

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- 2966/2012**

**Trial No- 141/2013**

**Date of argument: 17.11.2014**

**Date of Judgment: 18.11.2014**

**STATE.....Prosecution**

**Versus**

1. **Biswanath Parida** aged about 54 years, S/o. Late Kahnu Ch. Parida,
2. **Bijayananda Parida**, aged about 32 years, S/o. Biswanath Parida, Both are of : Vill- Khandeita, P.S. Cuttack Sadar, Dist- Cuttack.

**.... Accused persons**

**Offence under Sections 294/506/34 of Indian Penal Code**

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri B. Mishra and Associates

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

The above named accused persons stand prosecuted for committing offences punishable U/s. 294/506/34 of I.P.C.

2. The prosecution case in brief is that

On 16.08.2012 at about 7.00 P.M. the accused persons in furtherance of their common intention abused the informant in obscene languages and threatened to him do away his life. Being aggrieved the informants lodged FIR at the Police Station and after due investigation

police submitted charge sheet and subsequently substance of accusation U/s 294/506/34 of IPC read over and explained which the accused persons 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 16.08.2012 at about 7.00 P.M the accused persons in furtherance of their common intention uttered obscene words at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294/34 of IPC?*

iii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention threatened the informant intend to cause alarm in his mind and thereby committed offence punishable U/s. 506/34 of IPC*

5. The informant (P.W.) deposed before the Court that the matter has been amicably settled. He does not want to proceed with this case against the accused persons. His wife also deposed same thing before this Court and that there is absolutely no evidence on record to hold the accused persons guilty in this case.

6. Taking consideration of the above said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty U/294/506/34 of IPC. and they are acquitted there from as per the provision U/s.255 (1) Cr.P.C. They be set at liberty forthwith. Their 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 18<sup>th</sup> day of November, 2014.

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

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

P.W.1: Satya Narayan Panda

P.W.2: Smt. Eva Panda

**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.**