

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- 4678/2013

Trial No- 1893/2014

Date of argument: 24.09.2014

Date of Judgment: 29.09.2014

STATE.....Prosecution

Versus

**Jadu @ Jadumani Bhatta, aged about 29 years, S/o. Krushna
Chandra Bhatta, Vill- Ranasinghpur, P.S. Tamando, Dist-
Khurda.**

..... Accused.

Offence under Sections 341/279/294/427 of Indian Penal Code

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri L. Pradhan and Associates

J U D G M E N T

The above named accused stands prosecuted for committing offences punishable U/s. 341/279/294/427 of I.P.C.

2. The prosecution case in brief is that

On 02.12.2013 at about 1.00 P.M. the accused was driving his vehicle negligently with drunken state and dashed with the vehicle bearing No. OD-02-E-2552, abused the informant in obscene languages, wrongfully restrained him, damaged the door & glass of the vehicle. 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. 341/279/294/427 of IPC read over and explained which the accused 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 02.12.2013 at about 1.00 P.M the accused wrongfully restrained the informant and thereby prevented him from proceeding in a direction where he had a right to proceed and thereby committed the offence punishable U/s.341 of IPC?*

ii) *Whether on the aforesaid date and time the accused was driving the vehicle in rash or negligently which endangered human life or caused hurt or injury to other and thereby committed the offence punishable U/s. 279 of IPC?*

iii) *Whether on the aforesaid date and time, the accused uttered obscene words at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294 of IPC?*

iv) *Whether on the alleged date and time the accused damaged the vehicle door glass of the informant and thereby committed mischief punishable U/s 427 of IPC?*

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

6. Taking consideration of the above said facts and circumstances as there is no evidence on record against the accused, he is found not guilty U/s. 341/279/294/427 of IPC. and he is acquitted there from as per the provision U/s.255 (1) Cr.P.C. He be set at liberty forthwith. His bail bond stands cancelled. The seized articles be returned to the real owner 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 29th day of September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Chiranjeeb Sabhasundar.

P.W.2: Debaraj Barisal.

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.