

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

Present:

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

CrI.T.R.No.189/124/50/59 of 2013/07/06

(Arising out of GR case No. 3704/05 corresponding to
Mahila P.S. Case No.120/2005 committed by the learned
S.D.J.M., Bhubaneswar)

Dated this the 7th day of May, 2014

The State of Odisha.Complainant.
-vrs-

Dillip Kumar Sahoo, aged about 39 years,
S/o- Abhimanyu Sahoo, Vill-Paikarapur
P.S.-Chandaka, Dist.-Khurda,
Plot No.-2364, Jokalandi, Bharatpur,
P.S.-Khandagiri, Dist.-Khurda.

.....Accused

Counsel for the Prosecution : Sri Ashok Pattnaik, Addl.P.P.

Counsel for the Defence : Sri D.Das & his
Associate Advocates.

Date of Argument : 24.04.2014

Date of Judgment : 07.05.2014

Offence U/s.498A/306 of the Indian Penal Code

JUDGMENT

The sole accused has been charged U/s.498A & 306 of the Indian Penal Code, 1860 on the allegations of subjecting her wife to cruelty and abetment of suicide.

2. The case of the prosecution as it culled out during trial is that, the marriage of the younger sister of the informant i.e. Sangeeta Sahoo @ Tiki was solemnized with accused in the year 1998. For the said marriage of accused with Sangeeta, there was demand of dowry from the side of the accused, to which, the informant and their family members had fulfilled. After marriage, while Sangeeta was staying in the house of accused and was leading her conjugal life, the accused along with his family members demanded more dowry including cash of Rs.30,000/- for a Hero Honda motor cycle from the parent of Sangeeta. But due to non fulfillment of their above demand, the accused along with their family members were subjecting Sangeeta to cruelty by giving physical and mental torture to her.

During the period of above torture on Sangeeta in the house of the accused, Sangeeta became pregnant and gave birth to a female child. Even after giving birth to a female child, the accused did not remain abstain from torturing Sangeeta, for which Sangeeta was compelled to stay in her parent's house with her minor daughter for two years. Then accused along with Sangeeta and her minor daughter stayed in a separate place. But the accused made

his demand from his in-laws as before and finally told in the month of October-2005 that, if his demand of money will not be fulfilled, then he will be drive his wife Sangeeta from his house. For which, the eldest brother of Sangeeta i.e. Bhubaneswar Sahoo had taken time till 24.10.2005 to fulfill the demand of Rs.30,000/- of the accused. But before 24.10.2005 i.e. on 22.10.2005 Sangeeta committed suicide through hanging in the house of accused for the aforesaid torture of the accused on her.

Thereafter, the accused intimated about the above suicide of Sangeeta to his in-laws over phone and after getting such information, they came and saw the same and the eldest brother of the deceased i.e. Bhubaneswar Sahoo lodged F.I.R vide Ext.2 against the accused along with his father, brother and others at Mahila Police Station Bhubaneswar on dtd.23.10.2005.

Basing upon such FIR vide Ext.2, the IIC of Mahila P.S. namely Smt.Bilasini Nayak registered Bhubaneswar Mahila P.S.Case No.120/dtd.23.10.2005 and she herself took up the investigation.

During investigation, she examined the informant, witnesses, visited the spot, prepared the spot map vide Ext.9, held inquest over the dead body of deceased Sangeeta, prepared the inquest report vide Ext.3, sent the dead body through dead body challan with constable S.N.Badjena and B.Mohapatra for P.M. examination and after completion of post mortem examination over the dead body of the deceased, she(IIC) seized the wearing

apparels and ornaments of the deceased on production by constable through seizure list vide Ext.12 and released the said ornaments in the zima of the informant by executing zimanama vide Ext.7 in his favour. Then, she (I.O.) arrested the accused Dillip(husband of the deceased) and forwarded him to court.

She (I.O.) seized the marriage invitation card regarding the marriage of the accused with deceased along with medical papers of deceased Sangeeta through seizure list vide Ext.13 and released the same in the zima of Pradeepta Kumar Sahu(from whom the same was seized) through zimanama vide Ext.14. Then she(I.O) received the P.M. report of deceased Sangeeta, but before completion of investigation i.e. on dtd.21.01.2006, the inspector H.R.P.C. Prasanna Kumar Das took over the charge of the investigation of the case along with its connected papers from IIC Bilaseni Nayak and proceeded with the rest part of the investigation.

