

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- 136/2014**

**Trial No- 2306/2014**

**Date of argument: 17.09.2014**

**Date of Judgment: 19.09.2014**

**STATE.....Prosecution**

**Versus**

- 1. Sanjaya Kumar Sethi, aged about 34 years, S/o. Golak Chandra Sethi, Vill- Patia, P.S. Chandrasekharpur, Dist- Khurda.**
- 2. Surendra Kumar Swain, aged about 30 years, S/o. Bipini Bihari Swain, Vill-Dhanaballari, P.S. Balikuda, Dist- Jagatsinghpur, At/Pr- Sailshree Vihar, P.S. Chandrasekharpur, Dist- Khurda.**
- 3. Krushna Chandra Sethi, aged about 45 years, S/o. Naresh Kumar Sethi, Vill- Ray Chakradharpur, P.S. Satyabadi, Dist- Puri, At/Pr.- Dirikuti Sahi, P.S. Mancheswar, Dist- Khurda.**

**..... Accused persons.**

**Offence under Sections 294/323/427/34 of Indian Penal Code**

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri P.K. Purohit and Associates

**J U D G M E N T**

The above named accused persons stand prosecuted for committing offences punishable U/s. 294/323/427/34 of I.P.C.

2. The prosecution case in brief is that

On 09.01.2014 at about 4.00 P.M. the accused persons in furtherance of their common intention abused the informant in obscene languages, then caused hurt to him and damaged the shop articles of his shop. Being aggrieved the informant lodged FIR at the Police Station and after due investigation police submitted charge sheet and subsequently substance of accusation U/s. 294/323/427/34 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 09.01.2014 at about 4.00 P.M 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?*

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

iii) *Whether on the alleged date and time the accused person in furtherance of their common intention damaged the shop articles of the informant and committed mischief punishable U/s 427/34 of IPC?*

5. The informant (P.W.1) has deposed before the Court that the matter has been amicably settled. He 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. 294/323/427/34 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. The seize articles be destroyed after expiry of the 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 19<sup>th</sup> day of September, 2014.

**S.D.J.M., Bhubaneswar.**

**List of witnesses examined on behalf of the prosecution:**

P.W.1: Kuna Ch. Patra.

**List of witnesses examined on behalf of the defence:**

N O N E

**List of Exts. marked on behalf of the prosecution:**

N I L

**List of Exts. marked on behalf of the defence:**

N I L

**S.D.J.M., Bhubaneswar.**