

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No. 418 of 2022

Dillip Kumar Sahu* *Petitioner

Mr. P.S. Das, Advocate

-versus-

***1. Purnima Naik*
2. Mukesh Kumar Sahu *Opp.Parties***

Mr.Rajesh Tripathy
Addl. Standing Counsel

**CORAM:
JUSTICE S.K. SAHOO**

**ORDER
20.09.2022**

Order No.

01. This matter is taken up through Hybrid Arrangement (Video Conferencing/Physical Mode).

The petitioner Dillip Kumar Sahu who is the father-in-law of opposite party no.1 Smt. Purnima Naik has filed this revision petition under section 401 read with section 397 of the Code of Criminal Procedure, 1973 challenging the order dated 25.04.2022 of the learned J.M.F.C.-II, Keonjhar passed in CMC No.33 of 2022 and the order dated 02.08.2022 of the learned Sessions Judge, Keonjhar passed in Criminal Appeal No.11 of 2022 in confirming the order of the learned Magistrate.

It appears that the opposite party no.1 instituted a proceeding under Protection of Woman domestic violence Act in the court of learned S.D.J.M., Keonjhar which was registered as C.M.C. No. 33 of 2022 and subsequently, the

case was transferred to the Court of learned J.M.F.C.-II, Keonjhar for disposal of the case in accordance with law and the said case was disposed of on 25.04.2022 directing the husband (opposite party no.2) to pay monetary relief of Rs.50,000/- (fifty thousand) only towards loss of earnings of the aggrieved person, to pay maintenance @ Rs.10,000/- (rupees ten thousand only) per month to the aggrieved person vide order 25.04.2022 and the said monthly maintenance was directed to be paid within first week of each month. Opposite party no.2 was further directed to pay compensation of Rs.50,000.- (rupees fifty thousand only) for mental torture and emotional distress, caused by the acts of domestic violence committed by opposite party no.2 upon the aggrieved person. The petitioner was set ex parte as in spite of service of notice, he did not appear in the Court below to contest the case.

The petitioner challenged the order dated 25.04.2022 passed by the learned J.M.F.C.-II, Keonjhar in Criminal Appeal No. 11 of 2022 and the learned appellate Court vide order dated 02.08.2022 has been pleased to hold that the appellant (father-in-law) is no way aggrieved by the order of learned J.M.F.C.-II as he is not bound by law to pay any maintenance or compensation to the opposite party no.1 and the petitioner has not been directed to secure same level of accommodation to the opposite party no.1 as well as her child and therefore, no substantial loss or injury is caused to the petitioner.

Learned counsel for the petitioner submitted that even though there is a specific order to the opposite party no.2-husband to secure same level of accommodation for the

opposite party no.1 as well as their child where the opposite party no.2 resides, since the opposite party no.2 resides in the house of the petitioner, the Protection Officer and the local police is insisting the petitioner to provide accommodation in his house for the opposite party no.1 as well as her child. No documents has been produced before this Court to show that the house in question stands recorded in the name of the petitioner. If the house in question is the self-acquired property of the petitioner, the opposite party no.2 has to make necessary arrangement for accommodation of his wife (opposite party no.1) and their child at some other place or they can be allowed to stay in the house with the consent of the petitioner but not otherwise.

Therefore, I find no infirmity or illegality in the order of the learned Magistrate which has been confirmed by the learned appellate Court.

Accordingly, the CRLREV being devoid of merits stands dismissed.

Urgent certified copy of this order be granted on proper application.

(S.K. Sahoo)
Judge