

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-3803/2011

Trial No- 695/2013

Date of argument: 16.10.2014

Date of Judgment: 20.10.2014

STATE.....Prosecution

Versus

1. Sarat @ Prasanta Ku. Swain, aged about 35 years , S/o. Lingaraj Swain, Vill- Nakhur, P.S. Lingaraj, Dist- Khurda.
2. Batu @ Debabrata Panda, aged about 25 years, S/o. Jadumani Panda, Vill- Jagannathpur Patana, Kumardihi, P.S. Lingaraj, Dist- Khurda
3. Chintu @ Mahendra Ku. Rout, aged about 25 years, S/o. Ramesh Ch. Rout., Vill- Ekachalia, P.O.Sangalisasan,P.S. Pipili, Dist- Puri.

.....Accused persons.

Offence under Sections 341/323/324/336/294/427/354/506/509/34 of Indian Penal Code

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence Sri A. Mishra and Associates

J U D G M E N T

The above named accused persons stand charged for committing offences punishable U/s. 341/323/324/336/294/427/354/506/509/34 of I.P.C.

2. The prosecution case in brief is that:

On 25.12.2011 at about 4.30 P.M, the accused persons in furtherance of their common intention abused in the informant and his family members in obscene language modesty of the family member of the informant, assaulted by means of dangerous weapons, criminally intimidated them, damaged their vehicle & threatened them to do away their life. Being aggrieved the informant lodged FIR at the Police Station and after due investigation police submitted charge sheet U/s. 341/323/324/336/294/427/354/506/509/34 I.P.C .Cognizance of the above noted offences are taken and charges were framed against the accused persons to 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 25.12.2011 at about 4.30 P.M., the accused persons in furtherance of their common intention wrongfully restrained the informant and his family members and thereby prevented them from proceeding in a direction where they had a right to proceed and thereby committed the offence punishable U/s.341/34 of IPC?*

ii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention voluntarily caused hurt to the informant and his family members without any provocation so as to commit the offence punishable under section 323/34 of IPC?*

iii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention assaulted the informant and his family members by a means of dangerous weapons and voluntarily caused hurt to them without any provocation and thereby committed the offence punishable U/s. 324/34 of IPC?*

iv) *Whether on the aforesaid date and time 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?

v) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention damaged the vehicle of the informants and committed mischief punishable U/s 427/34 of IPC*

vi) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention applied criminal force on the ladies member of informant's family with intention to outrage their modesty and thereby committed the offence punishable U/s. 354/34 of IPC?*

vii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention rashly or negligently as to endangered the informant's life there shall be punishable U/s. 336/34 of IPC?*

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

ix) *Whether on the aforesaid said date and time the accused persons in furtherance of their common intention made obscene gestures to the informants, intending to our rage her modesty and thereby committed offence punishable U/s.509/34 of IPC?*

5. The informant (P.W.1) deposed before the Court that the matter has been amicably settled. He does not want to proceed with this case against the accused persons 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 such there is no evidence on record against the accused persons, they are found not guilty U/s. 341/323/324/336/294/427/354/506/509/34 of IPC and

they are acquitted there from as per the provision U/s.248 (1) Cr.P.C. They be set at liberty forthwith. Their bail bonds stand 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 20th day of June, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Santosh Ku. Das

P.W.2: Monalisha Das.

P.W.3: Rupsa Das.

P.W.4: Manisha Rout.

P.W.5: Tapan Ku. Mohanty.

P.W.: Srimaya Das.

List of witnesses examined on behalf of the defence:

None

List of Exts. marked on behalf of the prosecution:

NIL.

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.