

**IN THE COURT OF THE ADDL.SESIONS JUDGE,
BHUBANESWAR**

Present:

Shri A.C. Behera, LL.B.
Addl. Sessions Judge,
Bhubaneswar.

Crl.Tr.No.131/13/62 of 2013/12

(Arising out of G.R case No.15 of 2012,corresponding to
Nayapalli P.S. Case No.2 of 2012 committed by the
learned S.D.J.M.,Bhubaneswar)

Dated, this the 30th day of January, 2015

The State of Odisha. Complainant.

-vrs-

Jayakrushna Sahoo @ Jaya,
aged about 37 years, Vill- Nimani,
P.S.-Fategarh, Dist.-Nayagarh,
A/P.-Saliasahi, Mangalanagar,
P.S.-Nayapalli, Dist.-Khurda.

..... Accused .

Counsel for the Prosecution : Sri P.K.Das, Addl. P.P.,
BBSR

Counsel for the defence : Sri Manoj Kumar
Priyadarshi & his
Associate, Advocates.

Date of Argument :20.01.2015

Date of Judgment :30.01.2015

Offence charged U/s.302 of the I.P.C.

J U D G M E N T

The accused has been charged U/s.302 of the I.P.C on the allegation of commission of murder of his own son who was 13 months old.

2. The projected case of the prosecution against the accused during the trial is that, on dtd.2/3.01.2012 night, the accused, his wife Nirmala Sahoo and their minor child namely Suvankar Sahoo @ Kanha were sleeping in their house at Salia Sahi after taking their dinner. Their minor child Suvankar who was 13 months old was sleeping in between the accused and his wife in one bed. But in that night at about 4 A.M when the wife of the accused i.e. Nirmala Sahoo woke up, at that time, she found the absence of the accused and her son Subhankar from the bed. For which, she se arched for them here and there.

While she (Nirmala Sahoo) was searching for her husband and son i.e. accused and Subhankar, at that time, the younger brother of the accused i.e. Bijaya Kumar Sahoo, who was staying in an another house near the house of the accused received a telephone call from the accused through which, the accused intimated him that, he (accused) is present at his brother-in-law's house at Science Park Basti Bhubaneswar and he does not know with regard to the whereabouts of his son Subhankar. When inspite of thorough search here and there along with her brother-in-law (younger brother of the accused, Bijaya Kumar Sahoo) Nirmala Sahoo did not able to find Subhankar, then, at its early morning, Nirmala Sahoo along with Bijaya Kumar Sahoo went to Nayapalli Police Station, wherein Nirmala Sahoo lodged the written F.I.R vide Ext.6 before the in-charge IIC P.J.Mundu of Nayapalli Police Station by stating that, she is suspecting that her husband i.e. the accused might have killed her minor son Subhankar and after killing, he might have thrown him somewhere.

3. Basing upon such F.I.R vide Ext.6, the in-charge IIC, Nayapalli Police Station i.e. P.J.Mundu registered

Nayapalli P.S. case No.2/dtd.03.01.2012 U/s.302 of the I.P.C against the accused and he (S.I. P.J.Mundu) himself took up the investigation of the case.

4. During the investigation, he examined the informant Nirmala Sahoo, recorded her statement, examined Bijaya Kumar Sahoo and searched for the accused and then found the accused in his brother-in-law's house at Science Park Basti, Bhubaneswar and apprehended him.

5. After apprehension of the accused by the police i.e. S.I. P.J.Mundu, while the accused was under his custody, he (accused) confessed his guilt before him in presence of the witnesses and voluntarily disclosed that, he has killed his minor son Subhankar Sahoo by throwing him into the well at Saliasahi out of anger on his wife, as, his wife was doing the work for cleaning the utensils of others inspite of his objection for the same and he also further disclosed that, he can show the well, into which, he had thrown his son, if he will be taken there. The I.O. (P.J.Mundu) recorded the above disclosure statement of the accused vide Ext.2 in presence of the witnesses and then arrested him (accused) and thereafter the accused led him (I.O.) and the witnesses from Science Park Basti to the well

wherein he had thrown his minor son Subhankar and then the accused had shown the well to him (I.O.) and the witnesses from where, the dead body of the deceased Subhankar @ Kanha was recovered. After its recovery, he (I.O.) seized the said dead body of Subhankar @ Kanha through seizure list vide Ext.1 and held inquest over the said dead body and prepared the inquest report vide Ext.4 and sent the dead body of the deceased Subhankar @ Kanha through dead body challan vide Ext.10 to the Capital Hospital Bhubaneswar for postmortem examination and accordingly postmortem examination over the dead body of the deceased Subhankar @ Kanha was conducted by the Dr.Mamata Mohanty of Capital Hospital, Bhubaneswar.

