

In the court of the Special Judicial Magistrate, Khurda

Present : Shri S.K.Padhy, LL.B.,

Special Judicial Magistrate,

Khurda.

Date of conclusion of argument; 8.9.2014

Date of judgment 8.9.2014

G.R Case No. 16/03

T. R No. 173/13

State

Versus

1. Radhu @ Radhamohan Pradhan age 26 years

S/o Bansidhar Pradhan

of village Kadalibadi

P.S/ Dist. Khurda.

Accused .

Counsel

For the prosecution

Shri A.Khan, A.P.P., Khurda.

For the defence

Shri K..N.Ray and associates,

Advocates, Khurda.

J U D G M E N T

1. The above named accused stands prosecuted for the offences punishable u/s 341/323/294/427/506 of the Indian Penal Code.

2. Prosecution case is that on 5.1.2003 at about 12.30 a.m near the sales tax gate, Dadhimachagadia, Khurda while the tipper bearing registration no. OR-02W 3295 was engaged in road work (N.H.A.I), the above named accused came there in an ambassador car bearing registration no. ORF 9305 obstructed the movement of the said tipper vehicle, manhandled, used unparliamentary languages to the driver and thereby assaulted the driver and damaged the front glass of the vehicle by a iron rod. The informant reported the matter at the P.S and basing on his report a case registered and after completion of the investigation charge sheet u/s 341/323/294/427/506 of the I.P.C was submitted against the above named accused . Hence this case.

3. The recording of the statement of the accused is dispensed with as no incriminating material was found against him in the evidence of the prosecution case.

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4. Now the points for determination of this case are as follows;-

i) Whether on the relevant date, time and place the accused had wrongfully restrained the movement of the vehicle bearing no. OR-02W 3295 and its driver so as to prevent the driver from proceeding in the direction which he had right to proceed.

ii) Whether on the relevant date, time and place the accused had abused the driver of the said vehicle(Nandakishore Pradhan) in obscene words causing annoyance to him and others at or near a public place.

iii) Whether on the relevant date time and place the accused had voluntarily caused hurt to Nandakishore Pradhan the driver of the said vehicle.

iv) Whether on the relevant date, time and place the accused committed mischief by damaging the front glass of the vehicle bearing no. OR-02W- 3295.

v) Whether on the relevant date, time and place the accused had threatened the driver of the said vehicle with criminal intention alarming in his mind.

5. In order to prove its case prosecution examined only the informant, driver of the alleged vehicle and the M.O as P.W 1 to 3 and declined the rest of the charge sheeted witnesses since informant and driver of the said vehicle(Nandakishore Pradhan, injured) denied to have any knowledge regarding the occurrence and stated they don't want to proceed further in this case.. Defence examined none on its behalf. F.I.R. Signature of the informant, injury report and the signature of the P.W 2 are marked as Ext. 1 to Ext. 2/1.

6. According to the informant P.W 3 he does not remember any thing regarding the occurrence since it had occurred in the year 2003. He further stated that he does not want to proceed further in this case. He proves his report Ext. 2 and 2/1 is signature in it. In the cross examination he admitted that he was not examined by the police in connection with this case. The injured P.W 2 also deposed that he does not any thing about this case and further stated he does not remember whether he was medically examined. P.W 3, the medical officer who examined him found no injury on his person and proves his report Ext. 1 and 1/1 is his signature. In view of the evidence on record, I am of the opinion that there is no evidence on record for commission of the alleged crime by the present accused and prosecution has failed to prove the alleged offences u/s 341/323/294/427/506 of the I.P.C against the accused beyond all reasonable doubt.

7. In the result the accused is held not guilty u/s 341/323/294/427/506 of the I.P.C. He is, therefore acquitted u/s 255(i) of the Cr.P.C.

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8. He be set at liberty forthwith and discharged from his bail bond.

9. Enter this case as mistake of fact

Special Judicial Magistrate, Khurda.

This judgment is typed by me and pronounced in the open court
this the 8th day of September 2014.

Special Judicial Magistrate, Khurda.

List of witnesses examined for the prosecution

P.W 1 Nandakishore Pradhan, injured

P.W 2 Dr. Asima Patra, M.O

P.W 3 Ramnarayan Mishra, informant.

List of witnesses examined for the defence

None

List of documents admitted in evidence for the prosecution

Ext. 1 Injury report of P.W 1

Ext. 1/1 Signature of P.W 2

Ext. 2 F.I.R

Ext. 2/1 Signature of P.W. 3

List of documents admitted for the defence for the defence.

Nil

List of M.Os admitted in evidence for the prosecution/ defence.

Nil.

Special Judicial Magistrate, Khurda.