ivb+ivc)			iv	0	
a	Standard deduction u/s 16(ia)	iva	0				
b	Entertainment allowance u/s 16(ii)	ivb	0				
c	Professional tax u/s 16(iii)	ivc	0				
v	Income chargeable under the head 'Salaries' (iii – iv) ( NOTE- Ensure to Fill "Sch TDS1")			B2	0		

B3	Tick applicable option: <input type="checkbox"/> Self-Occupied <input type="checkbox"/> Let Out <input type="checkbox"/> Deemed Let Out			
House Property	i	Gross rent received/ receivable/ lettable value during the year	i	0
	ii	Tax paid to local authorities	ii	0
	iii	Annual Value (i-ii)	iii	0
	iv	30% of Annual Value	iv	0
	v	Interest payable on borrowed capital	v	0
	vi	Arrears/Unrealized Rent received during the year Less 30%	vi	0
	vii	Income chargeable under the head 'House Property' (iii – iv – v) +vi (If loss, put the figure in negative) Note:-Maximum loss from house property that can be set-off in computing income of this year is INR 2,00,000. To avail the benefit of carry forward and set off of loss, please use ITR-3/5.		B3
B4	Income from Other Sources NOTE- Fill "Sch TDS2" if applicable.		B4	1,01,784

S.No.	Nature of Income	Description ( If Any Other selected)	Total Amount
1	Interest from Income Tax Refund		801
2	Dividend		750
3	Interest from Deposit (Bank/Post Office/ Cooperative Society)		87,813
4	Interest from Saving Bank		12,420

Quarterly breakup of Dividend Income			Quarterly breakup of Income from retirement benefit account maintained in a notified country u/s 89A (taxable portion)		
i	Up to 15-Jun-2021	750	i	Up to 15-Jun-2021	0
ii	From 16-Jun-2021 to 15-Sep-2021	0	ii	From 16-Jun-2021 to 15-Sep-2021	0
iii	From 16-Sep-2021 to 15-Dec-2021	0	iii	From 16-Sep-2021 to 15-Dec-2021	0
iv	From 16-Dec-2021 to 15-Mar-2022	0	iv	From 16-Dec-2021 to 15-Mar-2022	0
v	From 16-Mar-2022 to 31-Mar-2022	0	v	From 16-Mar-2022 to 31-Mar-2022	0
	Less: Deduction u/s 57(iia) (in case of family pension only)				0
	Less: Income claimed for relief from taxation u/s 89A				0
B5	<b>Gross Total Income (B1 + B2 + B3 + B4)</b> To avail the benefit of carry forward and set off of loss, please use ITR-3/5.		B5		<b>1,80,172</b>

**Part C - Deductions and Taxable Total Income**

S.No	Section	Amount	System Calculated
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C1	80C - Life insurance premia, deferred annuity, contributions to provident fund, subscription to certain equity shares or debentures, etc.	0	0
C2	80CCC - Payment in respect Pension Fund	0	0
C3	80CCD(1) - Contribution to pension scheme of Central Government	0	0
C4	80CCD(1B) -Contribution to pension scheme of Central Government	0	0
C5	80CCD(2) - Contribution to pension scheme of Central Government by employer	0	0
C6	80D - Deduction in respect of health insurance premia Note: 1. Total of 80D in system calculated value should not exceed Rs 1,00,000. 2. Total of 80D in system calculated value should not exceed Rs 50,000 in case of HUF.	0	0
C7	80DD - Maintenance including medical treatment of a dependent who is a person with disability -	0	0
C8	80DDB - Medical treatment of specified disease -	0	0
C9	80E - Interest on loan taken for higher education	0	0
C10	80EE - Interest on loan taken for residential house property	0	0
C11	80EEA - Deduction in respect of interest on loan taken for certain house property	0	0
C12	80EEB - Deduction in respect of purchase of electric vehicle	0	0
C13	80G - Donations to certain funds, charitable institutions, etc (Please fill 80G schedule.This field is auto-populated from schedule.)	0	0
C14	80GG - Rent paid	0	0
C15	80GGC - Donation to Political party	0	0
C16	80TTA - Interest on deposits in saving bank Accounts	0	0
C17	80TTB- Interest on deposits in case of senior citizens.	0	0
C18	80U - In case of a person with disability. -	0	0
C19	Total deductions (Add items C1 to C18)	0	0
C20	Taxable Total Income (B5 - C19)		1,80,170

**PART D-TAX COMPUTATIONS AND TAX STATUS**

D1	Tax payable on total income	D1	0
D2	Rebate on 87A	D2	0
D3	Tax payable after Rebate (D1-D2)	D3	0
D4	Health and Education Cess @ 4% on (D3)	D4	0
D5	Total Tax, and Cess (D3 + D4)	D5	0

D6	Relief u/s 89(Please ensure to submit Form 10E to claim this relief)	D6	0	
D7	Balance Tax after Relief (D5-D6)	D7	0	
D8	Total Interest u/s 234A	D8	0	
D9	Total Interest u/s 234B	D9	0	
D10	Total Interest u/s 234C	D10	0	
D11	Fees u/s 234F	D11	0	
D12	Total Tax, Fee and Interest (D7 + D8 + D9 + D10 + D11)	D12	0	
D13	Total Advance Tax Paid	D13	0	
D14	Total Self-Assessment Tax Paid	D14	0	
D15	Total TDS Claimed (total of column 4 of Schedule-TDS1 and column 6 of Schedule-TDS2)	D15	5,783	
D16	Total TCS Collected (total of column (5) of Schedule-TCS)	D16	0	
D17	Total Taxes Paid (D13 + D14 + D15 + D16)	D17	5,783	
D18	Amount payable (D12 - D17, If D12 > D17)	D18	0	
D19	Refund (D17 - D12, If D17 > D12)	D19	5,780	
D20	Exempt income only for reporting purposes (If agricultural income is more than Rs.5,000/-, use ITR 3/5)			
	<b>Sl. No.</b>	<b>Nature of Income</b>	<b>Description (If 'Any Other' is selected)</b>	<b>Amount</b>
	Total			0
D21	Details of all Bank Accounts held in India at any time during the previous year (excluding dormant accounts)			
<b>SL.No.</b>	<b>IFS Code of the bank</b>	<b>Name of the Bank</b>	<b>Account Number</b>	<b>Select Account for Refund Credit</b>
1	UBIN0539716	UNION BANK OF INDIA	301202050000226	<input checked="" type="checkbox"/>
2	UBIN0539716	UNION BANK OF INDIA	397102010662076	<input checked="" type="checkbox"/>
3	UBIN0539716	UNION BANK OF INDIA	301202050000226	<input checked="" type="checkbox"/>
1. Minimum one account should be selected for refund credit.				
2. In case of Refund, multiple accounts are selected for refund credit, then refund will be credited to one of the accounts decided by CPC after processing the return				
SCHEDULE BP - DETAILS OF INCOME FROM BUSINESS OR PROFESSION				
COMPUTATION OF PRESUMPTIVE INCOME FROM PROFESSIONS UNDER SECTION 44AD				
<b>S.No.</b>	<b>Name of the Business</b>	<b>Business Code</b>	<b>Description</b>	
1		21008-Other services n.e.c.		
E1	Gross Turnover or Gross Receipts		i	
	a	Through a/c payee cheque or a/c payee bank draft or bank electronic clearing system or prescribed electronic modes received before specified date	E1a	0
	b	Any other mode	E1b	3,21,150
E2	Presumptive income under section 44AD			

a	6% of E1a or the amount claimed to have been earned, whichever is higher	E2a	0
b	8% of E1b or the amount claimed to have been earned, whichever is higher	E2b	78,388
c	Total (a + b)	E2c	78,388
NOTE : If Income is less than the above percentage of Gross Receipts, it is mandatory to have a tax audit under 44AB & other ITR as applicable has to be filed.			

**COMPUTATION OF PRESUMPTIVE INCOME FROM PROFESSIONS UNDER SECTION 44ADA**

S.No	Name of the Business	Business Code	Description
E3	Gross Receipts	E3	0
E4	Presumptive Income under section 44ADA (50% of E3) or the amount claimed to have been earned, whichever is higher Note : If income is less than 50% of Gross Receipts, it is mandatory to have a tax audit under 44AB & other ITR as applicable has to be filed.	E4	0

**COMPUTATION OF PRESUMPTIVE INCOME FROM PROFESSIONS UNDER SECTION 44AE**

S.No.	Name of the Business	Business Code			Description
Sl no	Registration No. of goods carriage	Whether owned/leased/hired	Tonnage Capacity of goods carriage(in MT)	Number of months for which goods carriage was owned/ leased / hired by assessee	Presumptive income u/s 44AE for the goods carriage (Computed @ Rs.1000 per ton per month in case tonnage exceeds 12MT, or else @ Rs.7500 per month) or the amount claimed to have been actually earned, whichever is higher
(i)	(1)	(2)	(3)	(4)	(5)

Add row options as necessary (At any time during the year the number of vehicles should not exceed 10 vehicles)

E5	Presumptive Income from Goods Carriage under section 44AE [total of column (5)] NOTE-If the profits are lower than prescribed under S.44AE or the number of Vehicles owned at any time exceed 10 then the the other ITR, as applicable, has to be filed	E5	0
E6	Salary and interest paid to the partners NOTE:This is to be filled up only by firms	E6	0
E7	Presumptive Income u/s 44AE (E5-E6)	E7	0
E8	Income chargeable under the head 'Business or Profession' (E2c +E4+E7)	E8	78,388
E9	INFORMATION REGARDING TURNOVER/GROSS RECEIPT REPORTED FOR GST Note – Please furnish the information below for each GSTIN No. separately		
S.No.	GSTIN No.	Annual Value of Outward Supplies as per the GST Return Filed	
E10	Total of value of outward supplies as per the GST returns filed		0

**FINANCIAL PARTICULARS OF THE BUSINESS**

Note : For E11 to E25 furnish the information as on 31st day of March,2022

E11	Partners/Members own capital	E11	10,04,395
E12	Secured loans	E12	0

E13	Unsecured loans	E13	0
E14	Advances	E14	0
E15	Sundry creditors	E15	42,244
E16	Other liabilities	E16	45,061
E17	Total capital and liabilities (E11+E12+E13+E14+E15+E16)	E17	10,91,700
E18	Fixed assets	E18	54,466
E19	Inventories	E19	0
E20	Sundry debtors	E20	0
E21	Balance with banks	E21	5,79,134
E22	Cash-in-hand	E22	8,100
E23	Loans and advances	E23	0
E24	Other Assets	E24	4,50,000
E25	Total assets (E18+E19+E20+E21+E22+E23+E24)	E25	10,91,700