6. He (I.O.) also made the spot visit and prepared the spot map vide Ext.12 and drew the sample water from the spot well through a glass bottle and seized the said bottle after sealing the same through seizure list vide Ext.13 and then seized the wearing apparels of the accused on his production through seizure list vide Ext.3 and forwarded the accused to the court.

7. After completion of postmortem examination over the dead body of the deceased Subhankar @ Kanha, he (I.O.) seized the wearing materials of the deceased i.e. one yellow gengi spotted with flowers, one red colour waist thread, one silver/rupa locket of the deceased along with bottle containing collected sternum of the deceased and command certificate of the constable K.L.Dei on production of the said lady constable through seizure list vide Ext.8. Thereafter on dtd.07.01.2012, he (I.O.) despatched the seized articles to the S.F.S.L., Rasulgarh, Bhubaneswar as per the order of the court through copy of the forwarding report vide Ext.15 and then he received the P.M. report of the deceased vide Ext.9 and after receiving the P.M report made a query from the doctor Mamata Mohanty (who had conducted autopsy over the dead body of the deceased Kanhu @ Subhankar) through query requisition vide Ext.11 seeking opinion from her about the cause of death and then he received the query report of the doctor vide Ext.11/1 and thereafter prayed before the Learned S.D.J.M., Bhubaneswar for recording of the statement of the wife and brother of the accused i.e. Nirmala Sahoo and Bijaya Kumar Sahoo U/s.164 of the Cr.P.C and accordingly as per the order of the court i.e. the

statements U/s.164 of Nirmala Sahoo and Bijaya Kumar Sahoo vide Ext.7 and 5 were recorded by the Learned Magistrate, then after completing investigation, he (I.O.) submitted charge sheet on dtd.30.04.2012 U/s.302 of the I.P.C against the accused vide C.S.No.93.

Accordingly after commitment, the accused is facing this sessions trial having been charged with the offence U/s.302 of the I.P.C.

8. The plea of the defence is one of complete denial to the alleged involvement and connection of the accused with the death of his son Subhankar @ Kanha. The specific plea/case of the defence as per the evidence of the defence witnesses i.e. D.W.1 and 2 made in their examination-in-chief that, in the alleged night of incident, the accused was not present in his house and he was present in his brother-in-law's house at Science Park Basti and the death of the minor son of the accused i.e. Kanha might have been caused by falling into the well due to his suomotu falling into the same through the process of crawling without the knowledge of any body. But the accused is in no way concerned or related with the death of his son.

9. In order to substantiate the aforesaid charge U/s.302 of the I.P.C against the accused, prosecution has examined altogether eight nos of witnesses, but whereas in order to establish the plea of the defence, the defence has examined two witnesses as D.Ws. 1 and 2.

10. Out of the eight witnesses of the prosecution, P.W.4 Nirmala Saho is the wife of the accused and so also the mother of the deceased Kanha and she (P.W.4) is the informant. P.W.3 is is the another younger brother of the accused i.e. Bijaya Kumar Sahoo. P.W.7 is the brother-in-law of the accused (who has been declared hostile by the prosecution), P.Ws. 1 and 2 are the Basti people of the accused and out of them P.W.1 has been declared hostile by the prosecution and P.W.2 has no knowledge about the incident. The rest three witnesses i.e. P.Ws.5, 6 and 8 are the official witnesses. Out of them P.W.5 is a constable and so also a witness to the seizure. P.W.6 is the doctor Mamata Mohanty who had conducted postmortem examination over the dead body of the deceased and had prepared the P.M report and query report vide Ext.9 and 11/1. P.W.8 is the I.O., who has submitted chargesheet against the accused after completing investigation.

