

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- 2836/2012

Trial No- 637/2013

Date of argument: 22.10.2014

Date of Judgment: 22.10.2014

STATE.....Prosecution

Versus

Meru @ Prakash Naik, aged about 42 years, S/o. Ghanashyama Naik, At-Gadapadar , P.S. Begunia, Dist- Khurda, At/Pr-Baramunda Harijana Sahi, P.S. Khandagiri, Bhubaneswar.

.....Accused

Offence under Sections 341/323/324/294 of Indian Penal Code

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri S.K. Sahoo and Associates

J U D G M E N T

The above named accused stands charged U/s. **341/323/324/294** of I.P.C.

2. The prosecution case in brief is that

On 07.08.2012 at about 1.00 P.M, the accused abused the informant's younger son wrongfully restrained him, assaulted him and then caused hurt to him . Being aggrieved, the informant lodged FIR at the Police Station and after due investigation police submitted charge sheet and subsequently charges were framed U/s.**341/323/324/294** of IPC to which the accused 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 12.04.2010 at about 1.00 P.M., the accused wrongfully restrained the informant's younger son thereby prevented him from proceeding in a direction where she had a right to proceed and thereby committed the offence punishable U/s.341 of IPC?*

ii) *Whether on the aforesaid date and time and the accused voluntarily caused hurt to the informant's younger son without any provocation so as to commit the offence punishable under section 323 of IPC?*

iii) *Whether on the aforesaid date and time the accused assaulted the informant's younger son by a means of Phawada and voluntarily caused hurt to informant's younger son without any provocation and thereby committed the offence punishable U/s. 324 of IPC?*

iv) *Whether on aforesaid date and time the accused uttered obscene languages at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294 of IPC*

iv

5. The informant (P.W.1) has deposed before the Court that the case has been amicably settled and she does not want to proceed in this case. Moreover, there is absolutely no evidence on record to hold the accused guilty in this case.

6. Taking consideration of the said facts and circumstances as there is no evidence on record against the accused, he is found not guilty U/s. 341/323/324/294 of IPC. 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.

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 22nd day of October, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Bhanu Naik.

P.W.2: Santosh Naik.

List of witnesses examined on behalf of the defence:

N O N E

List of Exts. marked on behalf of the prosecution:

N I L

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.