Note: Please refer to instructions for filling out this schedule (E15, E19, E20, E22 are mandatory and others if available)

#### SCHEDULE IT-DETAILS OF ADVANCE TAX AND SELF ASSESSMENT TAX PAYMENTS

SL.No.	BSR Code	Date of Deposit(DD/MM/YYYY)	Challan no	Tax paid
	Col (1)	Col (2)	Col (3)	Col (4)
TOTAL				0

Note: Enter the totals of Advance tax and Self-Assessment tax in D13 and D14

#### Schedule-TCS Details of Tax Collected at Source [As per Form 27D issued by the Collector(s)]

SL.No.	Tax Collection Account Number of the Collector	Name of Collector	Details of amount paid as mentioned in Form 26AS	Tax Collected	Amount out of (4) being claimed
	Col (1)	Col (2)	Col (3)	Col (4)	Col (5)
TOTAL					0

Note: Please enter total of column (5) of Schedule-TCS in D16

#### SCHEDULE TDS1 - DETAILS OF TAX DEDUCTED AT SOURCE FROM SALARY [As per Form 16 issued by Employer(s)]

SL.No.	TAN	Name of the Employer	Income under Salary	Tax Deducted
	Col (1)	Col (2)	Col (3)	Col (4)
TOTAL				0

Note: Enter the total of column 4 of Schedule-TDS1 and column 6 of Schedule-TDS2 in D15

#### SCHEDULE TDS2 - DETAILS OF TAX DEDUCTED AT SOURCE ON INCOME OTHER THAN SALARY [As per Form 16 A issued or Form 16C or Form 16D furnished by Deductor(s)]

Sl.No.	TAN of the Deductor/ PAN/Aadhaar No.of Tenant	Unclaimed TDS brought forward (b/f)	TDS of the current Fin. Year	TDS credit being claimed this Year (only if corresponding receipt is being offered for tax this year not applicable if	Corresponding Receipt/ withdrawals offered	TDS credit being carried forward
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(1)	(2)	Fin. Year in which deducted (3)	TDS b/f (4)	TDS Deducted (5)	TDS is deducted u/s 194N		Gross Amount (7)	Head of Income (8)	(9)
					TDS Claimed (6)				
1	CALU05555E		0	5,783	5,783		58,113	Income from Other Source	0
<b>Total</b>					5,783				

Note: Enter the total of column 6 of Schedule TDS2 and column 4 of Schedule-TDS1 in D15

#### Details of Tax Deducted at Source [TDS 2(ii)] [as per form 16C furnished by the payer(s)]

SI.No.	PAN/Aadhaar no. of Tenant	Unclaimed TDS brought forward (b/f)		TDS of the current Financial Year	TDS credit being claimed this Year (only if corresponding receipt is being offered for tax this year)	Corresponding receipt offered		TDS credit being carried forward	
		Financial Year in which TDS is deducted	TDS b/f	TDS Deducted	TDS Claimed	Gross Amount	Head of Income		
1	2	3	4	5	6	7	8	9	
<b>Total</b>					0				

Note: Enter the total of column 6 of Schedule TDS2 and column 4 of Schedule-TDS1 in D15

#### Schedule 80D

1	Whether you or any of your family member (excluding parents) is a senior citizen?		Not claiming for Self/ Family	
(a)	Self and Family		0	
	(i)	Health Insurance	0	
	(ii)	Preventive Health Checkup	0	
(b)	Self and Family including Senior Citizen		0	
	(i)	Health Insurance	0	
	(ii)	Preventive Health Checkup	0	
	(iii)	Medical Expenditure (This deduction to be claimed on which health insurance is not claimed at (i) above)	0	
2	Whether any one of your parents is a senior citizen		Not claiming for Parents	
(a)	Parents		0	
	(i)	Health Insurance	0	
	(ii)	Preventive Health Checkup	0	
(b)	Parents including Senior Citizen		0	
	(i)	Health Insurance	0	
	(ii)	Preventive Health Checkup	0	

	(iii)	Medical Expenditure (This deduction can be claimed on which health insurance is not claimed at (i) above)	0
3	Eligible Amount of Deduction		0

**SCHEDULE 80G - DETAILS OF DONATIONS ENTITLED FOR DEDUCTION UNDER SECTION 80G**

A. Donations entitled for 100% deduction without qualifying limit										
SL. No.	Name of the Donee	Address	City or Town or District	State code	Pincode	PAN of the Donee	Amount of donation			Eligible Amount of Donation
							Donation in cash	Donation in other mode	Total Donation	
Total A							0	0	0	0
B. Donations entitled for 50% deduction without qualifying limit										
SL. No.	Name of the Donee	Address	City or Town or District	State code	Pincode	PAN of the Donee	Amount of donation			Eligible Amount of Donation
							Donation in cash	Donation in other mode	Total Donation	
Total B							0	0	0	0
C. Donations entitled for 100% deduction subject to qualifying limit										
SL. No.	Name of the Donee	Address	City or Town or District	State code	Pincode	PAN of the Donee	Amount of donation			Eligible Amount of Donation
							Donation in cash	Donation in other mode	Total Donation	
Total C							0	0	0	0
D. Donations entitled for 50% deduction subject to qualifying limit										
SL. No.	Name of the Donee	Address	City or Town or District	State	Pincode	PAN of the Donee	Amount of donation			Eligible Amount of Donation
							Donation in cash	Donation in other mode	Total Donation	
Total D							0	0	0	0
E. Total Amount of Donations (A + B + C+ D)							0	0	0	0

**VERIFICATION**

I, \_\_\_\_\_ son/ daughter of \_\_\_\_\_ solemnly declare that to the best of my knowledge and belief, the information given in the return is correct and complete and is in accordance with the provisions of the Income-tax Act, 1961. I further declare that I am making this return in my capacity as **Self** and I am also competent to make this return and verify it. I am holding permanent account number **AQEPJ2582Q**

**Place : 103.44.175.200**

**Date : 24-Jul-2022**

If the return has been prepared by a Tax Return Preparer (TRP) give further details as below:

TRP PIN (10 Digit)	Name of TRP	Counter Signature of TRP
Amount to be paid to TRP 0		

  
//True Copy//

**AFFIDAVIT OF ASSETS, INCOME AND EXPENDITURE FILED BY  
THE PETITIONER**

**PART-I**

**PERSONAL INFORMATION RELATING TO THE DEPONENT**

Sl. No.	Description	Particulars
1.	Name	XXXX
2.	Age	38 Years
3.	Residential Address	XXXX
4.	Email Address	<a href="mailto:hasin.jahan02@gmail.com">hasin.jahan02@gmail.com</a>
5.	Date of marriage	07.4.2014
6.	Date of separation	23.02.2018
7.	Educational qualifications	Higher Secondary
8.	Professional Qualifications	X
9.	Occupation	House Wife
10.	Monthly income (as mentioned at Serial No. 45)	Rs. 16,000/- (Bank Interest)
11.	Monthly expenditure (as mentioned in Serial No. 60)	Rs. 6,12,905/-
12.	Whether you are assessed to Income Tax?	Not Taxable
13.	Whether you have sufficient income to support yourself?	No
14.	If not, whether you have claimed maintenance from you spouse? How much?	Yes, I have claimed from my husband Rs. 10,00,000/- (Ten Lakh) from myself and my daughter.
15.	Whether you are staying at matrimonial home?	No

16.	If not staying at matrimonial home, relationship and income of the person with whom you are staying.	I am living with my daughter at my husband's flat
17.	Members of the family: (a) Dependent (b) Non-Dependent	Daughter
18.	Whether your spouse has claimed maintenance from you? If so, how much?	No
19.	Whether you have voluntarily paid or willing to pay maintenance to your spouse? If so, how much?	No
20.	Whether you are willing to pay litigation expenses to your spouse? If so how much?	No
21.	Particulars of pending litigation between the parties.	1) DV Act 945/2018-3 <sup>rd</sup> J.M. 2) Jadavpur P.S. Case No. 82/18-ACJM 3) Cr. Appeal 203/18-5 <sup>th</sup> First Track 4) 138 NI Act-1778/18-CJM 5) ACM-398/18-3 <sup>rd</sup> J.M. 6) Civil No. 20704 of 2022 Supreme Court.
22.	Whether any maintenance order has been passed by any court? If so, give particulars and attached copy of the order.	Yes, 3 <sup>rd</sup> J.M. Alipore

23.	Whether the maintenance is being paid in terms of the aforesaid order? If so, file the statement of maintenance paid upto date.	Rs. 80,000/- per month for is being paid but no regularly.
24.	Expenses incurred on this litigation.	Rs. 1,15,000/- per month.
25.	Particulars of the bank account with name and address of the bank for purpose of payment from or receipt of maintenance as the case may b	Axis Bank Ltd. Shibpur Howrah, 439/1, G.T. Road (South), Howrah-711102 and Union Bank of India, Ballygunge Branch, 26-6, Hidnustan park, Gariahat Road, Kolkata-700029.