11. Basing upon the aforesaid story of the prosecution with the alleged criminal charge U/s.302 of the I.P.C against the accused and the plea of the defence, the following points are required to be determined for just decision of the case and the said points are :-

- (i) Whether on dtd.2/3.01.2012 night the accused held slept in his house at Salia Sahi with his wife Nirmala Sahoo and minor son Subhankar Sahoo @ Kanha or whether he (accused) had slept in that night in his brother-in-laws house at Science Park Basti after being absent from his house at Saliasahi in that night ?
- (ii) Whether the nature of death suffered by minor baby Subhankar @ Kanha of the accused inside the well at Salia Sahi on dtd.2/3.01.2012 night is homicidal one or whether due to his suo-motu falling of that baby into the said well without the knowledge of any body on the process of his crawling?
- (iii) Whether the accused has committed the murder of his minor son Subhankar Sahoo @ Kanha aged about 13 months on dtd.2/3.01.2012 night at Salia Sahi ?

12. In order to have a better appreciation and so also for just decision of the case, the above three points fixed for

determination are required to be discussed and analyzed serially and chronologically one after another by taking into account the materials and evidence available in the record.

13. So far the first point i.e. whether on dtd.2/3.01.2012 night the accused held slept in his house at Salia Sahi with his wife Nirmala Sahoo and minor son Subhankar Sahoo @ Kanha or whether he (accused) had slept in that night in his brother-in-laws house at Science Park Basti after being absent from his house at Saliasahi is concerned ;

This point relates to the plea of alibi taken on behalf of the accused/defence.

It is the well settled propositions of law as per the ratio of the decisions of Apex Court reported in 2012 (2) Crimes S.C. Page-254 (at para 27) – Sandeep vrs. State of U.P. and (2012) 47 OCR S.C. Page-442—Shaikh Sattar Vrs. State of Maharastra that, “burden to prove alibi lies heavily on the person who takes such plea. It has to be proved with absolute certainty, so as to completely exclude

the possibility, the presence of the accused at the spot at the relevant time”.

So in view of the above propositions of law, when the plea of alibi has been taken by the accused, he (accused) is to establish the same by bringing the materials into the record to show his presence elsewhere in the alleged night of the incident i.e. in his brother-in-laws' house at Science park basti but not in his own house at Salia Sahi.

14. In order to establish the presence of the accused and his sleeping with his wife and child in his house in Mangalanagar basti at Saliasahi in the alleged night of incident and his leaving from there in the late hour of that night without knowledge of his wife, prosecution has relied upon the evidence of the wife of the accused i.e. Nirmala Sahoo (P.W.4). But on the contrary in order to establish the above plea of the defence i.e. plea of alibi regarding the absence of the accused from his house in that night and his presence in his brother in laws house at Science Park Basti, defence has relied upon the evidence of P.W.7 (who has been declared hostile by the prosecution) alongwith D.Ws. 1 and 2.

15. Now it will be seen, whether the evidence of P.W.4 in that regard is acceptable or the evidence of the hostile witness i.e. P.W.7 alongwith the evidence of D.Ws. 1 and 2 are sufficient to discredit the evidence of the P.W.4 on that aspect.

P.W.4 (Nirmala Sahoo, wife of the accused) has clearly and unambiguously deposed in para 2 of her examination in chief that, “on the date of occurrence night, she herself, her husband (accused) and her son were sleeping in their house at Salia Sahi. At about 4 A.M., he got up and found her husband and her son were not in the house, she searched for them. In the mean time her brother in law (Debara, the brother of her husband) received telephone call from her husband (accused). Her husband (accused) intimated him (her Debara) over phone that, he (accused) is present in his sister’s house and does not know about the whereabouts of his son. Thereafter, she herself and her brother in law (Debara) went to Nayapalli P.S. She lodged a written F.I.R.Ext.6 is the F.I.R., Ext. 6/1 is her signature. In the Court, the Magistrate had recorded her statement. Ext.7 is her

statement recorded by the Magistrate U/s. 164 of the Cr.P.C., Ext.7/1 and Ext.7/2 are her signatures”.