3. During investigation, the I.O.(P.K.Das) effected seizure of articles, re-examined the witnesses, seized the list of alleged dowry articles through seizure list vide Ext.5 and released the same in zima of informant through zimanama vide Ext.6 and he(I.O.) came to know from his investigation that, the suicidal death of deceased Sangeeta is the out come of abetment and torture of accused Dillip Kumar Sahu only. Then after completing investigation, he(I.O. P.K.Das) submitted charge sheet U/s.498A, 306 and 406 of the

I.P.C on dtd.19.02.2006 against the accused Dillip Kumar Sahu only.

4. Accordingly after commitment, the accused is facing this sessions trial having been charged with the offences U/s.498A and 306 of the I.P.C.

5. The plea of the defence is one of complete denial to the involvement of the accused with the alleged torture and suicidal death of the deceased. The specific case/plea of the defence, as it borne out from the suggestions of the defence to the witnesses of the prosecution, statement of the accused U/s.313 of the Cr.P.C and the evidence adduced through the defence witnesses that, the deceased was a psychiatric patient having her mental abnormality and due to such mental abnormality, she has committed suicide herself during the absence of the accused, to which, the accused has no contribution at all, for which, no liability can be fastend on the accused regarding her death.

6. In order to substantiate the above charges U/s.498A & 306 of the I.P.C against the accused, prosecution has examined altogether 33 numbers of witnesses. But whereas, the defence has examined five witnesses on its behalf as D.W.s 1 to 5 in support of his aforesaid plea with regard to the mental illness(psychiatric problem) of the deceased. Out of the thirty three witnesses of the

prosecution, P.W.15 is the father of the deceased and P.Ws.12, 16 & 21 are her three brothers, P.W.22 is her sister in law(Bhauja). P.W.14 is the relative of P.Ws.15,12,16,21 and 22. Out of them P.W.15 is the informant.

P.W.23 & 13 are the priest and Barber in the marriage of the deceased with accused. P.Ws.1 to 7, 9, 25 and 29 are the neighbourers of the accused. P.W.17 to 20, 26 & 27 are the neighbourers of P.W.s. 15,12,16,21 & 22. P.W.8 is a doctor i.e. psychiatric Specialist. The rest five witnesses i.e. P.Ws.28,30,31,32 and 33 are the official witnesses. Out of the above five P.Ws.28 is the Executive Magistrate in whose presence inquest over the dead body of the deceased was held. P.W.30 is the doctor, who had conducted post mortem examination over the dead body of the deceased Sangeeta. P.W.33 is the 1st I.O. P.W.32 is the Addl.S.P. Who had supervised the investigation. P.W.32 the last I.O., who has submitted charge sheet against the accused after completing investigation.

7. Basing upon the aforesaid story of the prosecution, with alleged criminal charges U/s.498A & 306 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 the accused was subjecting his wife Sangeeta to cruelty for non fulfillment of his unlawful demand?

- (ii) Whether the death of Sangeeta was suicidal through hanging?
- (iii) Whether the suicidal death of Sangeeta was for no other reason but due to the abetment her husband i.e. accused Dillip ?

8. In order to have a better appreciation and so also for just decision, the above three points fixed for determination are required to be discussed and analysed serially and chronologically one after another by taking into account the materials and evidence available in the record.

9. So far the first point i.e. whether the accused was subjecting his wife to cruelty for non fulfillment of his unlawful demand is concerned;

This point relates to the offence U/s.498A of the I.P.C.

According to prosecution, the marriage of the accused with his wife Sangeeta was solemnized on dtd.07.05.1998.

It has been alleged on behalf of the prosecution that, for the said marriage of the accused with Sangeeta, there was demand of dowry from the side of the accused prior to the marriage. The demand was also made at the time of marriage and then the demand was continued after marriage till the death of Sangeeta. The further allegation of the prosecution against the accused that, after marriage, the accused was abusing, assaulting and so also he (accused) was driving Sangeeta out from the house for non

fulfillment of his demand by her father and brothers and accordingly most of the time, Sangeeta was staying in her parents house with her daughter.

