



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLMP No. 137 of 2026

Suresh Kumar Behera

....

Petitioner

Mr. Rabi Narayan Panda, Advocate

-versus-

1. Pilurani Behera

2. Monali Monisha Behera

3. Piyush Behera

....

Opp. Parties

Mr. P.K. Satapathy, Advocate

CORAM:

HON'BLE MISS JUSTICE SAVITRI RATHO

ORDER

26.03.2026

Order No.

(Through hybrid Mode)

- 03.
1. Heard Mr. Rabi Narayan Panda, learned counsel for the Petitioner and Mr. P.K. Satapathy, learned counsel for the Opposite Parties.
 2. The petitioner is aggrieved by the order dated 21.11.2025 rejecting the application of the petitioner filed under Order 6 Rule 17 of CPC for amendment of his written objection in a proceeding under Section 125 of the Cr.P.C.
 3. Mr. Panda, learned counsel for the Petitioner submits that the Court had the power to allow the amendment of his written objection. He further submits that the facts he wanted to



incorporate by way of amendment came to the knowledge of the Petitioner after he had filed his objection. This amendment was necessary for a just decision in the case. He relies on the decisions in case of *Sabita Sahoo vs. Khirod Kumar Sahoo : 1990 (I) OLR 420*, *Hemanta Kumar Ray vs. Romani Das : 2024 (II) OLR 362* and *Bindesi Isari Prasad Singh vs. Kali Singh : (1977) 1 SCC 57*, in support of his submission that amendment of the objection is permissible.

4. Mr. P.K. Satapathy, learned counsel for the Opposite Parties fairly submits that the Court has the power to allow amendment in a criminal case if it is necessary. But he vehemently opposes the application stating that the application for amendment has been filed by the Petitioner at a belated stage to delay the proceeding which are pending since long and this is reflected in the impugned order. The learned Court below has referred to the dates of adjournments by the petitioner after the Opposite Party had been cross-examined and when the case was posted for his evidence. He also submits that this is because if the photographs had actually been found on 15.07.2025 as claimed, this was not brought to the notice of the Court when the Opposite Party No.1 was cross-examined nor was any questions put to her



during her cross-examination or when the case was being adjourned for evidence of the Petitioner. From this it is apparent that the application for amendment has been filed only to delay disposal of the proceeding. Till date the Petitioner has not paid any amount to her or her children towards interim maintenance. He also submits that the proposed amendment will displace the Opposite Party from her original stand, thereby causing her irreparable prejudice. He has submitted that amendments have been allowed/confirmed in cases where it was found that no prejudice would be caused to the other side. He has referred to the cases of ***Kunapareddy @ Nookala Shanka Balaji vs. Kunapareddy Swarna Kumari : 2016 11 SCC 774*** and the decision of the Telangana High Court in the case of ***Golla Gopal vs. M. Swathi*** (Criminal Petition No. 8125 of 2023 decided on 20.08.2024) (para-10).

5. Learned counsel for both the parties submit that the matter is a waiting for evidence of the Petitioner

6. Mr. Rabi Narayan Panda, learned counsel for the Petitioner submits that the Petitioner is looking after the education of the two children. He further submits that the Opposite Party No.1 is staying in his paternal house and he is



looking after the education of his daughter who is staying in a hostel, Bhadrak and he is also providing for the expenses of his son who is staying with his mother and he is being looked after by his mother. This would be apparent from the cross-examination of the Opposite Party. He filed the copy of the deposition of the Opposite Party with a memo, which is taken on record.

7. Hearing is concluded.

8. Judgment is reserved.

(Savitri Ratho)
Judge

Sukanta