



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.596 of 2026

Bipin Bihari Sahoo

.....

Petitioner (s)

*Mr. Uma Charan Mishra,
Advocate*

-versus-

Monalisha Choudhury

.....

Opposite Party(s)

Mrs. Sarita Moharana, ASC

CORAM:

THE HON'BLE DR. JUSTICE SANJEEB K PANIGRAHI

ORDER

Order No.

25.02.2026

01.

1. This matter is taken up through hybrid arrangement.

2. The Petitioner has filed this CRLMC with a prayer to quash the order of NBW dated 22.01.2026 passed in CRLMC No.38 of 2025 by the learned Civil Judge, (Junior Division)-2nd JMFC, Cuttack.

3. Learned counsel for the Petitioner submits that the Opposite Party/Complainant in this case got married to the Petitioner in 2009 before the Marriage Officer, Bhubaneswar, Odisha. A son was born in the year 2013 who is now with the Petitioner (Bipin Bihari Sahoo). The Opposite Party for no reason left the petitioner and filed a D.V Case claiming maintenance. The learned Magistrate awarded Rs.40,000/- per month to the Opposite Party. Being aggrieved, the Petitioner has preferred appeal which



is registered as CRLAPL No-131 of 2024 pending in the Court of the learned 3rd Additional District & Sessions Judge, Cuttack, Odisha. The matter was fixed on 12.02.2026 for hearing but because of Bharat Bandh, it was adjourned to 06.03.2026. In the meantime, the learned Magistrate has issued D.W & NBW simultaneity in the execution case (which is per se illegal) for realization of arrear maintenance and the petitioner is going to be arrested.

4. In view of such facts and submissions made by the learned counsel for the Petitioner, this Court is inclined to allow the CRLMC. Accordingly, the order of NBW dated 22.01.2026 passed in CRLMC No.38 of 2025 by the learned Civil Judge, (Junior Division)-2nd JMFC, Cuttack in the aforesaid case, so far it relates to issuance of N.B.W. against the petitioner, is hereby quashed.

5. The Petitioner is directed to surrender before the court in *seisin* over the matter in the aforesaid case and move for bail within a period of fifteen days hence. On such event, the said court shall release him on bail with some stringent conditions so as to enable him to appear before the court on each date of posting of the case.

6. Further the Petitioner is directed to pay Rs.1,00,000/- (Rupees One Lakh) on or before 05.03.2026



before the Court below and the Court shall hear the appeal
i.e. CRLAPL No-131 of 2024 at the earliest possible.

7. Accordingly, the CRLMC is disposed of.

(Dr. Sanjeeb K Panigrahi)
Judge

Gitanjali