As stated above, it is the case of the prosecution against the accused that, there was demand of dowry by the accused before, at and after his marriage with Sangeeta. But to which, the defence has seriously disputed/denied.

Now it will be seen, howfar, the prosecution has become able to establish the aforesaid allegations of alleged demand against the accused through legally admissible evidence.

10. In this case, out of all the 33 witnesses of the prosecution, only six witnesses i.e. P.W.s 15, 12, 16, 21, 22 & 14 those are the father, brothers, sister-in-law of the deceased and their own relative i.e. P.W. 14 has deposed in this case in their respective examinations in chief relating the alleged demand of the accused. But the evidence of the aforesaid P.Ws.15,12,16,21,22 and 14 in that regard are contradictory with each other.

So far the alleged demand prior to the marriage is concerned ;

Out of P.W.s 12,14,15,16,21 & 22, only P.Ws 12 and 16 have deposed about the same by stating in their respective examination-in-chief that, as per the demand from the side of the bride groom, they gave Rs.30,000/- as dowry along with other articles. The aforesaid evidence of P.Ws.12 and 16 is not

implicating the accused firmly with the alleged demand, because the said statement of P.Ws.12 and 16 regarding the alleged demand prior to marriage is omnibus and general in nature. That apart, the other relatives of P.Ws.12 and 16 i.e. P.Ws.14,15,21 and 22 have not uttered any word in their evidence with regard to any demand from bride groom side prior to the marriage. So, due to the above contradictory evidence between P.Ws.12, 16 and 14,15, 21 and 22 coupled with the general nature of the aforesaid evidence of P.Ws.12 and 16, it can not be safely held that, there was any demand of dowry by the accused from her aforesaid in-laws i.e. P.Ws.12,14,15,16,21 and 22 prior to the marriage.

11. So far the demand of dowry alleged against the accused with regard to demand at the time of marriage is concerned;

P.Ws.12(informant), 15,16,21 & 22 have stated relating to the same in their examination in chief. But, P.W.14 has not uttered a single word about the same in her examination-in-chief. Out of P.Ws.12,15,16,21 & 22 P.Ws.12,15 and 16 have specifically deposed in their respective examinations-in-chief that, at the time of marriage, Abhimanyu Sahu and his youngest son Susil Kumar Sahu demanded one Hero Honda motor cycle on behalf of the accused. But to which, P.Ws.21 & 22 have contradicted. Because, the said P.Ws.21 & 22 have specifically deposed in their respective examination-in-chief that, at the time of marriage, there was demand by the accused Dillip and they have not stated about any

demand by Abhimanyu and Susil as stated above by P.Ws.12,15 and 16.

In the above manner, there is contradiction and discrepancies between the evidence of own family members of the parent of the deceased i.e. between P.W.s.12,14,15,16,21 & 22. So due to the above self contradictory statements between the family members of the informant i.e.P.W.12, it can not be safely believed that, there was demand of dowry by the accused at the time of marriage.

12. So far the demand of dowry alleged against the accused regarding the demand of the same after marriage is concerned;

The evidence made by the brothers, father, sister-in-law of the deceased Sangeeta including their relative (P.Ws.12,14, 15,16,21 and 22) in that regard is contradictory with their earlier statements before the Investigating Officer. The said contradictions in the statements of P.Ws.12,14,15,16,21 & 22 made in the court in their respective examinations-in-chief with their previous statement before the Investigating Officer U/s.161 Cr.P.C. have been duly proved by the defence as per law U/s.145 of the Indian Evidence Act.1872 after confronting the same to the said witnesses at the time of their cross-examinations and as well as the Investigating officers i.e. P.Ws.31 & 33.

That apart, the father of the deceased Sangeeta i.e. P.Ws.15 has deposed in his examination-in-chief that one Sankar Sahu(Mausa of accused) was the mediator in the said marriage

between the accused and the deceased. Prosecution has also examined the said mediator of the marriage i.e. Sankara Sahu on his behalf as P.W.10. The said Sankar Sahu(P.W.10) has admitted about his mediatorship in the said marriage. But, he(P.W.10) has specifically deposed in his cross-examination that, at the time of marriage,there was no discussion with regard to giving of dowry. The said P.W.10 has not been declared hostile by the prosecution and accordingly the prosecution has relied upon the evidence of P.W.10. The aforesaid evidence of P.W.10, is ultimately disregarding to the allegation of demand of dowry alleged by the prosecution against the accused.

