

IN THE COURT OF THE ADDL.C.J.M-ASJ, B H U B A N E S W A R.

Present:
Sri P.L.Satpathy,LL.B.,
Addl.C.J.M-ASJ,Bhubaneswar.

C.T.CASE NO.11/51/14

(Arising out of CT.720/13 corresponding to Khandagiri P.S.Case No.85/13)

S T A T E Prosecution.
.....Versus.....

Laxmidhar Sahoo, aged about 39 years,
S/o. Shankar Sahoo
Village: Badapathuria, PS: Begunia,
Dist: Khurda, A/P: Qr. No.F/1,BPSPA, Sijua, Patrapada,
PS: Khandagiri, Dit: Khurda.

..... Accused persons

OFFENCE U/S.323/324/307/309 I.P.C

Counsel for the prosecution : Sri P.Pattnaik. Addl.P.P, BBSR

Counsel for the defence :Sri Ashok Ku. Rath & Asso.,Advs, BBSR.

Date of argument: 29.4.14

Date of judgment: 1.5.14

J U D G M E N T

1. In this case the accused named above stands charged for the offence punishable
U/S.323/324/307/309 I.P.C

2. The prosecution case, in short, is that:

The alleged occurrence in this case took place on 20.2.13, Wednesday at about 6.30 am in Qr. No.F/1, BPSPA colony, Sijua, Patrapada under Khandagiri PS. The accused was the working as a police in BPSPA and was staying with his wife and two children in the alleged quarter. Gitanjali Sahu (PW.7) is the wife of the accused. Tarun Ku. Mohanty (PW.1) is the informant in this case who at the alleged time of occurrence, was working as police Habildar in

BPSPA as well as staying in the adjacent quarter of the accused in the said colony. On the alleged date and at time on being called by PW.7, PW.1 went to the quarter of the accused and there, he found the door of the quarter was closed from its inside and some shout was coming from inside the said quarter. From PW.7, PW.1 came to know that the accused had inflicted severe bleeding injuries on the person of her two children with a katari as well as the accused with intents to commit suicide as inflicted severe bleeding injuries on his person with the said katari and had closed the door of the house from its inside. Hearing this incident and seeing the door of the quarter of the accused, which was closed from its inside PW.1 raised shout. Being attracted to the shout of PW.1 the police personnel who were on police ground then came to the quarter of the accused. When one Binod Ku. Sahu knocked the door, the accused opened the door from its inside. PW.1 and many others who were then gathered at the quarter of the accused entered into the quarter of the accused and found the two minor daughters of the accused were shouting receiving severe bleeding injuries on their person and accused Laxmidhar himself had also sustained bleeding injuries on his person. From PW.7, PW.1 ascertained that since yesterday night the accused himself was suffering from hypertension and for the said reason the accused had committed the alleged incident.

The persons present at the spot shifted the accused as well as his two injured minor daughters to Capital hospital for their treatment. PW.1 reported the matter in writing (Ext.1) to the Director, BPSPA through proper channel and forwarded the same (Ext.1) to the IIC Khandagiri PS to take follow up legal action in this regard On the basis of Ext.1 Khandagiri PS Case No.85 dtd.20.2.13 U/s.324,307,309 IPC was registered against the accused. Investigation was commenced and after completion of investigation police submitted charge sheet against the accused under the aforesaid Sections before the court of Ld.SDJM, BBSR to stand his trial in the court of law. The case was committed to the court of sessions and subsequently this case was transferred to this court for disposal according to law.

3. The case of the defence is one of complete denial to the prosecution allegations and false implications.

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

- i) Whether on 20..2.13 during morning hour the in the Govt.Qr. No.F/1, BPSPA,Sijua,Patrapada, BBSR the accused voluntarily caused hurt to his two minor daughters?
- ii) Whether on the alleged date, time and at place of occurrence the accused voluntarily caused hurt to his two minor daughters with a katari, a sharp cutting weapon which is likely to cause death. ?
- iii) Whether on the alleged date, time and at place of occurrence the accused had attempted to

commit murder to his two minor daughters ?

Iv) Whether the accused himself on the alleged date time and at place of occurrence attempted to commit suicide?

5. To establish its case prosecution has examined as many as 7 witnesses including the informant (PW.2) and the wife of the accused (PW.7). PW.2 is a co-colony people of the accused. PW.3, 4 and 6 were the employees of BPSPA & PW.5 is the brother of pw..7. On the other hand defence adduced no evidence on its side. PW.6 was a witness to the seizure in respect of the incriminating materials of this case like one iron katari, one blood stained printed blanket (Kambal) , one printed pillow cover stained with blood and another pillow cover spotted with blood.

6. There is no dispute regarding receiving bleeding injuries by the accused as well as his two minor daughters on their persons . It is the allegation of prosecution that the accused was the author of the alleged crime where as the accused denied to have committed any offence as alleged against him. Now it is to be considered as to how far the prosecution has able to connect the accused with the alleged crime. PW.3 denied to have his any knowledge about the occurrence. Although PW.1,2,4,5,7 have stated in their evidence that on the alleged date, and at time and at the place of occurrence they found the accused himself and his two minor daughters had received bleeding injuries on their persons but they have not whispered a single word that the accused was the author of the crime . They have categorically stated in their evidence that they do not know as to how the accused and his two minor daughters had received injuries on their persons. PW.6 is alleged to be a seizure witness . His evidence goes to show that though police had seized a blood stained katari, blanket and two numbers of pillow in his presence and prepared seizure list (Ext.2) but this witness in his cross examination has specifically stated that he can not say from where those seized articles were brought and in which connection. Taking the entire evidence led by the prosecution in this case, it seems that the prosecution case is of no evidence against the accused. Besides the evidence of Pws. 1 to 7 prosecution has no other evidence to entangle the accused in this case. In view of my aforesaid discussions I am of the respectful opinion that the prosecution has failed to establish its case against the accused and as such the accused is entitled to be acquitted.

In the result I hold the accused is not guilty U/s.323/324/307/309 IPC and acquit him there from U/s.235(1) CrPC. The accused is on court bail and as such he be discharged from his bail bonds.

AC.J.M-ASJ,BBSR

The articles seized in this case like katari, one blood stained blanket, two numbers of blood stained pillow be destroyed four months after the appeal period is over, if there would be no appeal.

AC.J.M-ASJ,BBSR

The judgment is dictated,corrected and pronounced by me in the open court today

i.e. on 1st , May,2014 under my hand and seal of this court.

AC.J.M-ASJ,BBSR

List of P.ws. examined for prosecution.

P.w.1	Tarun Ku. Mohanty
P.w.2	Smt. Namita Mohanty
P.w.3	Congres Das
P.w.4	Somesh Ku. Mishra
p.w. 5.	Gouranga Charan Subudhi
p.w. 6	Trilochan Jena.
p.w. 7	Smt. Gitanjali Sahoo

List of D. W.s. examined for defence.

None.

List of exhibits marked for prosecution.

Ext.1	Written FIR.
Ext.1/1	Signature of PW.1 in Ext.1
Ext.2	Seizure list dtd. 20.2.13
Ext.2/1	Signature of p.w. 6 in Ext. 2

List of exhibits marked for defence.

N i l.

List of M.Os.

Nil

AC.J.M-ASJ,BBSR

