

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

Present. : Miss Sarmistha Dash, LL.B,
Judicial Magistrate First Class,
Banpur

Date of argument. : 26.08.2014

Date of Judgment. : 04.09.2014

G.R. No. 117/2013
T.R. No. 668/2013

State

.....Prosecution.

-Versus-

Muna Paramanik, aged about 25 years,
S/o Suresh Paramanik.
Vill: Sarubaripadar, P.S: Banpur,
Dist: Khurda.

..... Accused .

Offence: Under Sections 452/294/323/354/ 380/506 of the I.P.C.

For the Prosecution. :Sri J.Pradhan, APP.

For the Defence. :Sri G.S.Sarangi & others.

J U D G M E N T .

01. The accused stands charged for the offence punishable Under Sections 452/294/323/354/380/506 of the I.P.C.

02. The case of the prosecution in brief runs thus:

One Pandaba Paramanik appeared before the I.I.C. Banpur P.S. with a written report alleging therein that on 13.04.2013 his grand son Muna Paramanik (accused) abusing him and his wife in obscene language by saying “ SALA MAGIHA BHAUNIGIHA” etc pelted stones to his house. The accused also entered into the house of the informant, assaulted him and his wife and dragged them from the house. The accused also thrown away the house hold articles and took away Rs.3000/- and threatened the informant and his wife to kill them. The informant and his wife took shelter in his daughter's house the accused also assaulted his daughter and son in-law.

Upon such report P.S. Case No.75/2013 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused, the I.O. submitted charge sheet against him. Hence this trial.

03. The plea of defence is one of complete denial and false implication.
04. The point for determination in this case emerges as follows:
- (i) Whether on 13th day of April, 2013 the accused had committed house trespass by entering into the house of the informant to commit an offence?
 - (ii) Whether on the aforesaid date, time and place the accused abused the informant and his wife in obscene language in or near public place causing annoyance to others?
 - (iii) Whether on the aforesaid date, time and place the accused voluntarily caused hurt to the informant & his wife?
 - (iv) Whether on the aforesaid date, time and place the accused assaulted or used criminal force to the informant's wife to outrage her modesty?
 - (v) Whether on the aforesaid date, time and place the accused committed criminal intimidation to the informant and his wife and to cause alarm to them?
 - (vi) Whether on the aforesaid date, time and place the accused had committed theft of Rs.3000/- from the house of the informant without the consent of the informant and with a dishonest intention?
05. In order to prove its case, prosecution has examined as many as 3 P.Ws in its favour where as defence has examined none. Out of which P.W.1 is the informant, P.W.2 is the victim and P.W.3 is an independent witness to the occurrence.
06. This is a case U/s 452/294/323/354/506/380 of the I.P.C. In order to substantiate the case against the accused it is necessary to scrutinize the case of prosecution. During course of trial P.W.1 who is the informant in this case deposed that due to minor dispute he lodged the F.I.R. which is marked as Ext.1 and admitted his signature marked as Ext.1/1. P.W.2 deposed that now the matter has been settled between them. P.W.3 the victim of this case also deposed that now the matter has been settled between them.

Considering the above evidence on record I am of the opinion that prosecution has miserably failed to prove its case beyond all reasonable doubt. In

the result, the accused is found not guilty for the offence U/s. 452/294/323/354/506/380 of I.P.C and acquitted thereof U/s.248 (1) of Cr.P.C. He be set at liberty and discharged from his bail bond.

The seized articles, if any be destroyed after four months of the appeal period, if no appeal is preferred and if preferred be dealt as per the order of the appellate court.

Judicial Magistrate First Class,
Banpur.

This judgment is typed to my dictation, corrected by me and pronounced in the open court, given under my hand and seal of this court, this the 4th day of September, 2014.

Judicial Magistrate First Class,
Banpur

List of witnesses examined for Prosecution.

PW.1 Pandab Parimanik
P.W.2 Golakha Das
P.W.3 Bini Das

List of witnesses examined for defence.

None.

List of Exhibits marked for Prosecution.

Ext.1 F.I.R.
Ext.1/1 Signature of P.W.1 on Ext.1.
Ext. 2 Signature of P.W.2 on Injury report.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,
Banpur