

IN THE HIGH COURT OF ORISSA AT CUTTACK

RPFAM No.171 of 2022

Pramod Kumar Senapati ***Petitioner***
Mr. Ajit Kumar Panda, Advocate
-versus-
Smitaranjan Senapati and another ***Opp. Parties***

CORAM:
JUSTICE K.R. MOHAPATRA

ORDER

06.12.2022

Order No.

2. 1. This matter is taken up through Hybrid mode.
2. Petitioner in this RPFAM seeks to assail the judgment and order dated 28th June, 2022 passed by learned Judge, Family Court, Cuttack in Criminal Proceeding No.637 of 2010, whereby the Petitioner has been directed to pay maintenance of Rs.3,500/- per month to Opposite Party No.2 from the date of application, i.e., 6th October, 2010.
3. In course of hearing, Mr. panda, learned counsel for the Petitioner submits that the judgment was passed in the proceeding under Section 125 Cr.P.C. relying upon the order of conviction of the Petitioner in GR Case No.513 of 2003 under Section 376/393/417/313/51, 506/34 of IPC. Assailing the said judgment and order of conviction and sentence, the Petitioner preferred appeal and the CrI. Appeal No.481 of 2008 has been allowed. Thus, in view of the changed circumstance, Opposite Party No.2 is not entitled to any maintenance under Section 125 Cr.P.C. In that view of the matter, he submits that the Petitioner has remedy before learned Judge, Family Court, Cuttack to seek

for variance of the impugned order. In view of the above, he prays for withdrawal of the RPFAM to avail the remedy under Cr.P.C.

4. In view of such submission, the RPFAM is disposed of as withdrawn.

(K.R. Mohapatra)
Judge



s.s.satapathy