## PART-II

### RELEVANT INFORMATION RELATING TO THE SPOUSE

27.	Educational and professional qualifications of you spouse.	Different educational certificates.
28.	Whether your spouse was/is earning? If so, give particulars of the occupation and income of your spouse.	Yes, he is an International Cricketer, part of Indian Cricket Team, Business Merchant (Agriculture, brass, real estate) and advertisement. His earning is R.s 100 crore per year approx.
29.	Whether your spouse is staying at matrimonial home. If no, whether he / she is staying at his / her own accommodation or at a rented accommodation? If staying at a rented accommodation? If staying	No, he is staying in different accommodation and at exclusive farm house also. Husband reside.

	at a rented accommodation, what is the rent being paid by him / her?	
30.	Particulars of the assets and liabilities of your spouse.	Details attached herewith.
31.	Do you have any documents relating to the income, assets and expenditure of your spouse? If so, give the particulars and attach copies thereof.	<ol style="list-style-type: none"> <li>1. Possession Letter &amp; Deed of Conveyance (1-02466/13) of Flat and Garage situated at 128, P.G.H. Shah Road, Kolkata-700032.</li> <li>2. Agreement for sale of Flat and Garage situated at 391/152, P.G.H. Road, Kolkata-700032.</li> <li>3. Sub Lease Deed of Flat and Car Parking situated at ATS Advantage at Plot No. 17, Indirapuram, Ghaziabad, U.P.</li> <li>4. Agricultural Properties purchased by YYYY.</li> <li>5. Shami Enterprises related different and huge landed properties.</li> <li>6. Players Agreement between Board of Control for Cricket in India (BCCI) and YYYY.</li> <li>7. IPL Contract Document-KKR.</li> <li>8. IPL Contract Documents Delhi Dar Devils.</li> <li>9. YYYY BMW, Jaguar, Hyundai Creta Car, Mercedes</li> </ol>

		<p>Benz and Royal Enfield Continental, TVS Apache Two-Wheeler Papers.</p> <p>10. YYYY donation cheque.</p> <p>11. Document relating to payment of prize money.</p> <p>12. Advertisement Documents.</p> <p>13. YYYY bank statement showing huge transaction Prathama Ban and Axis Bank.</p> <p>14. YYYY Income Tax Paper.</p> <p>15. RTI Application made to BCCI, CAB, Mohun Began Club.</p> <p>16. YYYY Bank statements showing payment of tax of Rs. 50,00,000/-.</p>
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### PART-III

#### RELEVANT INFORMATION RELATING TO THE CHILDREN

32.	Children from the marriage with their name and age.	Aairah Shami, 7 Years
33.	Who has the custody of the minor children.	Mother
34.	Name and address of schools where the children are studying.	St. Sebastian School, Lake Gardens, Kolkata-700045.
35.	Who is bearing the expenditure of children are studying.	Husband i.e. father of daughter.

36.	How much expenditure has been incurred on the children's maintenance and children's education from the date of separation till now?	Rs. 8,00,000/- (School) Rs. 52,00,000/- (Maintenance) Total Rs. 60,00,000/-
37.	If the children are in custody of your spouse, whether you have voluntarily paid or willing to pay the expenses for the children's maintenance and education? If so, how much?	No
38.	Details of expenditure of children	Amount (In Rs.)
	i) School College Fees	Session Fee Rs. 1000/- School Fee Rs. 1600/-
	ii) Creche / Day Care / After School Care	No
	iii) Books / Stationary	Rs. 5000/-
	iv) Private Tutions	Rs. 12000/-
	v) Pocket Money / Allowances	Nil
	vi) Sports	Swimming Rs. 2000/-
	vii) Outings / Summer Camps / Vacations	Rs. 3000/-
	viii) Entertainment	Rs. 8000/- (Games) + Rs. 2000/- kids pool party.
	ix) Other	Rs. 1500/- (Yoga) Rs. 3000/- (Dance).
39.	Total Expenditure (Give monthly expenditure)	Rs. 40,100/-

**PART-IV**  
**STATEMENT OF INCOME**

<b>S. No.</b>	<b>Description</b>	<b>Particulars</b>
40.	<p>In case of salaried person:</p> <p>(i) Designation</p> <p>(ii) Name and address of the employer</p> <p>(iii) Date of employment</p> <p>(iv) Gross Income including the salary, D.A., Commissions / Incentives, bonus, perks, etc.</p> <p>(v) Perquisites and other benefits provided by the employer including accommodation, car / other automotive, sweeper, gardener, watchman or personal attendant, gas, electricity, water interest free loans, holiday expenses, gifts, vouchers, etc. credit card expenses, club expenses, use of movable asset by employees, transfer of assets to employees, value of any other benefit / amenity / service privilege and the value of such perquisites and benefits.</p> <p>(vi) Deductions from the gross income</p> <p>(vii) Net in income</p>	N.A.

	<p>(viii) Value of stock option benefit if provided by the employer.</p> <p>(ix) Value of stock option benefits if provided by the employer.</p> <p>(x) Pension and retirement benefits payable at the time of retirement.</p>	
41.	<p>In case of self-employed persons:</p> <p>(i) Nature of business / profession.</p> <p>(ii) Whether the business / profession is carried on as an individual, sole proprietorship concern, company or association or persons, HUF, joint family business or in any other form. Give particulars of your share in the business / profession. In case of partnership, specify the share in the profit losses of the partnership.</p> <p>(iii) Number of employees</p> <p>(iv) Annual turnover / gross receipts</p> <p>(v) Gross profit</p> <p>(vi) Net Income</p> <p>(vii) Income Tax</p> <p>(viii) Details and value of benefits in kind, perks, or other remuneration e.g. provision of car, payment of accommodation etc.</p> <p>(ix) Amount of regular monthly withdrawal or drawings.</p>	N.A.

42.	<p>In case the business / profession is carried on as a partnership firm / company.</p> <p>(i) Registered / corporate office of the firm / company.</p> <p>(ii) Information and particulars with to your shareholding, involvement in the affairs and management of the firm / company.</p> <p>(iii) Director's / Partners remuneration</p> <p>(a) Salary</p> <p>(b) Interest</p> <p>(c) Rent</p> <p>(d) Commission</p> <p>(e) Others</p> <p>(iv) List of all the bank account of the firm / company.</p> <p>(v) Location of the statutory records and books of account of the firm / company.</p> <p>(vi) List of immovable assets, land and building etc. of the firm / company.</p> <p>(vii) Number of workmen / employees.</p> <p>(viii) Current value of your business interests.</p> <p>(ix) Current value of your business assets.</p>	N.A.
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	<p>(x) List of directorships held, sitting fees, commission or any other remuneration.</p> <p>(xi) Net worth of the company in which you are director along with the number of shares held in the company.</p>	
43.	<p>Income from other sources:</p> <p>(i) Agricultural Income</p> <p>(ii) Rent</p> <p>(iii) Interest on bank deposits and FDRs</p> <p>(iv) Interest on investments including deposits, NSC, IVP, KVP, Post Office Schemes, PPF, Loans Etc.</p> <p>(v) Dividends</p> <p>(vi) Mutual Funds</p> <p>(vii) Annuities</p> <p>(viii) Lease of machinery, plant or furniture</p> <p>(ix) Sale of movable / immovable assets.</p> <p>(x) Gifts</p>	Rs. 16.000/- from Post Office
44.	Any other income not covered above.	NA
45.	Total income (Give Monthly income).	Rs. 16,000/-

PART-VSTATEMENT OF EXPENDITURE

Sl. No.	Description	Particulars	
46.	Housing	(i) Monthly Rent	NA
		(ii) Mortgage Payments	NA
		(iii) Repairs & Maintenance	Rs. 5000/- per month
		(vi) Property Tax	Rs. 2300/- per month
47.	Household Expenditure	(i) Groceries / Food Items / Personal Care /Clothing	Rs. 1,00,000/-
		(ii) Water	Rs. 2000/-
		(iii) Electricity	Rs. 4000/- per month
		(iv) Gas	Rs. 2100 per month
		(v) Telephone / Mobile	Rs. 750/- per month
		(vi) TV Cable / Set Top Box Charges & Internet Services	Rs. 500 + Rs. 600/- (Wi-Fi)
		(vii) Maintenance replacement and repair of household items, appliances and kitchenware.	Rs. 2000/-
		(viii) Telephone	NA
		(ix) Domestic Full Time / Part Time Helpers	Rs. 48,000/- per month
		(x) Others (Specify)	Rs. 11,000/- (Beauty Parlour + Massage)
48.		(i) Parents	NA

	Maintenance of dependants	(ii) Children (as mentioned at Sl. No. 39)	Rs. 40,100/-
		(iii) Others	
49.	Transport	(i) Private Transport	Rs. 20000/- (Outing)
		(a) Driver	Rs. 47000/-
		(b) Fuel	Rs. 20000/-
		(c) Repair / Maintenance	Rs. 15000/-
		(d) Insurance	Rs. 1700/-
		(e) Loan repayment	Rs. 30000/- Friends + Relatives
		(ii) Public Transport	
		(a) Bus	
		(b) Taxi	
		(c) Metro	
		(d) Auto	
50.		(i) Doctor's Charges	Rs. 3000/-
		(ii) Medication	Rs. 10,000/-
		(iii) Hospital	NA
		(iv) Other Medical Expenditure	
		(v) Others (Specify)	
		(vi)	
51.	Insurance	(i) Life	Rs. 13255/- per month
		(ii) Annuity	NA
		(iii) Householders	NA
		(iv) Medi-claim	Rs. 1600 per month
52.	Entertainment & Recreation	(i) Club	
		(ii) Health Club	Rs. 1500/-

		(iii) Gym	Rs. 2000/- + Rs. 3000/- (Zumba Class)
53.	Holiday and Vacation		Rs. 1,00,000/-
54.	Gifts		Rs. 10,000/-
55.	Legal / Litigation Expenses		Rs. 1,15,000/-
56.	Discharge of Liabilities	(i) Credit Cards Payment	
		(ii) Hire Purchase / Lease	
		(iii) Repayment of Loans	NA
		(a) House Loan	NA
		(b) Car Loan	NA
		(c) Personal Loan	NA
		(d) Business Loan	NA
		(e) Any other Loan	NA
		(iv) Name of the lenders	NA
		(v) Mode of repayment	NA
		(vi) Instalment Amount	NA
	(vii) Other Personal Liabilities	NA	
57.	Miscellaneous	(i) Newspapers, Magazines, Books	Rs. 1000/- + Rs. 500 (Books)
		(ii) Religious Contributions, Charities	Yes
		(iii) Others (Specify)	NA
58.	Pocket Money / Allowance		No
59.	Other Expenditure (Not Specified Above)		No
60.	Total Expenditure (Give Monthly Expenditure)		Rs. 6,12,905/-

PART-CDOCUMENTS RELATING TO EXPENDITURE

14	(i) Documents relating to the expenditure on education of children including tuition fees.	NA		
	(ii) Rent and maintenance receipts.	NA		
	(iii) Electricity Water, security and gas bills.	Attached		
	(iv) Documents relating to the salary paid to the employees including domestic helpers.	NA		
	(v) Documents relating to expenditure on conveyance.	No		

**Declaration:**

1. I solemnly declare and affirm that I have made full and accurate voluntary disclosure of my income, expenditure, assets and liabilities from all sources. I further declare and affirm that I have no assets, income, expenditure and liabilities other than set out in this affidavit.
2. I undertake to inform this court immediately upon any material change in my employment, assets, income, expenditure or any other information included in this affidavit.
3. I understand that any false statement made in this affidavit may constitute an offence under Section 199 read with Sections 191 and 193 of the Indian

Penal Code punishable with imprisonment up to seven years and fine, and Section 209 of Indian Penal Code punishable with imprisonment up to two years and fine. I have read and understood Sections 191, 193, 199 and 209 of Indian Penal Code.