So, due to the above contradictions in the statements of P.W.s12,14,15,16,21 & 22 made in the Court with their previous statement before the I.O. coupled with the non support of own witness of the prosecution i.e. P.W.10 to the alleged demand of dowry, it can not be safely concluded that, there was demand of dowry by the accused, before, at or after the marriage from the father and brothers of his wife Sangeeta as a consideration of marriage.

13. For the reasons stated above, when it is held that, prosecution has failed to establish the alleged demand of dowry against the accused, then at this juncture, the allegations of the prosecution against him (accused) with regard to subjecting his wife to cruelty for non-fulfillment of his said demand must be

failed automatically. Because, when, there is no proof of demand of dowry, the question of subjecting her wife to cruelty for non-fulfillment of the said demand does not arise at all. As such, the offence U/s.498A of the I.P.C. has been failed to be established by the prosecution against the accused beyond all reasonable doubt.

14. So far the second point i.e. whether the death of Sangeeta was suicidal through hanging is concerned ;

Though initially it was stated by the informant (P.W.12) in the F.I.R. Vide Ext.2 that, the death of Sangeeta was not suicidal one through hanging but she was killed. In the later part of the case, the said allegation of murder was forgiven and it was stated on behalf of the prosecution that, the death of Sangeeta was a suicidal one through hanging, for which, police submitted charge sheet with the offence U/s.306 of the I.P.C. i.e. punishment for abetment of suicide against the accused.

In that regard, the father of deceased Sangeeta i.e. P.W.15 has deposed in para 9 of his examination in chief that, “after getting telephone from the accused Dillip that, his daughter has committed suicide through hanging, his son(P.W.12) immediately went to the house of accused at Bharatpur and saw that, actually his daughter has committed suicide by hanging with a rope”

The doctor (P.W.30) who had conducted post mortem examination over the dead body of deceased Sangeeta on police requisition has stated clearly in his examination in chief and as

well as in cross by referring the P.M. report vide Ext.8 that, the cause of death of deceased Sangeeta was suicidal through hanging.

Therefore, from the case of the prosecution coupled with the aforesaid statement of the P.W.15 and 30 made in the Court, it is safely concluded that, the death of deceased Sangeeta was for no other reason, but the same was suicidal one through hanging.

15. So far the 3rd point i.e. whether the suicidal death of Sangeeta was for no other reason but due to the abetment of her husband i.e. accused Dillip is concerned;

This point relates to the charge U/s.306 of the I.P.C., which provides punishment for the offence i.e. Abetment of suicide.

The law on the aspect of the offence abetment of suicide stated in the section 306 of the I.P.C.(in which the accused has been charged with in this case) has already been settled by the Apex Court, in the decisions reported in (2010) 1 SCC 750,2010(1) O.L.R. (SC) 779 Gangula Mohan Reddy (v) State of Andhra Pradesh and (2010) 47 O.C.R. (S.C.) 376 S.S. Cheera (V) Vijay Kumar Mahajan, wherein the meaning of suicide and the essentials thereof for constituting the offence have been well clarified.

It has been held in the aforesaid decisions of Apex Court that, "Sui" means "Self" and "cide" means killing. Thus the words suicide implies an act of self killing. A person committing suicide must commit it by himself/herself, irrespective of the means employed by him in achieving his object of killing himself/herself.

Suicide by itself is not an offence. But abetment of such suicide is an offence. The offence i.e. abetment has been defined in Section 107 & 109 of the I.P.C.. So, in order to constitute the offence U/s.306 of the I.P.C. i.e. punishment for abetment of suicide, the ingredients of abetment defined in Section 107 of the I.P.C. are to be fulfilled by the prosecution.

16. So by the conjoint reading of Sections -306, 107 & 109 of the I.P.C., it is forthcoming that, in order to penalise a person U/s.306 of the I.P.C., it is to be established on behalf of the prosecution that, the suicide of the deceased was for no other reason but only due to the instigation, incitement, provocation or aid of the accused.