The above evidence of P.W.4 (wife of the accused) made in her examination in chief is going to show that, on dated 2/3.1.2012 night, the accused had slept in his house Salia Sahi with his wife Nirmala Sahoo (P.W.4) and his minor son Subhankar Sahoo @ Kanha.

16. During cross-examination to the said P.W. 4 by the defence, nothing substantial has been elicited from her mouth to discredit her aforesaid evidence made in her examination in chief regarding the sleeping of the accused in his house at Salia Sahi with his wife and minor son and to establish the sleeping of the accused elsewhere in that night i.e.in his brother in law's house at Science Park Basti. Rather the answers given by the P.W.4 through cross-examination by the defence are corroborating and strengthening to her aforesaid evidence made in her examination in chief regarding the sleeping of the accrued in the alleged night of incident in his house at Salia Sahi. Because, she (P.W.4) has deposed in para 5 of her cross-examination that, “her son was sleeping in between her and her husband on the ground. The door of her house was

closed. At about 4 P.M. she got up and saw her husband and her son were not on the bed, so she searched for them within that Basti as well as in the adjacent house”.

17. That apart, though P.W.4 has proved her statement recorded on oath U/s. 164 of the Cr.P.C. by the learned Magistrate vide Ext.7 corroborating her aforesaid statements regarding the sleeping of the accused with her and her minor son in their house at Saliasahi in night of the alleged incident, but during cross-examination, not even a single question has been asked to her (P.W.4) by the defence under which circumstances her statements U/s. 164 Cr.P.C. vide Ext.7 were recorded. Accordingly, the defence has not at all touched to the contents of Ext.7 during cross-examination to the P.W.4.

18. Though the defence has relied upon the evidence of D.Ws.1, 2 and P.W.7 (hostile witness) to establish the plea of Alibi, but their evidence has not at all become sufficient to establish such plea. There is ample discrepancies between their evidence. Because, when P.W.7(hostile witness of the prosecution) has deposed in his evidence that, the accused had come to their house at

Science Park Basti at about 10 to 11 P.M. in the alleged night of incident, but the D.W.1 has contradicted the same and has stated that, the accused had moved to the house of P.W.7 at evening time on dated 2.01.2012.

So, the above un-assailed testimony of the P.W.4 (wife of the accused) made in her examination in chief corroborated through her answers given during her cross-examination and contents of her statements U/s.164 Cr.P.C. recorded on oath by the learned Magistrate vide Ext.7 are totally belying / falsifying the plea of Alibi of the defence which, in other words is going to establish the part of the prosecution story, i.e. in the alleged night of incident, the accused, his wife Nirmala Sahoo and their minor son Subhankar @ Kanha were sleeping in their house at Salia Sahi, but in that night, the accused had not slept in his brother-in-laws's house at Science Parak Basti. It is also further going to establish from the testimones of P.W.4 that, their minor son Subhankar @ Kanha aged about 13 months was sleeping in between accused and his wife (P.W.4). But, when she P.W.4 woke up from the bed at about 4 A.M., she found that, accused and her minor son Subhankar were absent from the bed.

19. The above un-assailed testimonies of the solitary witness i.e. P.W.4 against the accused has become acceptable. Because, the court cannot and shall not ignore the unassailed testimony of a witness. That apart, it is not humanly possible for a wife like P.W.4 to state anything against her husband i.e. accused at the cost of the life of her minor son, because she (P.W.4) is kinly related to both i.e. accused and deceased.

The above propositions of law to make the evidence of P.W.4 against her husband (accused) acceptable/reliable finds support from the ratio of the following decisions.

2000(II) C.C.R (S.C.)-page-113—State of Karnataka Vrs.Manjanna (at para-14):-

Criminal Trial—Appreciation of Evidence—Court can not ignore the unshaken or unassailed evidence of the witnesses.

(2013) 55 O.C.R. (S.C.) page-51—Somraj @ Soma Vrs. State of H.P.-

Criminal Trial-Witnesses related to both i.e. deceased and accused—Their evidence not to be thrown out unless

there is proof that, the witnesses had cause to falsely implicate the accused.

Criminal Trial (2015) Supp.Crl-Page-60 Asman Bindhani Vrs. State of Orissa.

Criminal Trial—When the witness is the own brother-in-law of the accused had no reason to falsely implicate him.