Deponent

Verification

Verified at Court Compound on this 25<sup>th</sup> day of August, 2022 that the contents of the above affidavit relating to my asset, income and expenditure are true to my knowledge, no part of it is false and nothing material has been concealed therefrom, whereas the contents of the above affidavit relating to the assets, income and expenditure of my spouse are based on information believed to be true. I further verify that the copies of the documents filed along with the affidavit are true copies of the originals.

Deponent

Identified by me

Advocate



//True Typed Copy//

## ANNEXURE P-11

**AFFIDAVIT OF ASSETS AND LIABILITIES FOR NON-  
AGRARIAN DEPONENTS**

I, YYYYYYY, Son of \_\_\_\_\_, Aged about 32 Years,  
Residing at \_\_\_\_\_, do hereby solemnly affirm and  
declare as under:

**A. PERSONAL INFORMATION**

1. Name:
2. Age / Sex 32 Years, Male
3. Qualifications (Educational and Professional), Professional (Cricket Player) 10 Class
4. Whether the Applicant is staying in the matrimonial house / parental home / separate resident. Please provide the current residential address of matrimonial home or place of residence and details of ownership of residence, if owned by other family member - .
5. Date of Marriage: 07<sup>th</sup> April, 2014.
6. Date of separation: Since 2018.
7. General monthly expenses of the Applicant (Rent, household expenses, medical bills, transportation, etc.) 01.08 Cr. (Approx.)

**B. DETAILS OF LEGAL PROCEEDINGS AND MAINTENANCE  
BEING PAID.**

1. Particulars of any ongoing or past legal proceedings with respect to maintain or child support between the Applicant and Non-Applicant – 1. AC. 945/2018 (PWDV Act Case) pending before Learned JM 3<sup>rd</sup> Court, Alipore, 2. ACM 398/2018 (125 Cr. P.C.) pending before Learned J.M. 3<sup>rd</sup> Court, Alipore, 3. Jadavpur P.S. Case No. 82/2018, 4. C/1778/201 (138 N.I. Act) pending before Learned C.J.M. Court, Alipore, 5. Crl. Motion 339/2019 pending before Learned A.D.J. 3<sup>rd</sup> Court, Alipore, Crl. Appeal 203/2018 pending before this Learned Court.
2. Whether any maintenance has been awarded in any proceeding arising under the D.V. Act, Cr. P.C., HMA, HAMA, Etc.? if yes, provide details of the quantum of maintenance awarded in the proceedings. Yes, on 16.08.2008 Rs. 80,000/- has awarded in AC/945/2018 by the Learned Judicial Magistrate, 3<sup>rd</sup> Court, Alipore in favour of minor child.
3. If so, provide particulars thereof, along with a copy of the orders passed. Order dated 16.08.2008 is attached herewith.
4. Whether the order of maintenance passed in earlier proceedings has been complied with. If not, arrears of maintenance. Order dated 16.08.2018 is duly been complying.

5. Whether any voluntary contribution towards maintenance has been made / will be made in the future? If yes provide details of the same.  
Order dated 16.08.2018 issued been complying.

**C. DETAILS OF DEPENDENT FAMILY MEMBERS**

1. Details of Dependent family members, if any.
  - a. Relationship with dependents: Mother
  - b. Age and Sex of dependents: 61 years, Female
2. Disclose if any independent sources of income of the dependents, including interest income, assets, pension, tax liability on any such income and any other relevant details. Agriculture Income of Rupees Fifty Thousand P.A.
3. The approximate expenses incurred on account of the dependent. Rs. 10,00,000.00/- P.A. (Approx.)

**D. MEDICAL DETAILS IF ANY, OF THE DEPONENT AND / OR DEPENDENT FAMILY MEMBERS**

1. Whether either party or child / children is suffering from any physical / mental disability, or any other serious ailment. If yes, produce medical records. – No.
2. Whether any dependent family member has serious disability, requiring continuous medical expenditure. If yes, produce disability

certificate and approximate medical expenditure incurred on such medical treatment. No.

3. Whether either party or child / children or any other dependent family member is suffering from life threatening diseases, which would entail expensive and regular medical expenditure? If yes, provide details of the same along with summary of previous details of hospitalization / medical expenses incurred. No.

**E. DETAILS OF CHILDREN OF THE PARTIES**

1. Number of children from the existing marriage / marital relationship / previous marriage: One
2. Name and age of children: 7 Year
3. Details of parent who has the custody of the children: Mother
4. Expenditure for maintenance of dependent children: Child is staying with her mother and the maintenance is been paying as per the Learned Court's Order.
  - a. Towards food, clothing and medical expenses: Child is staying with her mother and the maintenance is been paying as per the Learned Court's Order.
  - b. Towards expenses for education, and a summary of general expenses: Child is staying with her mother and the maintenance is been paying as per the Learned Court's Order.

- c. Towards expenses, if any, of any extra educational, vocational or professional / educational course, specialized training or special skills programme of dependent children: Child is staying with her mother and the maintenance is been paying as per the Learned Court's Order.
- d. Details of any loan, mortgage, charge incurred or installment plan (being paid or payable), if any, on account of any educational expenses of children: -Child is staying with her mother and the maintenance is been paying as per the learned Court's order.
4. Whether any voluntary contribution by either of the parties is being made towards these educational expenses. If yes, provide details of the same. Also provide an estimate of any additional contribution that may be required. Maintenance is been paying as per the learned Court's order.
5. Whether any financial support is being provided by a third party for the educational expenses of the children? Child maintenance is provided as per order dated 16.08.2018.

**F. DETAILS OF INCOME OF THE DEPONENT**

1. Name of employer: N.A.
2. Designation: N.A.
3. Monthly income: N.A.

4. If engaged in Government Service, furnish latest salary certificates or current Pay Slips or proof of deposit in bank account, if being remitted directly by employer: N.A.
5. If engaged in the private sector, furnish a certificate provided by the employer stating the designation and gross monthly income of such person, and Form 16 for the relevant period of current employment.  
N.A.
6. If any perquisites, benefits, house rent allowance, travel allowance, dearness allowance or any other service benefit is being provided by the employer during the course of current employment. N.A.
7. Whether assessed to income tax? Yes  
If yes, submit copies of the Income Tax Returns for the periods given below:
  - (i) One year prior to marriage. N.A.
  - (ii) One year prior to separation. ITR COPY FY OF 2017-18 (enclosed).
  - (iii) At the time when the Application for maintenance is filed ITR Copy FY OF 2018-19 (enclosed)
8. Income from other sources, such rent, Interest, shares, dividends, capital gains, FDRs, Post office deposits, mutual funds, stocks, debentures, agriculture, or business, if any, along with TDS in respect

of any such income. Rs. 1,16,084/-(approx.) as per ITR and Balance sheet 2020-21 (enclosed)

9. Furnish copies of Bank Statement of all accounts for the last 3 years Attached.

**G. ASSETS (MOVABLE AND IMMOVABLE) OWNED BY THE DEPONENT**

1. Self-acquired property, if any: - Fixed Assets Crore(approx.) (enclosed Balance sheet 2020-2021).
2. Properties jointly owned by the parties after marriage: No
3. Share in any ancestral property: No
4. Other joint properties of the parties (accounts / Investments / FDR mutual funds, stocks, debentures etc.), their value and status of possession: No.
5. Status of possession of immovable property and details of rent, if leased: No.
6. Details of loans taken-
  1. Axis Bank Rs. 20 Lakh Car Loan (approx.) taken 10.10.2019.
  2. Axis Bank Rs. 2.96 Cr. Housing Loan (approx.) taken 10.03.2021.
  3. Diamler not legible Lakh Car loan (approx.).

4. State Bank of India Rs. 95 Lakh Car Loan (approx.) taken on 16.07.2022.

Total Rs. 4.82 Crore Loan (Ra. 98 Lakh Car Loan is not included in Financial Year 2020-2021).

7. Brief description of jewelry and ornaments of parties acquired during/after marriage: Rs.52.46 Lakh (approx.) As per balance sheet FY 2020-2021.
8. Details of transfer deeds or transactions of alienation of properties previously owned by the applicant, executed during the subsistence of the marriage. Also provide brief reasons for such sale or transaction, if any. N.A.

#### **H. DETAILS OF LIABILITIES OF THE DEPONENT**

1. Loans, liabilities, mortgage or charge outstanding against the Deponent, if any: -Loan liabilities of Rs. 3.45 Crore (approx.) as per Balance Sheet FY-2020-21, Car Loan Rs. 98 Lakhs is not included.
2. Details of any EMIs being paid: Rs.7.51. Lakha (approx.) per month. Bank Statements are attached herewith.
3. Date and purpose of taking loan or incurring any such liability:
  1. On 10.10.2019 loan taken from Axis Bank of Rs. 20 Lakh approx. for purchasing a Car Loan taken on.

2. On 10.03.2021 loan taken from Axis Bank of Rs. 2.96 Cr. (Approx.) for purchasing a Housing.
  3. On 07.05.2016 loan taken from Diamler Financial Services of Rs. 67.96 Lakh (approx.) for purchasing a Car.
  4. On 16.07.2022 loan taken from State Bank of India of Rs. 98 Lakh Car Loan (approx.) for purchasing a Car.
4. Actual amount borrowed, if any, and the amount paid up to date of filing the Affidavit:

Sl.	Bank Name	Borrowed Amount	Loan Paid
	Axis Bank	2000000/-	1494612/-
	Axis Bank	29645000/-	32180778/-
	Diamler Financial Services	6796928.96/-	8824403/-
	State Bank of India	9800000/-	591216/-

5. Any other information which would be relevant current liabilities of the Deponent. Except from the 18.60 Cr. (approx.) is other liabilities (Sundry creditors) as per Balance Sheet FY 2020-2021.

