

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-496/2013

Trial No- 3104/2013

Date of argument: 17.09.2014

Date of Judgment: 19.09.2014

STATE.....Prosecution

Versus

1. Rajkishore Khuntia, aged about 53 years, S/o. Late Nakadi Khuntia.
2. Basanta Kumar Khuntia, aged about 48 years, S/o.Late Madhusudan Khunita.
3. Surat @ Suratha Khunita, aged about 44 years, S/o. Hadibandhu Khunita,.
4. Braja @ Braja Kishore Khuntia,, aged about 49 years, S/o. Late Nakadi Khuntia,.
5. Ramesh Khuntia, aged about 26 years, S/o. Rajkishore Khunita.
6. Rakesh Khunita, aged about 21 years, S/o. Rajkishore Khunita,
7. Bidyadhar Sahu, aged about 66 years, S/o. Late Nimai Sahoo.
8. Sukanta Sahoo, aged about 31 years, S/o. Bidyadhar Sahoo,
9. Madhusudan Badajena, aged about 41 years, S/o. Late Iswar Badajena, All are of : Vill- Chhotraypur (Chhatanpada), P.S. Khandagiri, Dist- Khurda

.....Accused persons

Offence under Sections 147/148/341/323/294/506/149 of Indian Penal Code

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence : Sri S.K Pradhan & Associates.

J U D G M E N T

The above named accused persons stand charged for committing the offences punishable U/s. 147/148/341/323/294/506/149 of I.P.C.

2. The case of the prosecution in brief is that:-

On 02 02.2013 at about 8.00 P.M, the accused persons in prosecution of their common object abused the informant along with his co-villager and created disturbance in their village , and when they protested them, they gave push and pull , assaulted by means of deadly weapon & threatened to do away their life. Being aggrieved the informant informed the police and after due investigation, Police submitted charge sheet U/s. 147/148/341/323/294/506/149 of IPC 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 on 02 02.2013 at about 8.00 P.M the present accused persons committed rioting in prosecution of their common object and thereby committed the offence punishable U/s.147/149 of IPC?*

ii) *Whether on the aforesaid date and time the accused persons in prosecution of their common object committed rioting being armed with deadly weapons and thereby committed offence punishable U/s.148/149 of IPC.*

iii) *Whether on aforesaid date and time the accused persons in prosecution of their common object wrongfully restrained the informant and his co-villagers and thereby prevented them from proceeding in a direction where they had a right to proceed and thereby committed the offence punishable U/s.341/149 of IPC?*

iv) *Whether on the aforesaid date and time the accused persons in prosecution of their common object voluntarily caused hurt to the informant and his co-villagers without any provocation so as to commit the offence punishable U/s.323/149 of IPC?*

v) *Whether on the aforesaid date and time the accused persons in prosecution of their common object uttered obscene words at or near a public place thereby caused annoyance to others so as to commit the offence punishable U/s.294/149 of IPC*

vi) *Whether on the aforesaid date and time the accused persons in prosecution of their common object threatened the informant intend to cause alarm in their mind and thereby committed offence punishable U/S. 506/149 of IPC?*

5 The informant (P.W.1) has deposed before the Court that the case has been amicably settled. He has further deposed that he does not want to proceed in this case .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.147/148/341/323/294/506/149 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.

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 September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1 : Pramoda Ku. Dora @ Jena.

P.W.2 : Pradeep Pradhan.

P.W.3: Alok Pradhan.

List of witnesses examined on behalf of the defence:

N O N E

List of Exts. marked on behalf of the prosecution:

Ext.1: FIR.

Ext. 1/1. Signature of P.W1 on it.

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.