

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-3888/2013

Trial No- 1873/2013

Date of argument: 29.09.2014

Date of Judgment: 13.10.2014

STATE.....Prosecution

Versus

Nursingh Singh, aged about 37 years, S/o. Mahendranath
Singh, At- Panchagaon, P.S. Airfield Dist- Khurda,

.....**Accused**

Offence under Sections 435 of Indian Penal Code

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence Sri R.C. Baral & Associates

J U D G M E N T

The above named accused stands charged for committing offences punishable U/s. 435 of I.P.C.

2. The prosecution case in brief is that:

On 04.10.2013 at about 12.10 A.M., while the informant was going to sleep at his house, at that time he heard some sound and he saw somebody has set fire to his Hero Honda Hunk Motor Cycle bearing No.OR-02-BL-8384 and the said Motor Cycle was totally burnt. Being aggrieved the informant lodged FIR at the Police Station and after due investigation police submitted charge sheet U/s 435 of I.P.C against the accused and subsequently charge was framed there under to which the accused plead not guilty 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 04.10.2013 at about 12.10 A.M. the accused committed mischief fire or any explosive substance intend to cause damaged the vehicle of the informant thereby committed an offence punishable U/s. 435 of IPC ?*

5. The informant (P.W.1) has deposed before the Court that the matter has been amicably settled and he has further deposed that he does not want to proceed with this case against the accused and that there is absolutely no evidence on record to hold the accused guilty in this case.

6. Taking consideration of the said facts and circumstances as there is no evidence on record against the accused and accordingly the accused is found not guilty of the offence punishable U/s. 435 of IPC. As such he is acquitted there from as per the provision U/s.248 (1) Cr.P.C. He be set at liberty forthwith. His bail bond stands cancelled. The seized half burnt Hero Honda Motor Cycle be returned to the real owner after expiry of the appeal period & balck colour chapel be destroyed.

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 13th day of October, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Sasanka Sekhar Singh.

P.W.2: Narayan Routray

P.W.3: Asis Mangaraj.

P.W.4: Sikandar Mangaraj.

List of witnesses examined on behalf of the defence:

None

List of Exts. marked on behalf of the prosecution:

NIL.

List of Exts. marked on behalf of the defence:

N I L.

S.D.J.M., Bhubaneswar.