**I. SELF-EMPLOYED PERSONS / PROFESSIONALS / BUSINESS PERSONS/ENTREPRENEUR**

1. Brief description of nature of business/profession/vacation/self-employed/work activity: -Professional (Cricket Player).
2. Whether the business/profession/self-employment is carried on as an individual, sole proprietorship concern, partnership concern, LLP, company or association of persons, HUF, Joint family business or any other form? Give particulars of Applicant's share in the

partnership/business/professional association/self-employment, In case of partnership, specify the share la the profit/losses of the partnership; Individual.

3. Net Income from the business/profession/ partnership/self-employment: As per Income Tax Computation Rs.4.16 Crore [approx.] as per your (2020-2021 Financial Year).
4. Business/partnership/self-employment liabilities, if any, in case of such activity. Total liability of Rs. 22.05 Cr. (approx.)
5. In case of business of company, provide brief details of last audited balance sheet to indicate profit and loss of the company in which such party is in business in the company: N.A.
6. In case of a partnership firm, provide details of the filings of the last Income Tax Return of partnership: N.A.
7. In case of self-employed individual, provide the filings of the last Income Tax Return from any such professional/business/vocational activity: ITR and Balance Sheet FY-2020-21 enclosed.

**J. INFORMATION PROVIDED BY THE DEPONENT WITH RESPECT TO THE INCOME, ASSETS AND LIABILITIES OF THE OTHER SPOUSE.**

1. Educational and professional qualifications of the other, spouse: NOT KNOWN.
2. Whether spouse is earning? If so, give particulars occupation and income of the spouse. She is a Model as not legible she earns Rs.10 to 15 Lakh per month from Promotions, online platform,
3. If not, whether he/she is staying in his/her own accommodation, of or in a rented accommodation or in accommodation provided by employer / business/partnership? Staying at deponent house.

4. Particulars of assets and liabilities of spouse as known to the deponent along with any supporting documents: As per knowledge and media report she has worth of Rs. 2 to 3 Cr. Media report attached.

**E. DETAILS OF APPLICANT OR THE OTHER SPOUSE, IN CASE PARTIES ARE NON-RESIDENT INDIANS, OVERSEAS CITIZENS OF INDIA, FOREIGN NATIONALS OR PERSONS LIVING ABROAD OUTSIDE INDIA.**

1. Details of Citizenship, Nationality and current place of residence, If the Applicant or other spouse is residing abroad outside India, temporarily or permanently. Having no knowledge.
2. Details of current employment and latest income in foreign currency of such applicant/spouse, duly supported by relevant documentation of employment and income from such foreign employer or overseas institution by way of employment letter or testimonial from foreign employer or overseas institution or latest relevant bank statement. Having no knowledge.
3. Details of household and other expenditure of such applicant/spouse in foreign jurisdiction. Having no knowledge.
4. Details of tax liability of applicant/other spouse in foreign jurisdiction. Having no knowledge.
5. Details of income of applicant/other spouse from other sources in India/foreign jurisdiction. Having no knowledge.
6. Details of expenses incurred or contribution made account of spousal maintenance, child support or any other educational expenses, medical treatment of spouse or children. Having no knowledge.
7. Any other relevant detail of expenses or liabilities and not legible under any of the above headings and any not legible no any other dependant family members in India or not legible.

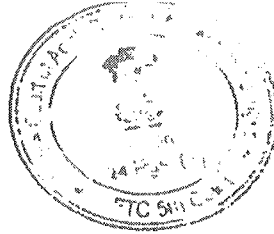
**DECLARATION**

1. I declare that I have made a full and accurate disclosure of my income, expenditure, assets and liabilities from all sources. I further declare that I have no assets, income, expenditure and liabilities other than as stated in this affidavit.
2. I undertake to inform this Court immediately with respect to any material change in my employment, assets, Income, expenses or any other information included in this affidavit.
3. I understand that any false statement in this affidavit, apart from being contempt of Court, may also constitute an offence under Section 199 read with Sections 191 and 193 of the Indian Penal Code punishable with imprisonment up to seven years and fine, and Section 209 of Indian Penal Code punishable with imprisonment up to two years and fine. I have read and understood sections 198, 199 and 209 of Indian Penal Code, 1860.

**DEPONENT****VERIFICATION**

Verified at on this 16<sup>th</sup> day of September that the contents of the above affidavit are true to my personal knowledge, no part of it is false and nothing material has been concealed therefrom, whereas the contents of the above affidavit relating to the assets, income and expenditure of my spouse are based on information believed to be true on the basin of record. I further verify that the copies of the documenta filed along with the affidavit are the copies of the originals.

**DEPONENT**  
//True Typed Copy//



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West Bengal Form No.3886  
High Court Criminal Form No. (M)17

HEADING OF JUDGMENT OF APPELLATE COURT  
COURT OF SESSIONS/REVISIONAL JURISDICTION

Present :

Smt Anindita Ganguli  
Additional District & Sessions Judge  
Fast Track Court - V  
Alipore, 24 Parganas (South)  
[JO CODE-WB00836]

*Handwritten signature/initials*

CRIMINAL APPEAL NO. 203 OF 2018  
[CNR- WBSP01-012859-2018]

Appeal from the order dated 16-08-2018 of the learned Judicial Magistrate, 3<sup>rd</sup> Court, Alipore, 24 Parganas (South) in AC 945 of 2018 under section 12 of the Protection of Women from Domestic Violence Act, 2005.

Appellate ..... *Handwritten initials*  
To be signed by .....  
For ..... *Handwritten signature*  
By ..... *Handwritten signature*  
in this ..... *Handwritten date*  
Commissioner of Alipore  
High Court, Alipore, WB  
Date: .....

... Appellant  
V/s  
1. ... Respondent No.1  
2. The State of W.B. ... Respondent No.2

Date of delivery of Judgment :- 18-01-2023

JUDGMENT

The present appeal has been preferred by the petitioner /aggrieved party of AC no. 945/2018 as appellant against the interim order dated 16-08-2018 passed by Ld. Judicial Magistrate, 3<sup>rd</sup> Court, Alipore, 24 Parganas (South) in an application u/s 23 of the Protection

Contd....

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of Women from Domestic Violence Act, 2005 [ The Act herein after referred to as P.W.D.V Act for convenience].

The appellant Hasin Jahan as aggrieved person preferred an application u/s 12 of P.W.D.V Act which has been numbered AC no.945 of 2018 and pressed an application under Section 23 of the said Act therein.

The appellant and the respondent no 1 are referred by their nomenclature as stated in the present appeal for convenience in understanding.

The respondent no.1 duly contested the interim application by filing written objection.

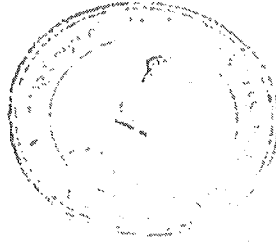
Upon considering the contentions of both sides, the Ld Trial Court allowed the application under section 23 of the P.W.D.V. Act on contest in part. The Ld Trial Court allowed the prayer for maintenance in favour of the minor daughter and directed the respondent no.1 to pay Rs 80,000/- per month to the aggrieved person for her minor child and the order was given effect from the date of such direction. The prayer for interim maintenance for the aggrieved lady was declined.

It is against such findings that the aggrieved person/appellant preferred the present appeal.

The appeal rests primarily on the following grounds :-

I. That the Ld Trial Court erred both in law and in fact in passing the said order;

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II. That the order negating monetary relief is not in consonance with the intent of the Act so framed and is thus not proper;

III. That the discussion in order dated 16-08-2018 observes that the maintenance in favour of the child has been passed from the date of filing of the case whereas the operative portion holds such entitlement from the date of such order. Thus the appellant prays for clarity in the direction too.

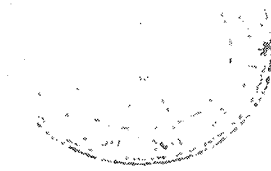
Ld. Advocate for the appellant submitted that the Ld. Trial Court arbitrarily turned down the prayer for interim monetary relief and did not consider the fact that the appellant/wife is entitled to receive maintenance in the form of monetary relief under section 23 of the PWDV Act even if she can manage her living by engaging herself to some task. Ld Advocate harped that the aggrieved person is entitled to the standard of living that the respondent no.1 enjoys.

Ld Advocate for the respondent no.1 contested the appeal and submitted that the order has been passed rightly as the aggrieved persons leads reckless life and cannot demand monetary relief to quench the thirst of such extravagant life.

Ld. P.P-in-charge., appearing for respondent no.2 submitted that the findings of the Ld. Trial Judge suffers from no infirmity and calls for no interference.

**Points for consideration**

1) Whether the Ld. Trial Judge passed the impugned order upon



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consideration of all relevant facts appearing in the said case ?

2) Whether the order so passed by the Ld. Trial Judge calls for interference or not ?

Decision with reasons

Both the aforesaid points are taken up together for consideration as they are overlapping and to avoid repetition of facts.

It is the case of the appellant before the Ld. Trial Judge that she is the married wife of respondent no.1 [Mohammad Shami] and the marriage took place on 07-04-2014 as per Muslim Customary Laws. She contended that out of the wedlock a girl child was born on 17-07-2015. She elaborated about the incidents of torture meted upon her in the course of her marital life by her husband alongwith the inmates of her matrimonial home and discontinuance of her career at the instance of the respondent no1. She disclosed that she was a divorcee at the time of her marriage with the respondent no1 and had two daughters. She alleged that on 21-02-2018 the respondent no1 abandoned her and the minor child and left the flat alongwith all his belongings. That the appellant under compelling circumstances had to lodge complaint before police for necessary protection. It has been contended that the respondent no1 is a player of Indian National Cricket Team and has an income of Rs 10 Crore or more from different sources taken together. It has been alleged that inspite of having means the respondent no1 denied to maintain the appellant and her child.

Thus, she came up with an application under section 12 of

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PWDV Act praying for passing of Protection Order u/s 18, Residential Order u/s 19, monetary relief u/s 20 and u/s 22 and for any other relief alongwith a prayer for interim relief under section 23 of the Act. She prayed for an amount of Rs 7,00,000/- per month towards her maintenance and Rs 3,00,000/- per month for the maintenance of her daughter.

