

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-762/2011

Trial No- 320/2014

Date of argument: 12.08.2014

Date of Judgment: 19.08.2014

STATE.....Prosecution

Versus

1. Uljhana @ Santosh Mangaraj, aged about 24 years, S/o. Kiran Mangaraj.
2. Bulu @ Chandrasekhar Mangaraj, aged about 24 years , S/o. Rabindranath Mangaraj both are of At- Jharapada, P.S. Laxmisagar , Bhubaneswar, Dist- Khurda.
3. Santosh Barik, aged about 23 years, S/o. Banishdar Barik At- Talasahi , Laxmisagar PS. Laxmisagar, Bhubaneswar, Dist- Khurda.

Accused persons.

Offence under Sections 452/341/323/294/326/506/34 of Indian Penal Code

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence : Sri B.N. Ray and Associates

J U D G M E N T

The above named accused persons stand charged for committing offences punishable U/s. 452/341/323/294/326/506/34 of I.P.C.

2. The prosecution case in brief is that:

On 13.03.2011 at about 5.30 A.M, the accused persons in furtherance of their common intention entered into the shop of the informant, wrongfully restrained him, then caused hurt to him, assaulted him by means of Bhujali and threatened to him with dire consequences. Being aggrieved the informant informed the police and after due

investigation, Police submitted charge sheet U/s. 452/341/323/294/326/506/34 of IPC and. and subsequently charges were framed against the accused persons to which they 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 03.03.2012 at about 6 P.M., the accused persons in furtherance of their common intention committed house trespass having made preparation of causing hurt and thereby committed offence punishable U/s 452/34 of IPC*

ii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention wrongfully restrained the informant's wife and thereby prevented them from proceeding in a direction where she had a right to proceed and thereby committed the offence punishable U/s.341/34 of IPC?*

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

iv) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention assaulted the informant by means of Bhujali and voluntarily caused grievous hurt to the informant without any provocation and thereby committed the offence punishable U/S 326/34 of IPC?*

v) *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?*

vi) *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.1) has deposed before the Court that the matter has been amicably settled and he has further deposed that he does not want to proceed with this case against the accused persons. He does not remember anything about the case and that there is absolutely no evidence on record to hold the accused persons guilty in this case.

6. Taking consideration of the said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty U/s. 452/341/323/294/326/506/34 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 19th day of August, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Dilip Kumar Sahoo

P.W. 2: Suryakanta Panigrahi

P.W.3: Sudhir Bhuyan

List of witnesses examined on behalf of the defence:

N I L

List of Exts. marked on behalf of the prosecution:

None

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.