

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.2475/2013

Trial No- 2966/2014

Date of argument: 18.11.2014

Date of Judgment: 19.11.2014

STATE Prosecution

Versus

1. Sasanka Sekhar Lenka, aged about 33 years, S/o. Sri Benudhar Lenka,.
2. Benudhar Lenka, aged about 62 years, S/o. Bhramarbar Lenka.
3. Snehalata Lenka, aged about 57 years, W/o. Benudhar Lenka.
4. Nimani Charan Mohanty, aged about 47 years, S/o. Hrushikesh Mohanty.
5. Krishna Kaveri Nayak, aged about 35 years, W/o. Bijaya Ku. Nayak. At/Po/Ps. Deogarh, State- Jharkhand.
6. Alok Jyoti Lenka, aged about 31 years, S/o. Benudhar Lenka – All are of except accused no.5 Vill- Rankia, Po. Gunlibil, P.S. Kamakshyangar, Dist- Dhenkanal, At/Pr- At- Qr. No.178, Type-II, P& T Colony, Unit-IV, P.S. Kharvela Nagar, Bhubaneswar, Dist- Khurda

.....Accused.

Offence under Sections 498(A)/ 323/406/506/34 of I.P.C and u/s. 4 D.P.Act.

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence: Mrs. R. Mohanty and Advocates.

J U D G M E N T

The above named accused persons stand charged for committing the offences punishable U/s 498-(A)/323/406/506/34 of I.P.C and u/s.4 D.P. Act.

2. The case of prosecution in brief is as follows:-

The marriage of the informant with the accused Sasanka Sekhar Lenka was solemnized on dtd. 11.03.2011 according to Hindu rites and customs. During the marriage, cash, gold ornaments and various dowry articles were given by the informant's father. After the marriage the accused persons demanded more dowries from the informant. When she failed to fulfill the demand, the accused persons [tortured physically and mentally to her and threatened her with dire consequences. Being aggrieved the informant informed the police and after due investigation, Police submitted charge sheet U/s. 498(A)/323/506/34 of IPC and u/s. 4 of D.P. Act. and subsequently charges were framed against the accused persons to which they 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 after marriage the accused persons in furtherance of their common intention inflicted cruelty on the informant and thereby committed offence punishable U/s. 498-(A)/34 of IPC?*

ii) *Whether after marriage the accused persons in furtherance of their common intention voluntarily caused hurt to the informant without any provocation and thereby committed offence punishable U/s. 323/34 of IPC?*

iii) *Whether after marriage the accused persons in furtherance of their common intention committed criminal breach of trust having*

been entrusted with the articles of the informant and thereby committed offence punishable U/s. 406/34 of IPC Act?

iv) Whether after marriage the accused persons in furtherance of their common intention threatened the informant intend to cause alarm in her mind and thereby committed offence punishable U/s. 506/34 of IPC?`

v) Whether the accused persons have demanded more money from the informant as dowry and thereby committed offence punishable U/s. 4 of D.P. Act.

5. The informant (P.W.1) has deposed before the Court that the matter has been amicably settled and she does not want to proceed in this case. In view of their amicable settlement, she has no more has no more allegation or grievance against the accused persons. There is absolutely no evidence on record to hold the accused persons guilty in this case.

6. Taking consideration of the said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty U/s.498 (A)/323/406/506 of IPC and u/s. 4 D.P. Act. and they are acquitted there from as per the provision U/s.248 (1) Cr. P.C. They be set at liberty forthwith. Their bail bonds stand cancelled.

The seized articles be returned to the real owner after the expiry appeal period.

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 19th day of November, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Sarita Sahoo

P.W.2: Subash Ch. Sahoo.

P.W.3: Mihir Kumar Swain.

List of witnesses examined on behalf of the defence:

None

List of Exts. marked on behalf of the prosecution:

None

List of Exts. marked on behalf of the defence:

N IL

S.D.J.M., Bhubaneswar.