The respondent no.1 contested the said application by filing written objection denying each and every contentions and allegations of the petitioner. It is the case of respondent no1 that he had discharged all his marital obligations, but it is the appellant who suppressed about her first marriage and divorce and having daughters out of the said marriage. It is alleged that the respondent no1 spent nearly 45 lakhs for purchasing a flat for the appellant and also gifted her jeweleries as per her choice and demand. But the demand of the appellant knew no bounds and kept on increasing. That the appellant led reckless life and denied to observe the norms of their customary law. It is alleged that the involvement of the elder brother in the financial matters of the respondent no1 was not tolerated by the appellant and she wanted to control the same. It has been alleged that the criminal complaint has been filed with some oblique motive. He contended that he is a contractual player and is not having any fixed income. That his family tension has disrupted his professional life lowering his income. It has been alleged that the appellant is engaged in her own occupation and earns handsome to support her living. It

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has been alleged that presently the appellant earns around 10 lakhs from her career of modeling and acting. The respondent no1 shows his readiness to pay any amount to any institution for the benefit of the child. Thus the respondent no1 prays for rejection of the instant prayer for interim monetary relief.

Upon consideration of the contentions of both sides, Ld Trial Court though allowed interim maintenance for the child but declined to allow the prayer for monetary relief for the aggrieved person on the ground that there is no prima facie material to hold any act of domestic violence upon the aggrieved lady and that the aggrieved lady is having independent source of income to maintain herself.

Now, let me consider how far the decision of the Ld Trial Court is sustainable.

The petitioner alleged that she was subjected to domestic violence at the hands of the respondents.

Section 2(g) of the Act defines "domestic violence" has the same meaning as assigned to it in section 3.

Section 3 of the Act defines domestic violence and takes within its sweep any act, omission or commission or conduct of the respondent which endangers the aggrieved person, physically or mentally and includes physical abuse, sexual abuse, verbal and emotional abuse, economic abuse.

Section 23 of the Act empowers the Ld Magistrate to grant any such relief as aforesaid by an interim order or an ex parte order.

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Section 20 of the Act deals with monetary reliefs available to the aggrieved person. Section 20 (1) (d) provides that the maintenance for the aggrieved person as well as her children, if any, including an order or in addition to an order of maintenance under section 125 of the Code of Criminal Procedure , 1973 or any other law for the time being in force.

Thus there is no doubt that the Act itself mandates that the Ld Magistrate is empowered to grant monetary relief in the form of maintenance to the aggrieved person in addition to any order of maintenance under section 125 Cr.P.C.

In the impugned order the Ld Magistrate felt no urgency to award any interim maintenance as sought for by the aggrieved person considering that the aggrieved person was having source of income and was capable to sustain herself.

The Act mandates that interim relief can be granted in aid of final relief sought in the main application under section 12 of the Act. Before passing an interim order the Magistrate has to satisfy himself, though prima facie, that there are domestic relationship between the parties and the claimant has made out a case of commission of domestic violence by the respondent. In order to fix liability upon a respondent, he must be a person who is or has been in domestic relationship with the aggrieved person.

Again, as the monetary relief under section 20 of the Act is discretionary, the Magistrate may be reluctant to allow maintenance to

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the aggrieved lady. The Act further mandates that monetary relief in terms of maintenance, if allowed, it should be adequate, fair and reasonable and consistent with the standard of living to which the aggrieved party is accustomed.

It is significant to note that the legislators have used the words "is accustomed" , meaning thereby that the Magistrate shall take into consideration her present standard of living- that is, the standard of living of which she is accustomed in course of her living with her husband and at the same time it is commensurate with the income of her husband.

In the case at hand the 'domestic relationship' between the aggrieved person and the respondent no1 as husband and wife is not denied. Though the respondent no1 raised twin plea touching the sanctity of marriage, viz; declaring herself as bachelor in the marriage form by the aggrieved lady inspite of being a divorcee and suppressing the fact of having two daughters out of the first marriage; and secondly, that presently the aggrieved person has remarried, but both the allegations are subject to proof and cannot be considered to the fullest without going through the evidence to be garnered on record. Thus as of now, the marriage has not been repudiated.

The aggrieved person alleged that she has been subjected to violence in the course of her domestic life with the respondent no1. There are allegations and counter allegations between the parties which again cannot be measured on the basis of affidavits without the

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evidence. But it has surfaced on record that a criminal proceeding cropped up out of the incidents taking place out of such matrimonial relationship being Jadavpur P.S Case number 82/2018 dated 08-03-2018 under section 498A/328/307/376/506/323/34 IPC. The same ended into charge-sheet being number 90 dated 13-03-2019 498A IPC against the accused husband [the respondent no1 here-in] and against the brother-in-law Hasib Ahmed under section 498A/354A IPC. The said criminal proceeding is pending trial. Thus prima facie incidents falling within the ambit of section 498A IPC surfaced and the domestic incident report too is reflecting the incidents of domestic violence to which the aggrieved lady was subjected too. Thus the findings of the Ld Trial Court that there is no prima facie incident of domestic violence does not hold good.

Thus there being domestic relationship between the parties and prima facie material in support of the allegations of domestic violence upon the aggrieved person, I find that she is entitled to get relief within the ambit of this Act.

Now, the question crops up that whether the aggrieved person having independent source of income is entitled to any monetary relief under section 20 of the Act or not on interim basis?

Though the aggrieved person posed herself as a housewife, it has emerged that she is in the profession of modeling and acting. In her affidavit of assets she claimed to have meager income but claimed huge expenditure. It has surfaced admittedly that she alongwith her

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daughter is residing in a flat of her husband ie; respondent no1 and also having a car at her disposal.

On the other-hand it is an admitted position that the respondent no1 is a player of the Indian Cricket Team and drawing substantial income out of the same. Photocopy of ITR is filed for the assessment year 2020-21 reflecting Total income as Rs 71954010. He provided data of several loans taken for purchase of movable and immovable assets. He has alleged that the aggrieved person has an income to the tune of Rs 10 lakh per month.

Ld Advocate for the aggrieved person agitated that Ld Magistrate did not consider the plight of the lady to the effect that in recent past the aggrieved lady has re-entered into her modeling career and had suffered a discontinuation due to her marriage and that during her marital life she led the life of a housewife.

On the other hand Ld Advocate for the respondent no1 agitated that the aggrieved person is not entitled to any monetary relief on manifold grounds, viz; firstly that she has her own income; secondly, she leads an easy life and cannot claim monetary relief from her husband to continue such extravagant life; thirdly, the Act mandates monetary relief to which the aggrieved person is accustomed and that the same implies to the standard of life one is used to and in this case as the aggrieved person lived a short period with the respondent no1 she cannot claim the said standard of living as her accustomed life; fourthly, that during pendency of this appeal it has surfaced that she is

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leading life outside this marital relationship and is engaged with another person.

Now, at the very beginning it is relevant to highlight that in the instant case either side projected the easy life of another and most of their accusations are based on paper publication and media reports. It is true that both the contending parties personal life is under the vigil of media and public, but the same cannot take the seat of prima facie material or have any such convincing value in the eye of law. There is no such clear material on record that the aggrieved person has married again and is living a separate married life. In the absence of such fact, the alleged adulterous life of the parties involved cannot speak volume at this stage to shun the responsibilities and obligations.

The respondent no1 claimed that his job is contractual and is not permanent. There is no two views that the nature of work the aggrieved person is involved too is also not permanent in nature. The respondent no1 claimed that during their marital life he bore all the expenses and even before filing of this case he sent money to the aggrieved person for addressing the daily requirements. Thus the factum of domestic relationship and incident of domestic violence prima facie being existing in favour of the aggrieved person, I find that she is entitled to monetary relief from her husband.

Now, the word 'accustomed' has been described by the Ld Advocate for the respondent no1 as the facilities which a person is used to in her maximum period of life and that in the present case the

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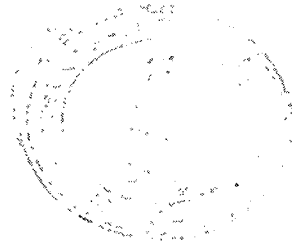
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aggrieved person having humble background prior to her marriage cannot claim the present lifestyle of her husband, who is a celebrity cricketer. In this context, as already said, the law dictates that the aggrieved lady is entitled to the standard of living of which she is accustomed in course of her living with her husband and at the same time it is commensurate with the income of her husband. Thus, the argument of Ld Advocate for respondent no1 does not hold water. In the present case the aggrieved lady is entitled to the standard of living that of her husband.

Now, the question is what should be the quantum of the monetary relief so sought on interim basis?

Considering the economic status of the respondent no1; the fact that the aggrieved lady is engaged in the profession of modeling and acting; the fact that the aggrieved lady is staying with the daughter at the flat of the respondent no1 and has her husband's car at her disposal; the fact that the job of respondent no1 is not permanent in nature and the earnings will not be the same throughout the future and that the higher rate of income of respondent no1 should be considered by way of spreading over the same in future years; and that already interim maintenance to the tune of Rs 80,000/- per month has been allowed in favour of the child by the Ld Trial Court; I am of the opinion that an amount of Rs 50,000/- per month towards the maintenance for the aggrieved lady on interim basis to be paid by the respondent no1 should be proper. I am also inclined to allow the

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prayer for interim maintenance from the date of filing of the interim application.

It appears that the Ld Trial Court in the impugned order stipulated that the interim maintenance awarded in favour of the child is take effect from the date of filing of this case. However in the ordering portion it depicted that the order is to take effect from the said date. The intention of the legislature as held by the Hon'ble Apex Court in Rajnesh versus Neha [2021 (2) SCC 324] ; I am inclined to preserve the order of interim maintenance from the date of filing of the interim application.

I find no irregularity in the observation of the Ld Magistrate in respect to the quantum of maintenance allowed in favour of the minor child and accordingly the same is not interfered with.

In the result, the appeal is allowed in part.

Hence, it is,

Ordered.

That the appeal be and the same is allowed on contest in part against the respondents without any order as to costs.

The order dated 16.08.2018 passed by the Ld Judicial Magistrate, 3<sup>rd</sup> Court, Alipore is hereby modified to the extent as discussed here-in-above.

The respondent no1 is hereby directed to pay Rs 50,000/- per month towards interim maintenance of his wife/ aggrieved lady as monetary assistance and to pay the same by the 10<sup>th</sup> day of each succeeding English Calendar Month failing which the

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aggrieved lady will be at liberty to execute the same as per law. The order is to take effect from the date of filing of the interim application.

The respondent no1 is further directed to pay interim maintenance to the minor child as directed by the Ld Trial Court and the said order is to take effect from the date of filing of the interim application.

Let a copy of the judgment be supplied to the parties free of cost .

