

IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE,
BHUBANESWAR

PRESENT: *Sri D.R. Sahoo, L.L.M.*
S.D.J.M, Bhubaneswar.

C.T. Case No- 1699/2013

Trial No- 2576/2013

Date of argument: 30.09.2014

Date of Judgment: 14.10.2014

STATE.....Prosecution

Versus

1. **Pradyumna Kumar Jena @ Litu, aged about 26 years, S/o. Judhistir Jena.**
2. **Mitu @ Prataprudra Jena aged not known, S/o. Judhistir Jena, Both are of Sisupalgarh, P.S. Lingaraj, Dist- Khurda.**

..... Accused persons.

Offence under Sections 342/323/294/506/34 of Indian Penal Code

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri D.P. Jena and Associates

J U D G M E N T

The above named accused persons stand prosecuted for committing offences punishable U/s. 342/323/294/506/34 of I.P.C

2. The prosecution case in brief is that

On 03.05.2013 at about 12.15 A.M, the accused persons in furtherance of their common intention wrongfully confined the informant, abused him in obscene languages, then caused hurt to him and criminally intimidated to take away his life. Being aggrieved the informant lodged FIR at the Police Station and after due investigation police submitted

charge sheet and subsequently substances of accusation U/s. 342/323/294/506/34 of IPC read over and explained which the accused persons plead not guilty and claimed for trial. Hence this trial

3. The plea of the defence is one of complete denial and false implication.

4. The points for determination in this case are as follows:-

i) *Whether on 03.05.2013 at about 12.15 A.M, the accused persons in furtherance of their common intention wrongfully confined the informant thereby prevented them from proceeding in a direction where he had a right to proceed and thereby committed the offence punishable U/s.342/34 of IPC?*

ii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention voluntarily caused hurt to the informant without any provocation so as to commit the offence punishable under section 323/34 of IPC?*

iii) *Whether on aforesaid date and time the accused persons in furtherance of their common intention uttered obscene languages at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294/34 of IPC*

iv) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention threatened the informant intend to cause alarm in his mind and thereby committed offence punishable U/s. 506/34 of IPC?*

5. The informant (P.W.1) has deposed before the Court that the matter has been amicably settled. He has further deposed that he does not want to proceed with this case against the accused persons. Hence

there is absolutely no evidence on record to hold the accused persons guilty in this case.

6. Taking consideration of the above said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty U/s.342/323/294/506/34 of IPC. and they are acquitted there from as per the provision U/s.255 (1) Cr.P.C. They be set at liberty forthwith. Their bail bonds stand cancelled.

Enter the case as a mistake of fact.

S.D.J.M., Bhubaneswar.

Typed to my dictation, corrected by me and pronounced the judgment in the open Court today given under my hand and seal this the 14th day of October, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Somanath Sahoo.

P.W.2: Anuj Samant Ray.

P.W3: Ramesh Ch. Sahoo.

List of witnesses examined on behalf of the defence:

N O N E

List of Exts. marked on behalf of the prosecution

Ext.1 FIR.

Ext.1/1: Signature of P.W.1 on it.

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.