On that score, the propositions of law has been settled in the following decisions :-

(2010)45 OCR (SC) 760 :- Gangula Mohan Reddy Vrs. State of A.P.-I.P.C-1860-Sec-306-Abetment of suicide- Without a positive act on the part of the accused to instigate or aid in committing suicide, no case U/s.306 of the I.P.C. will be made out.

2009(4) CRM 729 (M.P.) 306- To constitute offence U/s.306 I.P.C., accused must have provoked, incited or induced deceased to commit suicide- There must be mens-rea also- The act of accused must be such that, deceased was left no alternative but to commit suicide.

Here in this case, according to prosecution, the marriage of deceased Sangeeta with accused Dillip was solemnized on dated 07.05.1998 and the deceased committed suicide on dated

22.10.2005. So such suicide of deceased Sangeeta was made beyond 7 years of her marriage.

As the suicidal death of Sangeeta is beyond 7 years of her marriage, for which, the presumptions under law provided against an accused U/s.113A of the Indian Act 1872 for the offence U/s.306 of the I.P.C. is not available for the prosecution in this case, because the said presumptions provided U/s.113A is not applicable to this Case.

17. Now it will be seen from the materials available in the record that, whether the above suicide of the deceased Sangeeta was made on dated 11.10.2005 through hanging in the house of accused, due to the instigation, provocation, incitement or aid of her husband i.e. accused Dillip.

It is the definite case of the prosecution that, the main purpose and cause of instigation to commit suicide by the deceased was for non fulfillment of demand of the accused. But, as per the discussions made in the forgoing point No.1, it has already been held that, prosecution has not been able to establish satisfactorily to the alleged demand against the accused. Due to non-proving of the alleged demand against the accused by the prosecution, the cause and basis of instigation alleged against the accused for suicide of the deceased Sangeeta has been failed to be established automatically.

That apart, there is no material in the record on behalf of the prosecution to show that, accused was present before her wife in his house soon before committing her suicide. Further it is forthcoming that, during the absence of the accused from his house, Sangeeta has committed suicide. So it is well established that, during the time of absence of the accused from the house, his wife Sangeeta has committed suicide.

The defence has taken the specific and definite plea that, the said suicide of the deceased was due to her mental disorder but not for any instigation/incitement or aid of the accused, to which prosecution has seriously disputed/denied.

In order to substantiate the aforesaid plea of the defence, regarding the proof of mental illness of the deceased Sangeeta, defence has examined five witnesses on itself behalf as D.Ws. 1 to 5.

Though, prosecution has strenuously denied to the aforesaid plea of the defence i.e. the plea of mental illness of the deceased (by suffering from psychiatric disease through the answers of the P.Ws. 12, 14, 16, 21 & 22 to the questions on behalf of the defence) still then, some witnesses of the prosecution itself i.e. P.Ws. 1, 8, 10, 31 & 32 including the I.Os (P.Ws. 31 & 32) have supported to the aforesaid plea of the defence. The aforesaid witnesses i.e. P.Ws. 1, 8, 10, 31 & 32 are not the hostile witnesses of the prosecution. Because the I.O. (P.W.31) has deposed in para 6 of her examination in chief that, “she seized some medical documents i.e.

prescriptions and consultation card of Sangeeta Sahoo". P.W.32 (D.S.P.H. R.P.C, Cuttack) has deposed in para-3 of his cross examination that, so far he remembers, the wife of accused was suffering from psychiatric problem. Therefore, he directed the I.O. to seize the treatment documents from the concerned doctors. P.W.1 has stated in para -3 of his cross-examination that, he knows that, the deceased had some mental problem. Accused never tortured his wife at any point of time to his knowledge. He came to know later that, wife of the accused has been hanged herself. P.W.10 has deposed in his evidence in chief and cross by stating that he was the mediator of the marriage between Tiki and the accused Dillip. After marriage, when he went to the house of the accused, found that Tiki was a psychiatric patient and he brought all the records of medical treatment of Tiki from her parents house and handed over to the accused. He also found that Tiki was made. Likewise P.W.8 who is a private doctor has deposed in his evidence by stating that, he is a specialist in psychiatric and has completed post graduation in the said subject. The patient i.e. Sangeeta Sahoo @ Tiki was suffering from psychiatric illness. The same is a psychotic nature of illness, causes loss of mental balance and in such cases it develop suicidal tendency.

