



IN THE HIGH COURT OF ORISSA AT CUTTACK

CRLREV No.477 of 2025

Sasmita Swain **Petitioner**

Mr. S. Harichandan, Advocate

-versus-

1. Satya Narayan Swain **Opposite Parties**

2. State of Orissa

Mr. C. R. Swain, AGA

CRLREV No.390 of 2025

Satya Narayan Swain **Petitioner**

Mr. R. R. Sahoo, Advocate

-versus-

Sasmita Swain **Opposite Party**

Mr. S. Harichandan, Advocate

CORAM: JUSTICE V. NARASINGH

ORDER
27.02.2026

Order No.

09. 1. Both the criminal revisions have been filed assailing the judgment dated 11.04.2025 passed by the learned 3rd Additional Sessions Judge, Cuttack in Criminal Appeal No.9 of 2022 thereby reducing the compensation as awarded from Rs.14,000/- to



Rs.7,236/- by the learned J.M.F.C., Cuttack vide order dated 18.08.2021 in DV CMC No.275 of 2018.

2. Heard learned counsel for the Petitioners and learned counsel for the Opposite Parties.

3. At the outset, it is submitted by the learned counsel appearing in Criminal Revision No.390 of 2025 that ex facie the learned 3rd Additional Sessions Judge, Cuttack allowed its judgment to be clouded by the fact that the compensation is to the tune of Rs.14,000/-, while in fact the amount is Rs.9,000/- out of which Rs.3,000/- for the wife and Rs.3,000/- each for the two children.

4. And, it is further submitted by the learned counsel for the Petitioner in Criminal Revision No.390 of 2025 that the appreciation of materials on record is ex facie perverse in as much as the quantum has been wrongly fixed, as already noted, and the findings were arrived on account of the non-participation of the husband-Petitioner in this revision before the Trial Court.

Since, the appreciation of the materials on record by the learned Trial Court is ex facie perverse, the matter merits consideration by this Court in exercise of its revisional jurisdiction.

5. It is apt to note that the Petitioner-wife in Criminal Revision No.477 of 2025 has not challenged the order passed by the learned Magistrate before the



learned Appellate Court. But, assailing the reduction of the amount by the learned 3rd Additional Sessions Judge, Cuttack as noted hereinabove, by the judgment which is impugned at the instance of the husband-Petitioner in Criminal Revision No.390 of 2025, the Criminal Revision No.477 of 2025 has been filed by the wife.

6. It is submitted by the learned counsel for the Petitioner in Criminal Revision No.477 of 2025 that in reducing the compensation to Rs.7,236/- per month the learned 3rd Additional Sessions Judge, Cuttack had exercised its jurisdiction with material irregularity warranting interference by this Court in exercise of its revisional jurisdiction.

7. To arrive at a just conclusion, this Court vide order dated 17.02.2026 requested the head of the office, where the Petitioner-husband is employed, to submit the pay particulars of the Petitioner-husband. Accordingly, the authorised signatory of L&T Finance Limited has submitted the same of the Petitioner, who is working as a Field Executive Staff in L&T Finance Limited, Rahama, Jagatsinghpur, Odisha.

8. The sealed cover, in which such intimation was submitted to this Court is taken on record.

9. Monthly pay slips of the Petitioner-husband in Criminal Revision No.390 of 2025 along with the employee code and UAN Number along with PAN



Number are not stated for protecting the privacy of the Petitioner in Criminal Revision No.390 of 2025.

10. On a bare perusal of such monthly pay slips for the year 2025-26, it is seen that for the month of February, 2026, the gross income of the Petitioner has been stated Rs.18,259/- and the net pay from reduction is Rs.17,298/-.

11. On perusal of the judgment passed by the learned Appellate Court, it is seen that the learned Appellate Court has in Paragraph-5.1 has dealt with the manner in which the case was conducted after the ex parte order was passed and has arrived at the conclusion that sufficient time has been given to the Opposite Party, who is Petitioner in Criminal Revision No.390 of 2025 to cross-examine the wife (Petitioner in Criminal Revision No.477 of 2025) and negated the plea as urged that no notice was issued to the husband (Opposite Party No.1 in Criminal Revision No.477 of 2025) before commencement of the hearing.

12. As rightly pointed out by the learned counsel for the Opposite Party in CRLREV No.390 of 2025 and Petitioner in CRLREV No.477 of 2025, this Court while exercising its revisional jurisdiction cannot delve into the facts unless the appreciation qua such facts is ex facie perverse.



13. On consideration of the materials on record and the order passed by the learned 3rd Additional Sessions Judge, Cuttack, this Court is not persuaded to hold that such appreciation is perverse so as to warrant interference.

14. This Court finds substance in the submissions of the learned Counsel for the Petitioner in Criminal Revision No.390 of 2025 that the learned Appellate Court proceeded on the erroneous presumption that the compensation was in fact Rs.14,000/- whereas in fact it was Rs.9,000/- and Rs.5,000/- was on the event of the Opposite Party-wife and her children, are to fend for themselves by residing in a separate house.

15. There is nothing on record to rebut the submission of the learned counsel for the Petitioner in Criminal Revision No.390 of 2025, referring to the judgment of the learned Trial Court that the wife and children are still residing under the roof of the husband-Petitioner and in fact it has been brought to the notice of this Court that protection order in that regard has already been passed.

16. Considering the same and taking into account that the salary on an average of the husband is around Rs.15,000/-, this Court feels that ends of justice will be sub served, if the order passed by the learned Appellate Court is modified to the extent that



the Opposite Party in Criminal Revision No.390 of 2025 and the Petitioner in Criminal Revision No.477 of 2025 is directed to pay a sum of Rs.7,500/-, from the date of application in terms of Paragraph Nos.96 and 131 of the judgment of the Apex Court in the case of ***Rajnesh vrs. Neha and anr.***, reported in ***(2021) 2 SCC 324***.

17. Accordingly, the criminal revisions along with the pending I.As., if any, stand disposed of.

(V. NARASINGH)
Judge

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