

IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMC No. 2509 of 2022

Nalini Kanta Swain

....

Petitioner

Mr. Chintu Kumar Agrawal, Advocate

-Versus-

State of Orissa

....

Opposite Party

Mr. T.K. Praharaj, SC, OP No.1

None for OP No.2

CORAM:
MR. JUSTICE R.K. PATTANAİK

ORDER
24.09.2022

Order No.

- 01.
1. Heard learned counsel for the petitioner and learned counsel for the State.
 2. The present challenge is as to the order dated 12th July, 2022 passed by the learned Judge, Family Court, Cuttack in Criminal Proceeding No.30 of 2019 whereby distress warrant and conditional warrant of arrest has been issued against the petitioner for realization of arrear maintenance of Rs.48,000/- for the period from September, 2018 to September, 2019.
 3. However, the learned counsel for the petitioner submits that some time may be given to the petitioner to pay the aforesaid amount in installments and having regard to the fact that the petitioner has been paying maintenance to the opposite party No.2 regularly, he may be directed to surrender and go on bail as deemed just and proper which the Court is inclined to. Accordingly, it is ordered.

4. Consequently, the CRLMC stands disposed of.

5. As a result, the petitioner is directed to pay 50% of the amount i.e. 24,000/- (Rupees Twenty four thousand) to the opposite party No.2 within a period of seven days from today and shall pay the rest amount within two weeks thereafter and such payment shall be recorded by the learned court below and until then, the distress warrant and conditional warrant of arrest which has been issued by the impugned order under Annexure-1 shall be kept in abeyance. It is made clear that in the event the petitioner fails to pay the arrear dues within the time stipulated hereinabove, the learned court below shall be well within the jurisdiction to proceed with the execution of warrants vis-a-vis the petitioner as per and in accordance with law.

6. An urgent certified copy of this order be issued as per rules.

(R.K. Pattanaik)
Judge