



IN THE HIGH COURT OF ORISSA AT CUTTACK
CRLMC No.3236 of 2025

Sambit Mohanty

.....

Appellant

Represented By Adv. -
Biswaranjan Dalai

-versus-

Rojalin Mohanty

.....

Respondent

Represented By Adv. -

CORAM:
THE HON'BLE MR. JUSTICE ADITYA KUMAR
MOHAPATRA
ORDER
18.08.2025

Order No.

01.

1. This matter is taken up through Hybrid Arrangement (Virtual /Physical Mode).
2. Heard learned counsel for the Petitioner. Perused the CRLMC Application as well as the prayer made therein.
3. The present CRLMC Application has been filed under section 528 of BNSS, 2023 challenging the execution proceeding pending against the Petitioner in Crl.Execution Case No.131 of 2024 pending in the Court of the learned Judge Family Court-II, Bhubaneswar, the present Petitioner has approached this Court by filing the present CRLMC application.
4. Learned counsel for the Petitioner at the outset contended that in the pending C.P.No.186 of 2023 between the Petitioner and the Opposite Party learned Judge Family Court, Bhubaneswar on an application under section 24 of the Hindu Marriage Act has awarded Rs.10,000/- as



interim maintenance from the date of application i.e. 28.07.2023. He further submitted that pursuant to such order dated 22.12.2023 the Petitioner has been paying interim maintenance regularly to the Opposite Party. He further contended that another application was filed at the instance of the wife under section 125 Cr.P.C. for grant of interim maintenance. Learned Judge Family Court-II, Bhubaneswar in C.R.P.No.06 of 2023 vide order dated 19.03.2024 passed an order directing grant of interim maintenance of Rs.15,000/-. He further submitted that while granting such interim maintenance in CRP No.06 of 2023 out of which Criminal Execution Case arises, learned Judge, Family Court has not taken note of the order passed in C.P. in the matter of grant of interim maintenance. On such ground, learned counsel for the Petitioner submitted that the proceeding under section 125 Cr.P.C. is not maintainable against the present Petitioner. On careful analysis of the factual background of the present case, this Court is of the view that the matter requires further consideration in presence of the Opposite Party.

5. Issue notice to Opposite Party No.2 by registered post with A.D. fixing a short returnable date. Requisites for issue of notice be filed within three working days.

6. List this matter in the week commencing from 22nd September, 2025.

I.A.NO.2224 of 2025

8. As an interim, it is directed that further proceeding in



Crl.Execution Case No.131 of 2024 pending before the court of the learned Judge, Family Court, Bhubaneswar shall remain stayed till the next date subject to the Petitioner paying the maintenance as has been directed in C.P.No.No.186 of 2023 vide order dated 22.12.2023.

(A.K. Mohapatra)
Judge

RKS

Signature Not Verified

Digitally Signed
Signed by: RAMESH KUMAR SINGH
Designation: AR-CUM-Senior Secretary
Reason: Authentication
Location: High Court of Orissa
Date: 19-Aug-2025 16:56:20

