

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-2514/2010**

**Trial No- 636/2011**

**Date of argument: 12.08.2014**

**Date of Judgment: 18.08.2014**

**STATE.....Prosecution**

**Versus**

1. Swarnalata Khandei, aged about 58 years, W/o. Paresh Ku. Khandei,
2. Manasi Khandei , aged about 28 years , D/o. Paresh Kumar Khandei both are of Plot No.215, Barabari,Jagamara, P.S.Khandagiri, Dist- Khurda.
3. Kuni @ Salabala Samal, aged about 39 years, S/o. Rasmiranjan Samal, Vill- Shantipada PS. Patamundai, Dist- Kendrapara.

**Accused persons.**

**Offence under Sections 341/323/324/427/34 of Indian Penal Code**

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence : Sri P.K. Tripathy and Associates

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

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

2. The prosecution case in brief is that:

On 10.01.2010 at about 10.30 A.M, the accused persons in furtherance of their common intention wrongfully restrained the informant's wife and then caused hurt to her, damaged the house hold

articles of the informant and assaulted by means of bamboo stick. Being aggrieved the informant informed the police and after due investigation, Police submitted charge sheet U/s. 341/323/324/427/34 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 10.01.2010 at about 10.30 A.M, the accused persons in furtherance of their common intention wrongfully restrained the informant's wife and thereby prevented her from proceeding in a direction where she 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 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?*

iii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention assaulted the informant by means of any dangerous weapons or means and voluntarily caused hurt to informant 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 damaged the house articles of the informant and thereby committed mischief punishable U/s 427/34 of IPC ?*

5. The informant (P.W.4) has deposed before the Court that the case has been amicably settled and he has further deposed that 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 said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty U/s. 341/323/324/427/34 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 18<sup>th</sup> day of August, 2014.

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

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

P.W.1: Sabita Das

P.W. 2: Rasmi @ Rashmita Jena

P.W.3: Binapani Sethi.

P.W.4: Somanath Sahoo.

**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.**