

IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE,  
BHUBANESWAR

PRESENT:

*Sri D.R. Sahoo, L.L.M.,  
S.D.J.M., Bhubaneswar.*

**G.R. Case No. 3972/2012**

**Trial No-1887/2013**

**Date of argument: 29.09.2014**

**Date of Judgment: 13.10.2014**

**STATE ..... Prosecution**

**Versus**

J. Laxminaryan @ Laxminaryan Paleya @ Naryan Sahoo, aged about 32 years, S/o. Late Biswanath Sahoo, Vill- Sutahata Tanti Sahi P.S. Mangalabag, Dist- Cuttack, At/Pr- Goutamnagar Basti, P.S. Badagada, Bhubaneswar, Dist- Khurda.

**.....Accused.**

**Offence under Sections 498(A)/ 323/406/506 of I.P.C & U/s. 4 D.P. Act.**

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence: Sri S. Das and Associates.

**J U D G M E N T**

The above named accused stands charged for committing the offences punishable U/s **498(A)/ 323/406/506** of I.P.C and U/s. 4 D.P. Act.

2. The case of prosecution in brief, is as follows:-

The informant is the legally married wife of the accused and their marriage was solemnized on 06.07.12 in presence of their well wishers as per Hindu rites and customs at Baramulei Thakurani temple. After marriage the accused subjected the informant to mental and physical cruelty in connection to demand of dowry .Being aggrieved the informant informed the police and after due investigation, Police submitted charge sheet U/s**498(A)/323/406/506** of

IPC and U/s.4 D.P. Act. and subsequently charges were framed against the accused to which he plead not guilty and claimed for trial. Hence this trial.

3. The plea of the defence is one of complete denial and implication.

4. The points for determination in this case are as follows:-

i) *Whether after marriage the accused inflicted cruelty on the informant and thereby committed offence punishable U/s. 498-(A) of IPC?*

ii) *Whether after marriage the accused voluntarily caused hurt to the informant without any provocation and thereby committed offence punishable U/s. 323 of IPC?*

iii) *Whether after marriage the accused committed criminal breach of trust having been entrusted with the articles of the informant and thereby committed offence punishable U/s. 406 of IPC Act?*

iv) *Whether after marriage the accused threatened the informant intend to cause alarm in her mind and thereby committed offence punishable U/s. 506 of IPC?*

v) *Whether the accused has demanded Rs. 2,00000/- from the informant as dowry and thereby committed offence punishable U/s. 4 of D.P. Act?*

5. The informant (P.W.1) has deposed before the Court that the case has been amicably settled and she has no more allegation against the accused. She has further deposed that she does not want to proceed with this case against the accused. There is absolutely no evidence on record to hold the accused guilty 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

498(A)/ 323/406/506 of IPC and U/s. 4 D.P. Act. and he is acquitted there from as per the provision U/s.248 (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 the 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 13<sup>th</sup> day of October , 2014.

**S.D.J.M., Bhubaneswar.**

**List of witnesses examined on behalf of the prosecution:**

P.W.1: Srimati Sahoo.

P.W.2: 6 J. Meenakshi.

P.W.3: Jagannath Sahoo.

**List of witnesses examined on behalf of the defence:**

None

**List of Exts. marked on behalf of the prosecution:**

Ext.1: F.I.R.

Ext. 1/1.: Signature of P.W. on it.

**List of Exts. marked on behalf of the defence:**

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**S.D.J.M., Bhubaneswar.**