(2010) 47 O.C.R.-page-315 State of Orissa Vrs. Arjun Teli:

Criminal Trial r/w. Evidence Act--Sec.3—Appreciation of Evidence—Accused is a relation of P.W.2—No inimical relationship between them—Held, there is no reason for P.W.2 to falsely implicate the accused.

(1995) 9 O.C.R.—page—239—

Criminal Trial—Witnesses related to both deceased and accused—Their evidence is not to be thrown out unless there is proof that, the witness had caused to falsely implicate the accused.

20. So far the second point i.e. whether the nature of death suffered by minor baby namely Subhankar @ Kanha of the accused inside the well at Salia Sahi on dated 2/3.01.2012 night is homicidal one or whether due to his suomotu falling of that baby into the said well without the knowledge of any body on the process of crawling is concerned;

It is the case of the prosecution that, the accused had thrown Subhankar @ Kanha into the water of the well at Saliasahi in the alleged night of incident by taking away him from the bed without the knowledge of his wife (P.W.4), to which, the defence has disputed and has taken the plea that, Subhankar might have fallen into the well on his moving there suomotu through the process of crawling without the knowledge of any body.

It is the admitted case of both the side that, the deceased baby was 13 months old and he was crawling. He has died in the alleged night of incident and his dead body has been recovered on its next morning from the well of Salia Sahi. His death is due to inhaling of water inside the well.

21. The unassailed testimony of the doctor (P.W.6) basing upon the P.M. report and query report vide Ext.9 & 11/1 is going to show that, the cause of death of deceased Subhankar was asphyxia as a result of inhalation of water into tracheabronchial tree.

So, the above undisputed factors coupled with the unassailed testimony of the doctor (P.W.6) is going to establish that, the death of the minor son of accused and informant (P.W.4) namely Subhankar @ Kanha aged about 13 months was held inside the well at Saliasahi due to the inhalation of water in the alleged night of incident.

Now it will be seen, whether the accused had thrown him (deceased) into the same (well) or he (deceased) had fallen into the same (well) suo motu on the process of crawling by himself without the knowledge of any body.

It is the admitted case of both the side that, on dated 03.01.2012 morning, the police had apprehended the accused from his brother-in-law's house at Science Park Basti.

22. P.W. 8 (I.O.), P.W.4 (wife of the accused) and P.W.3(brother of the accused) have categorically deposed in their respective examinations in chief that, after apprehension of the accused on dated 3.1.2012 morning by the police (P.W.8), the dead body of his child Subhankar was detected and recovered from the well at Saliasahi basing upon the leading i.e. at the instance of the accused. But no questions have been asked by the defence either to the I.O. (P.W.8) or to the P.Ws. 4 & 3 during cross-examination to nullify or shake their above evidence made in their respective examination in chief regarding the recovery of the dead body of Subhankar from the well of Salia Sahi at the instance and identification of the accused to that well. So, it is held that, the dead body of deceased Subhankar was recovered from the well as per the leading of the accused to that well i.e. at the instance of the accused.

Therefore in other words, it is also held that, the accused had only special knowledge alone about the availability of the dead body of his son inside that well at Saliasahi.

23. When, as per the discussions made in the forgoing point No.1, it has already been held that, in the alleged night of incident, the accused had slept in his house at Salia Sahi with his wife and child and at about 4 A.M., when the wife of the accused i.e. P.W.4 woke up, found that, accused and his son were absent from the bed and the plea of Alibi taken by the defence i.e. the sleeping of the accused in his brother in law's house at Science Park Basti is found to be false and the accused had special knowledge alone with him regarding the availability of the dead body of his son inside the well at Saliasahi and he (accused) had not told about the same earlier to any body including his wife i.e. P.W.4, then from the above circumstances i.e. due to non-discharging of the Special burden U/s.106 of the Evidence Act, which was laid on him (accused/defence), an irresistible conclusion can be drawn that, no other person, but, only the accused had thrown his minor son Subhankar @ Kanha in to the well at Salia Sahi after taking him from the bed without the knowledge of his wife (P.W.4) for no other reason, but in order to cause his death and accordingly due to such throwing into the well, he (Subhankar) was killed due to

inhaling of water in that well. So, in other words, it is also established that, his death was not caused on falling into the well suomotu by him (Kanha) on the process of crawling.