Let a copy of this judgment be supplied to the Officer-in-charge of Jadavpur P.S accordingly.

The order of stay, if any, stands vacated.

A copy of the judgment and the affidavit of assets declared by the parties in this case along with the LCR be sent down to the Ld Trial Court for information and taking necessary action.

Dictated & Corrected by me.

*sd/ Anandita Gargwal*  
Additional District & Sessions Judge  
F.T.C.-V,  
Alipore, 24 Parganas (South)  
18-01-2023

*sd/ Anandita Gargwal*  
Additional District & Sessions Judge  
F.T.C.-V,  
Alipore, 24 Parganas (South)  
18-01-2023

Memo No :

Date :

Copy along with LCR forwarded to the Ld Judicial Magistrate, 3<sup>rd</sup> Court , Alipore for information and taking necessary action.

Additional District & Sessions Judge  
F.T.C.-V,  
Alipore, 24 Parganas (South)  
18-01-2023

*[Signature]*  
//True Copy//

*[Stamp]*  
BANK OF BARODA  
18-01-2023

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**DISTRICT: SOUTH 24 PARGANAS**

**IN THE COURT OF THE LEARNED JUDICIAL MAGISTRATE 3<sup>RD</sup>**

**COURT AT ALIPUR**

**REF: ACM 398/2018**

**IN THE MATTER OF:**

Reply of application dated 11.04.2023 submitted by the Petitioner / Wife of the instant case.

And

In the matter of

XXXXX, Wife of YYYYYY, Residing at \_\_\_\_\_.

Petitioner

Versus

YYYY, Son of \_\_\_\_\_, R/o. \_\_\_\_\_

Opposite Party

**REPLY OF APPLICATION DATED 11.04.2020 ON BEHALF OF**

**RESPONDENT HUSBAND**

**MOST RESPECTFULLY SHOWETH:**

1. That the Opposite Party / Your Petitioner herein has filed his affidavit of Assets and Liabilities (“Said Affidavit”) in the present proceedings before the Learned Court and copy of the same has been supplied to the Petitioner / Wife on 30.03.2023 as per the direction of this Learned Court keeping in the view of direction

passed by Hon'ble Apex Court in Rajnesh Vs. Neha, (2021) 2 SCC 324.

2. That your Petitioner states that subsequently on 11.04.2023 the Petitioner/ Wife has filed one application and served a copy of the said purported application to your petitioner inter alia praying for some documents and answer from your petitioner i.e., opposite party.
3. That without prejudice to the forgoing submission, now the opposite shall deal with the contents of the purported application filed by the Petitioner / Wife paragraphs wise, which are as more specifically dealt with herein below.
  - A. That with regard to the statements made in Paragraphs No. 1 of the purported application filed by the Petitioner/Wife, your petitioner states that inadvertently some pages being No. 24/4 to 24/15 has not been filed with the Affidavit of Assets and Liabilities, hence your petitioner may be permitted to submit those documents being page no. 24/4 to 24/15 with the case record and to serve the Petitioner/Wile.

- B. That with regard to the statements made in Paragraphs No. 2 of the purported application filed by the Petitioner/Wife, your petitioner states that your petitioner in his affidavit of assets and liabilities page no. 7 under the head G. Assets (movable and immovable owned by the Deponent categorically stated that "Self-acquired property, if any Investment in Land & Property 15.72 Crore. (approx.) (enclosed Audited Financial Statements F.Y. 2021-2022)". That the said statement has been reflected in running page no. 24/8 of the Annexure.
- a. That with regard to the statements made Paragraphs No. 3 of the purported application filed by the Petitioner/Wife, your petitioner states that the opposite party husband i.e. your petitioner has possessed only one PAN Card being no. ANNPA97791 In respect of the PAN Card being No. ACUPS5780M, your petitioner states that, the PAN Card being No. ACUFSS780M is registered in the name of Shami Enterprise which is a Partnership Firm, which consists two partners i.e. your petitioner the opposite party herein and the petitioner wife. Pertinent to mention here that it is very well known to the petitioner wife being the partner of the said

Firm that since the establishment of the said Firm not o single transaction and/or business has been made by Firm. That in respect of the PAN Card being No. DEBPS3346H, your petitioner categorically replies that the same does not belong to your petitioner.

- C. That with regard to the statements made in Paragraphs No. 3 of the purported application filed by the Petitioner/Wife, your petitioner states that your petitioner has submitted his Affidavit of Assets and Liabilities according to the prescribed format mentioned in *Rajnish v. Neha*, (2021) 2 SCC 324. Moreover, your petitioner has submitted his ITR along with Computations and Audited Balance Sheets in support of his case. The allegation made by the Petitioner/Wife is immaterial and out of context to adjudicate the claim of the Petitioner/Wife.
- D. That this application is made bonafide and in the interest of justice.

Hence in these premises it is humbly prayed that your honour would graciously be pleased to admit this application of the opposite

party and further be pleased to dismiss the prayer of petitioner / wife and grant justice to the Petitioner / Wife and grant justice to the opposite party and pass any other order / orders as your honour may deem fit and proper.

And for this act of kindness the Respondent / Husband as in duty bound shall every pray.

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//True Typed Copy//



















A handwritten signature in black ink, consisting of a series of connected, wavy lines.

//True Copy//

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRL. M.P. NO. OF 2025

IN

SPECIAL LEAVE PETITION (CRL.) NO. OF 2025

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

**APPLICATION FOR EXEMPTION FROM FILING CERTIFIED COPY  
OF THE IMPUGNED INTERIM ORDER AND FINAL IMPUGNED  
ORDER**

TO

THE HON'BLE CHIEF JUSTICE OF INDIA  
AND HIS OTHER COMPANION JUDGES OF  
THIS HON'BLE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF THE  
PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the present Special Leave Petition under Article 136 of the Constitution of India is being filed by the Petitioner is against the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025, by virtue of which, the Hon'ble High Court has failed to meticulously decide the quantum of maintenance and mode of payment for the same by the Respondent, who has placed on record incorrect and false financial

documents, insofar as to avoid his lawful duty of maintaining the Petitioner and his minor child.

2. That the facts of the case have been fully set out in the Special Leave Petition. It is submitted that the facts stated in the Special Leave Petition may be treated as part of this petition. The same are not reproduced herein for the sake of brevity.
3. The Petitioner states that she has applied for the certified copy from the Hon'ble High Court at Calcutta but in view of the urgency she is filing the instant Petition without the certified copy of the impugned order. The Petitioner states that, it is desirable in the interest of justice that the Petitioner be exempted from filing certified copy of the impugned order.

**PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- (i) Exemption from certified copy of the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025; and
- (ii) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**



Filed by:

**DEEPAK PRAKASH  
ADVOCATE FOR THE PETITIONER**

Place: New Delhi  
Dated: 19.09.2025

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRL. M.P. NO. OF 2025

IN

SPECIAL LEAVE PETITION (CRL.) NO. OF 2025

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

**APPLICATION FOR EXEMPTION FROM FILING OFFICIAL  
TRANSLATION**

TO  
THE HON'BLE CHIEF JUSTICE OF  
INDIA AND HIS COMPANION JUSTICES  
OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF  
THE PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the present Special Leave Petition under Article 136 of the Constitution of India is being filed by the Petitioner is against the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025, by virtue of which, the Hon'ble High Court has failed to meticulously decide the quantum of maintenance and mode of payment for the same by the Respondent, who has placed on record incorrect and false financial

documents, insofar as to avoid his lawful duty of maintaining the Petitioner and his minor child.

2. That the contents stated in the Special Leave Petition are not repeated here for the sake of brevity, which may kindly be referred and relied from the records of the Special Leave Petition.
3. That the Annexure P-1 to P-6 are annexed with the Special Leave Petition is duly translated into English from the respective original Bengali document. That because of paucity of time the translation has been done by the local counsel who is well versed in Hindi and English and not by the official translator.

### **PRAYER**

It is therefore most respectfully prayed that this Hon'ble High Court may graciously be pleased;

- a. To exempt the petitioner from filing official translation of Annexure P-1 to P-6; and
- b. Pass such other order or orders as may be deemed fit and proper in the circumstances of the case.

**AND FOR WHICH ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

Filed by:



**(DEEPAK PRAKASH)  
ADVOCATE FOR THE PETITIONER**

Place: New Delhi  
Dated: 19.09.2025

IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION

CRL. M.P. NO. OF 2025

IN

SPECIAL LEAVE PETITION (CRL.) NO. OF 2025

**IN THE MATTER OF:**

X PETITIONER  
VERSUS  
THE STATE OF WEST BENGAL & ANR. RESPONDENTS

**APPLICATION FOR EXEMPTION FROM DISCLOSING THE NAME  
OF THE PETITIONER & RESPONDENT**

TO  
THE HON'BLE CHIEF JUSTICE OF  
INDIA AND HIS COMPANION JUSTICES  
OF THE SUPREME COURT OF INDIA

THE HUMBLE PETITION OF  
THE PETITIONER ABOVE NAMED

**MOST RESPECTFULLY SHOWETH:**

1. That the present Special Leave Petition under Article 136 of the Constitution of India is being filed by the Petitioner is against the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023 and final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025, by virtue of which, the Hon'ble High Court has failed to meticulously decide the quantum of maintenance and mode of payment for the same by the Respondent, who has placed on record incorrect and false financial

documents, insofar as to avoid his lawful duty of maintaining the Petitioner and his minor child.

2. That for the sake of brevity and to avoid prolixity the contents and documents of the accompanying Petition are not being repeated herein and the same be considered as a part and parcel of the present application.
3. The present matter involves certain high-profile and celebrity parties. The Petitioner herein an aggrieved woman who has been subjected to extreme acts of cruelty by the Respondent No.2, an A-listed cricketer having lakhs of fan following all across the globe.
4. The Respondent No. 2 has high influence in the society and any act of the Petitioner is met with gruesome harassment, such as death threats, rape threats etc, especially on the social media platform, at the behest of Respondent No. 2 and his fan-followers, who do not leave any stone unturned in completely tarnishing the morale, spirit, reputation and standing of the Petitioner and her minor daughter.
5. It is submitted that even the minor daughter of the Petitioner and Respondent No. 2 who is just 10 years old is given death and rape threats whenever their name is displayed on any platform be it virtual/print/social media.
6. Thus, insofar as to safeguard the dignity and life of the Petitioners herein their names are not being disclosed in the said Petition, failing which they

will again be under the radar for harassment and mental/emotional torture inflicted upon by the Respondent No. 2.