18. The above evidence of the P.Ws. 1, 8, 10, 31 and 32 is probalising and supporting to the plea of the defence i.e. suffering of the deceased Tiki @ Sangeeta Sahoo from Psychiatric

diseases having loss of her mental balance and creation of suicidal tendency in her mind automatically. Because, prosecution has not at all disowned or disregarded the evidence of the aforesaid witnesses i.e. P.Ws. 1, 8, 10, 31 & 32 due to non-declaring them as hostile, though in their respective evidences they deposed in support of the plea of the defence.

The propositions of law on that score has been highlighted in the ratio of the following decisions:-

“1981 CLR page 81 Ramanath Das Vrs. State Criminal Trial:-When defence version finds support from the story of the prosecution, the story of the defence is to be believed.

Criminal Trial – When the prosecution witnesses supports the plea of the defence(case of the defence), then in such a situation, the case of the defence shall be acceptable.

2010 Vol(I) CJD (SC) Page 314 Javed Masood and another V. State of Rajasthan,

AIR 2010 (SC) Page 979 – (2005) 5 SCC page 258 Mukhtiar Ahammed Ansary V.State of (N.C.T.)of Delhi.

Indian Evidence Act, 1872 Section 137, 154 and 3 – witness not supporting prosecution- Public prosecutor fail to seek permission of the Court to declare him hostile- His evidence is binding on the prosecution as it is – Defence can rely on his evidence.

In view of the propositions of law enunciated in the ratio of the decisions referred to supra, when, in this case at hand as stated

above, the witnesses of prosecution i.e. P.Ws. 1, 8, 10, 31 & 32 (those have not been declared hostile by the prosecution), have supported the case of the defence i.e. the commission of suicide by the deceased Sangeeta @ Tiki out of her own accord for loosing her mental balance due to develop of suicidal tendency in her mind by suffering from psychiatric diseases, then at this juncture, there is no justification under law to disbelieve the said plea of the defence. Because, the aforesaid plea of the defence is forthcoming from the evidence of the aforesaid witnesses of the prosecution itself i.e. P.Ws. 1, 8, 10, 31 and 32.

It is also the well settled propositions of law that, when the case of the defence shall become probable, in such a case, the case of the prosecution shall become doubtful automatically.

Due to the probabilisness of the plea of the defence for the reasons stated above, the case of the prosecution against the accused with regard to the allegation of incitement, instigation, abetment or aid by him to his deceased wife Sangeeta @ Tiki for committing suicide has become doubtful and unacceptable.

That apart, there is no oral or documentary evidence in the record on behalf of the prosecution to show firmly that, the aforesaid suicide of the deceased Sangeeta @ Tiki through hanging in the house of the accused was due to any provocation, incitement, inducement or aid of the accused for commission of such suicide. There is also no material in the record on behalf of the prosecution to show that the accused had any mens rea for the

death of his wife through suicide and likewise there is also no material in the record to show that the conduct, activities and the acts of the accused on his deceased wife Sangeeta was such that she (Sangeeta) was left no other alternative but to commit suicide.

In the above manner there is no material in the record on behalf of the prosecution to fulfill all the ingredients of section 107 and 109 of the I.P.C. for making out the offence U/s.306 of the I.P.C. against the accused beyond all reasonable doubt.

Due to lack of proving of the essentials of Section 107 and 109 of the I.P.C. against the accused by the prosecution, it cannot be safely concluded that the suicidal death of Sangeeta @ Tiki was for no other reason but due to the abetment of her husband i.e. accused Dillip. So, prosecution has also not become able to establish the offence U/s.306 of the I.P.C. against the accused through legally admissible evidence.

19. 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 not become able to establish the aforesaid charges U/s.498A & 306 of the I.P.C. against the accused beyond all reasonable doubt.

Therefore, I found the accused not guilty with the aforesaid charges U/s.498A & 306 of the I.P.C. accordingly, he (Dillip

Sahoo) is acquitted U/s.235(1) of the Cr.P.C. from the aforesaid charges U/s.498A & 306 of the I.P.C. on the ground of benefit of doubt. So the accused is directed to be set at liberty forthwith.

