

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- 2122/2013**

**Trial No- 1889/2014**

**Date of argument: 18.09.2014**

**Date of Judgment: 20.09.2014**

**STATE.....Prosecution**

**Versus**

1. D. Kuni, aged about 41 years, W/o. Late D. Lachhaeya,
2. D. Santu, aged about 25 years, W/o. D. Sankari, Both are of:  
Vill- Payakansa, P.S. Tekili, Dist- Srikakulam, (A.P.) At/Pr-  
Falikia Bazar, Ashoknagara, Bhubaneswar, P.S. Capital,  
Dist- Khurda..

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

**Offence under Sections 341/294/323/324/506/34 of Indian Penal Code**

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri S. Das and Associates

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

The above named accused stands charged U/s. **341/294/323/324/506/34** of I.P.C.

2. The prosecution case in brief is that

On 03.06.2013 at about 8.00 A.M, the accused persons in furtherance of their common intention abused the informant in obscene languages, wrongfully restrained her, assaulted her by means of a bottle then caused hurt to her and criminally intimidated to take away her life. Being aggrieved the informant lodged FIR at the Police

Station and after due investigation police submitted charge sheet and subsequently charges were framed U/s. 341/294/323/324/506/34 of IPC to 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 03.06.2013 at about 8.00 A.M., the accused persons in furtherance of their common intention wrongfully restrained the informant thereby prevented them from proceeding in a direction where she had a right to proceed and thereby committed the offence punishable U/s.341/34 of IPC?*
  - ii) *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*
  - ii) *Whether on the aforesaid date and time and 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 the aforesaid date and time the accused persons in furtherance of their common intention assaulted the informant by a means of bottle and voluntarily caused hurt to her without any provocation and thereby committed the offence punishable U/s. 324/34 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 her mind and thereby committed offence punishable U/s. 506/34 of IPC?*

5. The informant (P.W.4) has deposed before the Court that the case has been amicably settled and she does not want to proceed in this case. Moreover, 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. 341/294/323/324/506/34 of IPC. 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 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 20<sup>th</sup> day of September, 2014.

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

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

P.W.1: K. Appeya

P.W.2: K. Addi.

P.W.3: K. Sunu.

P.W.4: Smt. Laxmi Rout.

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

N O N E

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

Ext.1 F.I.R.

Ext. 1/1. Signature of P.W. 4 on it.

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

N I L

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