7. That no harm or loss shall be caused to any party in case the present application is allowed.
8. The present application is being made with bonafide intentions in the interest of justice.

**PRAYER**

It is therefore, most respectfully prayed that this Hon'ble Court may graciously be pleased to:

- (a) Allow the present application and exempt the Petitioner from disclosing the name of the Petitioner in the present Petition; and
- (b) Pass any other or further orders as may be deemed fit and proper in the circumstances of the case.

**AND FOR THIS ACT OF KINDNESS THE PETITIONER AS IN DUTY BOUND SHALL EVER PRAY.**

Filed by:



**DEEPAK PRAKASH  
ADVOCATE FOR THE PETITIONER**

Place: New Delhi  
Dated: 19.09.2025

SECTION

**IN THE SUPREME COURT OF INDIA  
CRIMINAL APPELLATE JURISDICTION  
SPECIAL LEAVE PETITION (CRL.) NO. OF 2025**

**IN THE MATTER OF:**

X

PETITIONER


VERSUS

THE STATE OF WEST BENGAL &amp; ANR.

RESPONDENTS

**INDEX**

SL. NO.	PARTICULARS	COPIES	COURT FEE
1	Office Report on Limitation	1	
2	Listing Performa	1	
3	Synopsis and List of Dates	1	
4	Copy of the impugned interim order dated 01.07.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 I.A. No. CRAN 1 of 2023.	1	
5	Copy of the final impugned order dated 25.08.2025 passed by the Hon'ble High Court at Calcutta in CRR No. 656 of 2023 with CRAN 2 of 2025.	1	
6	Special Leave Petition with Affidavit.	1	
7	Annexure P-1 to P-15	1	
8	<b><u>CRL. M.P. NO. OF 2025</u></b> Application for exemption from filing certified copy of the impugned interim order and final impugned order.	1	
9	<b><u>CRL. M.P. NO. OF 2025</u></b> Application for exemption from filing official translation.	1	
10	<b><u>CRL. M.P. NO. OF 2025</u></b> Application for exemption from disclosing the name of the Petitioner & Respondent No. 2.	1	
11	Vakalat & Appearance	1	
	<b>Total</b>	<b>11</b>	

 Filed by:
**(DEEPAK PRAKASH)**

Advocate for the Petitioner

57, Lawyers Chambers,

Supreme Court of India

New Delhi -110001

Code No. 2210

Mr. Sapan Tomar

I.C. No. 5648

Mob. No. 9990727638

Dated: 19.09.2025

Place: New Delhi

**VAKALATNAMA**  
(SCR Order IV Rule 18)  
**IN THE SUPREME COURT OF INDIA**  
**CIVIL APPELLATE JURISDICTION**  
SPECIAL LEAVE PETITION (CIVIL) NO. OF 2025

IN THE MATTER OF:

**XXXXXX**

VERSUS

THE STATE OF WEST BENGAL & ANR.


PETITIONER

RESPONDENTS

I, the undersigned the Petitioner in the above mentioned Special Leave Petition do hereby appoint and retain, **Mr. Deepak Prakash, Advocate-on-Record**, Supreme Court of India to act and appear for us in the above Petition and on our behalf to conduct and prosecute (or defend) or withdraw the same and all proceedings that may be taken in respect of any application connected with the same or any decree or order passed therein, including proceedings in taxation and application for review, to file and obtain return of documents, and to deposit and receive money on our behalf in the said Special Leave Petition in the above matter. I agree to ratify acts done by the aforesaid Advocate in pursuance of these authorities.

Dated this the 04<sup>th</sup> day of August, 2025.

Accepted, Identified & Certified

  
**DEEPAK PRAKASH**  
**ADVOCATE ON RECORD**  
57, Lawyers Chambers,  
Supreme Court of India,  
New Delhi-110001  
Code No. 2210  
Mob. No. 9810903376

Signature

**XXXXXX**  
Petitioner

**MEMO OF APPEARANCE**


To,

The Registrar,  
Supreme Court of India,  
New Delhi.

Sir,

Please enter my appearance on behalf of the Petitioner in the above-mentioned Special Leave Petition.

Yours faithfully

  
**DEEPAK PRAKASH**  
**ADVOCATE FOR THE PETITIONER**

Dated: 19.09.2025  
Place: New Delhi

**F.I.R. DETAILS**

1	Diary No.	:	<b>54460/2025</b>
2	Date of Lodgement of F.I.R. Complaint	:	FIR No. 82/2018
3	Date of Occurrence	:	08.03.2018
4	Police Station address with state	:	P.W. Jadav Pur, District SSD Kolkata, West Bengal.
5	Date of Filing of Charge Sheet Challan	:	13.04.2019
6	Whether trial by the Court of Magistrate.	:	Ld. Addl. Chief Judicial Magistrate, Alipore, 24-Parganas
7	Whether trial the Court of Sessions.	:	N.A.



**DEEPAK PRAKASH**  
**ADVOCATE FOR THE PETITIONER**  
**CODE NO. 2210**

BEFORE THE HON'BLE HIGH COURT AT CALCUTTA

CRR NO. 656 OF 2023

I.A. NO. CRAN 1 OF 2023

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

**MEMO OF PARTIES**

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

1. THE STATE OF WEST BENGAL, THROUGH  
STATION HOUSE OFFICER, POLICE  
STATION JADAVPUR, KOLKATA, WEST  
BENGAL.

OPPOSITE

PARTY NO. 1

2. YYYYYY

OPPOSITE

PARTY NO. 2



**DEEPAK PRAKASH**  
**ADVOCATE FOR THE PETITIONER**

Place: New Delhi  
Dated: 19.09.2025

BEFORE THE HON'BLE HIGH COURT AT CALCUTTA

CRR NO. 656 OF 2023 I.A. NO. CRAN 2 OF 2025

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

THE STATE OF WEST BENGAL & ANR.

RESPONDENTS

**MEMO OF PARTIES**

**IN THE MATTER OF:**

X

PETITIONER

VERSUS

1. THE STATE OF WEST BENGAL, THROUGH  
STATION HOUSE OFFICER, POLICE  
STATION JADAVPUR, KOLKATA, WEST  
BENGAL.

OPPOSITE  
PARTY NO. 1

2. YYYYYY

OPPOSITE  
PARTY NO. 2



**DEEPAK PRAKASH**  
**ADVOCATE FOR THE PETITIONER**

Place: New Delhi  
Dated: 19.09.2025

ADVOCATE'S CHECK LIST (TO BE CERTIFIED BY ADVOCATE-ON-RECORD)

Indicate Yes or NA

1. Special Leave Petition (Crl.) has been filed in Form No. 28 with certificate.
2. The Petition is as per the provisions of Order XV Rule 1.
3. The papers of Special Leave Petition have been arranged as per Order XXI, Rule (3) (1) (f).
4. Brief list of dates / events has been filed.
5. Paragraphs and pages of paper books have been numbered consecutively and correctly noted in Index.
6. Proper and required numbers of paper books (1+1) have been filed.
7. The contents of the Petition, applications and accompanying documents are clear, legible and typed in double space on one side.
8. The parties of the impugned judgment passed by the court(s) below are uniformly written in all the documents.
9. In case of appeal by certificate the appeal is accompanied by judgment and decree appealed from and order granting certificate.
10. If the petition is time barred, application for condonation of delay mentioning the no. of days of delay, with affidavit and court fee has been filed.
11. The annexures referred to in the petition are true

copies of the documents before the court(s) below and are filed in chronological order as per list of dates.

- |     |  |  |
|-----|--|--|
| 12. | The annexures referred to in the petition are filed and indexed separately and not marked collectively.  | <div style="border: 1px solid orange; padding: 2px 10px; display: inline-block;">YES</div> |
| 13. | The relevant provision of the Constitution, statutes, ordinances, rules, regulations, bye laws, orders etc. referred to in the impugned judgment / order has been filed as Appendix to the Special Leave Petition.   | <div style="border: 1px solid orange; padding: 2px 10px; display: inline-block;">NA</div>  |
| 14. | In Special Leave Petition against the order passed in Second Appeal, copies of the orders passed by the Trial Court and First Appellate Court have been filed.   | <div style="border: 1px solid orange; padding: 2px 10px; display: inline-block;">NA</div>  |
| 15. | The complete listing proforma has been filled in, signed and included in the paper books.  | <div style="border: 1px solid orange; padding: 2px 10px; display: inline-block;">YES</div> |
| 16. | In a Petition (PIL) filed under clause (d) of Rule 12 (1) Order XXXVIII, the petitioner has disclosed.<br><br>(a) His full name, complete postal address, e-mail address, phone number, proof regarding personal identification, occupation and annual income, PAN number and National Unique Identify Card number if any;<br><br>(b) The facts constituting the cause of action;<br><br>(c) The nature of injury caused likely to be caused to the public;<br><br>(d) The nature and extent of personal interest, if any, of the petitioner(s);<br><br>(e) Details regarding any civil, criminal or revenue | <div style="border: 1px solid orange; padding: 2px 10px; display: inline-block;">NA</div>  |

litigation, involving the petitioner or any of the Petitioners, which has or could have a legal nexus with the issue(s) involved in the Public Interest Litigation.

17. If any identical matter is pending / disposed of by the Hon'ble Supreme Court, the complete particulars of such matters have been given.
18. The statement in terms of the Order XIX Rule 3 (1) of Supreme Court Rules 2013 has been given in the petition of appeal.
19. Whether a Bank draft of Rs. 50,000/- or 50% of the amount, whichever is less, has been deposited by the person intending to appeal, if required to be paid as per the order of the NCDRC, in terms of Section 23 of the Consumer Protection Act, 1986.
20. In case of appeals under Armed Forces Tribunal Act, 2007, the petitioner / appellant has moved before the Armed Forces Tribunal for granting certificate for leave to appeal to the Supreme Court.
21. All the paper books to be filed after curing the defects shall be in order.

I hereby declare that I have personally verified the petition and its contents and it is conformity with the Supreme Court Rules 2013. I certify that the above requirements of the check list have been complied with. I further certify that all the documents necessary for the purpose of hearing of the matter have been filed.

Signature:



AoR's Name:

Deepak Prakash

AoR Code: 2210

Contact No. 9810903376

Place: New Delhi

Date: 19.09.2025