

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No.5044 of 2011

Sant Das Mahant

....

Petitioner

-versus-

Syama Bai Mahanta

....

Opposite Party

CORAM: JUSTICE S.PUJAHARI

ORDER

21.03.2022

Order
No.

10.

1. This matter is taken up by Hybrid mode.

2. The Petitioner in this Criminal Misc. Case under Section 482 Cr.P.C. has challenged the order dated 31.10.2011 passed by the learned District & Sessions Judge, Jharsuguda in Criminal Revision No.03 of 2009 by which the learned Sessions Judge has set aside the order dated 04.10.2008 passed by the learned J.M.F.C., Jharsuguda in Criminal Misc. Case No.25 of 2020 rejecting the prayer made by the Opposite Party-Wife for maintenance and directed the Petitioner-Husband to pay maintenance of Rs.500/- per month to the Opposite Party-wife from the date of filing of the petition i.e. 19.04.2002.

3. As it appears, in spite of the direction of this Court dated 31.03.2015 to take fresh steps for issuance of notice to the Opposite Party-wife, the same has not been taken by the Petitioner-husband till date.

4. Learned counsel for the Petitioner submits that since Opposite Party-wife is avoiding the notice, this Criminal Misc. Case be heard and disposed of on merit.

5. It appears that this is a year old case. The order of refusal of the prayer of maintenance passed by the learned J.M.F.C., Jharsuguda was challenged by the Opposite party-wife (Petitioner in Criminal Revision No.03 of 2009) before the revisional court. Learned J.M.F.C disbelieving that there was lawful marriage between the parties, rejected the prayer of the Opposite Party-wife, but the learned Sessions Judge taking note of the materials available on record and the evidence adduced as well as the law that strict proof of marriage being not essential in a proceeding under Section 125 Cr.P.C set aside the order of the learned J.M.F.C and granted a paltry amount of Rs.500/- to the Opposite Party-wife vide the order impugned in this case.

6. The said order is assailed in this Criminal Misc. Case to be perverse one.

7. After perusing the aforesaid order of the learned Sessions Judge and considering the contentions and also the settled position of law, this Court finds no illegality or infirmity in the impugned order passed by the revisional court.

7. Accordingly, this Criminal Misc. Case stands dismissed.

(S. Pujahari)
Judge