24. Therefore, it is held that, the nature of death suffered by deceased Subhankar was homicidal one and his death was caused by the accused only due to throwing him (Subhankar) into the well in the alleged night of incident.

25. So far the third point i.e. whether the accused has committed the murder of his minor son Subhankar Sahoo @ Kanha aged about 13 months on dated 2/3.01.2012 night at Saliasahi is concerned;

26. As per the discussions made in the foregoing point No.2, it has already been held that, the death of Subhankar @ Kanha inside the well at Saliasahi on dated 2/3.01.2012 night was homicidal one due to throwing him (Subhankar) into the same by accused. So, it is held that, the accused had killed his minor son Subhankar by throwing him into the well, which is a culpable homicide.

Now it will be seen, whether the above culpable homicidal made by the accused in killing his minor son Subhankar @ Kanha is a murder punishable U/s.302 of the I.P.C. by coming any of the clauses out of four of Section-300 of the I.P.C. or the same is a culpable homicide not amounting to murder by coming within any one of the exceptions out of five of that Section 300 of the I.P.C. punishable U/s.304 I or II of the I.P.C.

27. When it is established from the record as stated above that, the deceased was a minor baby and he was not able to walk being aged about 13 months and during his sleeping condition, he was taken by the accused and was thrown into the deep water of the well, wherein he expired, then the above act of the accused i.e. throwing his minor son into the well was for no other reason but with his knowledge that in all probability the death of his minor son Subhankar @ Kanha will be caused inside the water of the well, which is clearly a murder by coming within the purview of clause fourthly of section 300 of the I.P.C. punishable U/s. 302 of the I.P.C. but the same is not at all a culpable homicide not amounting to murder.

28. On analysis of the facts and circumstances of the case, as per the discussions and observations made above, an irresistible conclusion is hereby drawn that, prosecution has become able to establish the charge U/s. 302 of the I.P.C. against the accused beyond all reasonable doubt. For which, he (accused) is found guilty with the charge/offence U/s. 302 of the I.P.C. and accordingly he (accused , Jayakrushna Sahoo @ Jaya) is convicted thereunder with the charge U/s.302 of the I.P.C. as per the provisions envisaged U/s. 235(2) Cr.P.C.

Pronounced the judgment in open Court to day on this the 30th day of January, 2015 under my seal and signature.

Dictated & corrected by me

Addl. Sessions Judge,
Bhubaneswar.

Addl.Sessions Judge,
Bhubaneswar

HEARING ON THE QUESTION OF SENTENCE.

Heard the convict Jayakrushna Sahoo and the learned Additional P.P. for the State on the question of sentence, as the local members are continuing cease work.

The convict submitted to take lenient view in his favour in awarding sentence by stating that, he is a very poor person and the alleged incident was occurred for his anguish by losing his mental balance due to disturbance in his family. But, on the contrary, the learned Additional P.P. for the state submitted to award highest punishment against the accused provided U/s.302 of the I.P.C., as he has committed murder of his own minor son aged about 13 months.

By taking into account, the very poor social back grounds of the convict, the circumstances of the case under which the offence has been committed by the convict i.e. his strained relationship with his wife, the repentance of the convict about his misdeed and without getting any material that, the convict is beyond reformation, I am of the view that, the case does not fall within the category of rarest of rare cases warranting capital punishment to the convict for the offence U/s.302 of the I.P.C.

So, in order to meet the ends of justice, the convict (Jayakrushna Sahoo) is sentenced to undergo imprisonment for life with payment of fine of Rs.6,000/-

(Six thousand only) in default to undergo R.I. for six months for the offence U/s.302 of the I.P.C.

In the event of realization of fine from the convict, the same shall be paid to his wife Nirmala Sahoo(P.W.4) as nominal compensation.

The seized articles be destroyed four months after the appeal period is over, if no appeal is preferred. But in case of appeal, as per the direction of the Hon'ble Appellate Court.

Pronounced the judgment in open Court to day on this the 30th day of January, 2015 under my seal and signature.

Dictated & corrected by me

Addl. Sessions Judge,
Bhubaneswar.