20. The zimanamas be cancelled and the other seized articles if any beyond zimanama be destroyed four months after the appeal period is over, if no appeal is preferred, but in case of an appeal, as per the direction of the Hon'ble Appellate Court.

Pronounced the judgment in open Court to day on this the 7th day of May, 2014 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	Narmada Patra
P.W.2.	Santilata Tripathy
P.W.3.	Smt Rama Nayak
P.W.4.	Mamata Mohapatra
P.W.5.	Niranjan Tripathy
P.W.6.	Sarojini Patra
P.W.7.	Jayanta Muni
P.W.8.	Dr.Sourya Kanta Das
P.W.9.	Kumar Sahu
P.W.10.	Sankar Sahu
P.W.11.	Sunil Kumar Das

P.W.12.	Bhubaneswar Sahu
P.W.13.	Rama Chandra Barik
P.W.14.	Kanak Baral
P.W.15.	Jagannath Sahu
P.W.16.	Biranchi Narayan Sahu
P.W.17.	Kamala Mallick
P.W.18.	Bhikari Behera
P.W.19.	Kunja Nayak
P.W.20.	Laxminarayan Acharya
P.W.21.	Bauri Bandhu Sahu
P.W.22.	Reeta Rani Sahu
P.W.23.	B.Panda
P.W.24.	Bansidhara Behera.
P.W.25.	N.Routray
P.W.26.	P.R.Prati Hari
P.W.27.	Braja Bandhu Sahu
P.W.28.	Manashi Mandhata
P.W.29.	Krushna Chandra Pradhan
P.W.30.	Sarbeswar Acharya
P.W.31.	Smt. Bilasini Nayak
P.W.32.	Pradipta Kumar Das
P.W.33.	Prasanna Kumar Dash

List of witnesses examined for the defence:

D.W.1.	Shyama Sundar Sahu
D.W.2.	Pramod Sahu
D.W.3.	Prafulla Sahu
D.W.4.	Arun Kumar Mohapatra
D.W.5.	Dillip Kumar Sahoo.

List of documents marked on behalf of prosecution:

Ext.1.	Xerox copy of the prescription five sheets
Ext.2.	F.I.R.
Ext.2/1.	Signature of P.W.12
Ext.3.	Inquest report.
Ext.3/1.	Signature of P.W.12
Ext.4.	Seizure list.
Ext.4/1.	Signature of P.W.12
Ext.5.	Seizure list.
Ext.5/1.	Signature of P.W.12
Ext.6.	Zimanama
Ext.6/1.	Signature of P.W.12
Ext.7.	Zimanama
Ext.7/1.	Signature of P.W.12
Ext.3/2.	Signature of P.W.28
Ext.8.	P.M. report
Ext.8/1.	Signature of P.W.30
Ext.8/2.	Signature of Dr. C.V.S.N.Rao
Ext.2/2.	Endorsement of I.O.
Ext.2/3.	Formal FIR
Ext.2/4.	Signature of P.W.31
Ext.9.	Spot Map
Ext.9/1.	Signature of P.W.32
Ext.10.	Command certificate
Ext.10/1.	Signature of P.W.31
Ext.11.	Dead body challan
Ext.11/1.	Signature of P.W.31
Ext.12.	Seizure list.
Ext.12/1.	Signature of P.W.31

Ext.7/2.	Signature of P.W.31
Ext.13.	Seizure list.
Ext.13/1.	Signature of P.W.31
Ext.14.	Zimanama
Ext.14/1.	Signature of P.W.31
Ext.15.	Seizure list
Ext.15/1.	Signature of P.W.33.
Ext.4/2.	Signature of P.W.33.
Ext.5/2.	Signature of P.W.33.
Ext.6/2.	Signature of P.W.33.
Ext.16.	Seizure list.
Ext.16/1.	Signature of P.W.33.
Ext.17.	List of dowry articles.

List of documents marked on behalf of defence:

Marked X	Photo defence
Ext.A.	Forwarding letter.
Marked Y	Copy of application of informant B.Sahu to Sarapanch
Ext.B	Consultation card.

List of M.O. on behalf of prosecution:

Nil

List of M.O. on behalf of defence:

Nil

Addl. Sessions Judge,
Bhubaneswar.