Addl.Sessions Judge,
Bhubaneswar

List of witnesses examined for the prosecution:

- | | |
|--------|-----------------------|
| P.W.1. | Krushna Chandra Sahoo |
| P.W.2. | Hrusikesh Patra |
| P.W.3. | Bijay Kumar Sahoo |

P.W.4.	Nirmala Sahoo
P.W.5.	Damodar Chattar.
P.W.6.	Dr.Mamali Mahanty
P.W.7.	Manoranjan Sahoo
P.W.8.	Sri Phul Jems Mundu

List of witnesses examined for the defence:

D.W.1	Jhuna Sahoo
D.W.2.	Siba Prasad Sahoo

List of documents marked on behalf of prosecution:

Ext.1.	Seizure list
Ext.1/1.	Signature of P.W.1.
Ext.2.	Statement of accused
Ext.2/1.	Signature of P.W.1.
Ext.3.	Seizure list.
Ext.3/1.	Signature of P.W.1.
Ext.4.	Inquest Report
Ext.4/1.	Signature of P.W.3.
Ext.5.	Statement of P.W..3
Ext.5/1.	Signature of P.W.3
Ext.5/2.	Signature of P.W.3.

Ext.6.	F.I.R.
Ext.6/1.	Signature of P.W.4.
Ext.4/2.	Signature of P.W.4.
Ext.7.	Statement of P.W.4
Ext.7/1.	Signature of P.W.4.
Ext.7/2.	Signature of P.W.4.
Ext.8.	Seizure list
Ext.8/1.	Signature of P.W.5.
Ext.9.	Post mortem report
Ext.9/1.	Signature of P.W.6.
Ext.10.	Dead body challan
Ext.11.	Query report
Ext.11/1.	Opinion of P.W.6
Ext.11/2.	Signature of P.W.6.
Ext.2/2.	Signature of P.W.7.
Ext.1/2	Signature of P.W.7.
Ext.3/2.	Signature of P.W.7.
Ext.6/2.	Endorsement & Signature of P.W.8
Ext.6/3.	Formal F.I.R.
Ext.6/4.	Signature of P.W.8.

Ext.6/5.	Signature of informant
Ext.2/3.	Signature of P.W.8.
Ext.2/4.	Signature of accused Jayakrushna Sahoo.
Ext.1/3.	Signature of P.W.8 on seizure list.
Ext.1/4.	Signature of accused Jayakrushna Sahoo
Ext.4/3.	Signature of P.W.8 alongwith his opinion
Ext.4/4.	Endorsement made by wife of the accused in col.no.9.
Ext.10/1.	Prayer of I.O. for P.M.
Ext.10/2.	Signature of P.W.8.
Ext.12.	Spot map
Ext.12/1.	Signature of P.W.8.
Ext.13.	Seizure list.
Ext.13/1.	Signature of P.W.8.
Ext.3/3.	Signature of P.W.8.
Ext.3/4.	Signature of accused.
Ext.8/2.	Signature of P.W.8.
Ext.8/3.	Signature of Constable K.L. Dei
Ext.8/4.	Command Certificate.
Ext.14.	document regarding receipt of dead body.

- Ext.15. Forwarding report to S.F.S.L., Rasulgarh,
BBSR.
- Ext.15/1. Signature of P.W.8.
- Ext.11/3. Signature of P.W.8.
- Ext.16. Report of the S.F.S.L.

List of documents marked on behalf of defence:

N i l

List of M.O. on behalf of prosecution:

N i l

List of M.O. on behalf of defence:

Nil

Addl. Sessions Judge,
Bhubaneswar.

30.1.2015

Local bar members are on ceased work on demand of shifting of High Court from Cuttack to Bhubaneswar. Judgement pronounced in the open Court as per separate sheet. in order to meet the ends of justice, the convict (Jayakrushna Sahoo) is sentenced to undergo imprisonment for life with payment of fine of Rs.6,000/- (Six thousand only) in default to undergo R.I. for six months for the offence U/s.302 of the I.P.C.

In the event of realization of fine from the convict, the same shall be paid to his wife Nirmala Sahoo(P.W.4) as nominal compensation.

Addl.Sessions Judge, BBSR

