

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument : 10.09.2014

Date of Judgment. : 20.09.2014

G.R. No. 205/2001  
T.R. No. 504/2002

State

.....Prosecution.

-Versus-

1. Ghana Swain, aged about 48 years, S/o Banambar Swain.
  2. Pandav Swain, aged about 48 years, S/o Oghera Swain.
  3. Ananta Patra , aged about 47 years, S/o Bauribandhu Patra.
  4. Maheswar Swain, aged about 54 years, S/o Oghera Swain.
  5. Ramakrushna Mohanty, aged about 53 years, S/o Hadubandhu Mohanty.
  6. Aruna @ Bula Patra, aged about 44 years, S/o Bauribandhu Patra.
- All are of Vill: Berhuanbadi, P.S: Banpur, Dist: Khurda.

..... Accused Persons .

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Offence: Under Section 341/323/294/325/506/34 of the I.P.C.

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

For the Defence. :Sri B.N.Paikray & others.

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

01. The accused persons stand charged for the offence punishable Under Sections 341/323/294/325/506/34 of the Indian Penal Code.

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

One Gokula Mandala of Beruhainbadi appeared before the I.I.C., Banpur P.S with a written report alleging therein that on 31.07.2001 at 5 pm when the informant's nephew had returned from his agricultural land the

accused persons being armed with iron rod, lathi and kati obstructed him. The accused persons also abused him in obscene language by saying “SALA MAGIHA MADURCHOOD” and told him that if he had not involved in their party they will kill him. The accused persons also assaulted him by means of an iron rod and thenga.

Upon such report P.S. Case No. 106/2001 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused persons, the I.O. submitted charge sheet against them. 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 31<sup>st</sup> day of July, 2001 at 5 pm the accused persons in furtherance of their common intention wrongfully restrained the informant's nephew from proceeding him in a certain direction in which he had right to proceed?
- (ii) Whether on the same date, time and place of occurrence in furtherance of their common intention abused the informant's nephew in obscene language in or near public place causing annoyance to others?
- (iii) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused grievous hurt by means of a iron rod and thenga to the nephew of the informant?
- (iv) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused hurt to the informant's nephew?
- (v) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention committed criminal intimidation and caused alarm to informant's nephew?

05. In order to prove its case, prosecution has examined as many as four witnesses in its favour where as defence has examined none. Out of which PW.4 is the informant and rest are independent witnesses to the occurrence.

06. This is a case U/s 341/323/294/325/506/34 of the I.P.C. In order to substantiate the case against the accused persons, it is necessary to scrutinize the case of prosecution. During course of trial P.W.4 who is the informant of this case deposed that due to minor dispute he lodged the F.I.R which is marked as Ext.1 and Ext.1/1 is his signature. He also deposed that now matter has been settled in between them so he does not want to proceed further with the case. P.Ws 1,2, & 3 deposed that they do not know anything about this case.

Hence considering the above evidence on record and the recent development of the fact of mutual settlement of the matter I am of the opinion that prosecution has miserably failed to prove its case beyond all reasonable doubt. In the result, the accused persons are found not guilty for the offence U/s. 341/323/294/325/506/34 of the I.P.C. and acquitted thereof U/s.248 (1) of Cr.P.C. They be set at liberty and discharged from their bail bonds.

The seized materials, 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.

Enter the case as mistake of fact.

Judicial Magistrate First Class,  
Banpur.

This judgment typed to my dictation, corrected by me and pronounced in the open court, given under my hand and seal of this court, this the 20<sup>th</sup> day of September, 2014.

Judicial Magistrate First Class,  
Banpur

List of witnesses examined for Prosecution.

PW.1 Surendra Samantaray.

PW.2 Ganesh Samantaray.

P.W.3 Laxmidhar Jena

P.W.4 Gokulananda Mandala

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.4 on Ext.1.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,  
Banpur

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument : 06.09.2014

Date of Judgment. : 17.09.2014

G.R. No. 136/2007

T.R. No. 370/2007

State

.....Prosecution.

-Versus-

1. Sukuta @ Sarat Pradhan, aged about 52 years, S/o Khali Pradhan.
  2. Kunti Pradhan, aged about 47 years, W/o Sarata Pradhan.
- Both are of Vill: Banpur Talasahi, P.S: Banpur, Dist: Khurda.

..... Accused Persons .

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Offence: Under Section 341/324/294/506/34 of the I.P.C.

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

For the Defence. :Sri P.K.Patajoshi & others.

J U D G M E N T.

01. The accused persons stand charged for the offence punishable Under Sections 341/324/294/506/34 of the Indian Penal Code.

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

One Gobinda Pradhan of Talasahi, Banpur appeared before the I.I.C., Banpur P.S with a written report alleging therein that on 09.05.2007 at 3 pm the accused persons abused him by saying “HAIRE MAGIHA SALA TU KANA GHARA KATHA SAMASTAKA AGARE KAHUCHHU”. When he protested, all the accused persons followed him and entering into his house assaulted him by means of a kitchen knife ( paniki) to his head as a result of

which he sustained bleeding injury on his head. Again the accused Sukuta tried to dealt another blow to his head he showed his hand as a result two fingers of left hand sustained bleeding injury. Hearing sought the family members of the informant reached at the spot and rescued him. The accused persons also threatened him to do away their life.

Upon such report P.S. Case No. 80/2007 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused persons, the I.O. submitted charge sheet against them. Hence this trial.

03. The plea of defence is one of complete denial and false implication.

4. The point for determination in this case emerges as follows:

- (vi) Whether on 09.05.2007 at 3pm the accused persons in furtherance of their common intention wrongfully restrained the informant from proceeding in a certain direction in which he had right to proceed?
- (vii) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention abused the informant in obscene language in or near public place causing annoyance to others?
- (viii) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused hurt by means of a Paniki ( kitchen knife) ?
- (ix) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention committed criminal intimidation and caused alarm to the informant?

05. In order to prove its case, prosecution has examined as many as nine witnesses in its favour where as defence has examined none. Out of which

PW.9 is the informant, P.W.5 is mother of the informant and rest are independent witnesses to the occurrence.

06. This is a case U/s 341/324/294/506/34 of the I.P.C. In order to substantiate the case against the accused persons, it is necessary to scrutinize the case of prosecution. During course of trial P.W.1 who is the informant of this case deposed that due to minor dispute he lodged the F.I.R which is marked as Ext.1 and Ext.1/1 is his signature. He also deposed that now matter has been settled in between them so he does not want to proceed further with the case. P.Ws 1,2,4,6,7& 8 deposed that they do not know anything about this case. P.W.3 deposed that on the alleged date of occurrence he was present in the house and he heard the quarrel took place between the informant and accused persons. P.W.5 the mother of the informant deposed that a quarrel took place between the informant and accused persons, so the accused persons assaulted her son.

Hence considering the above evidence on record and the recent development of the fact of mutual settlement of the matter I am of the opinion that prosecution has miserably failed to prove its case beyond all reasonable doubt. In the result, the accused persons are found not guilty for the offence U/s. 341/324/294/506/34 of the I.P.C. and acquitted thereof U/s.248 (1) of Cr.P.C. They be set at liberty and discharged from their bail bonds.

The seized materials, 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.

Enter the case as mistake of fact.

Judicial Magistrate First Class,  
Banpur.

This judgment typed to my dictation, corrected by me and pronounced in the open court, given under my hand and seal of this court, this the 17<sup>th</sup> day of September, 2014.

Judicial Magistrate First Class,  
Banpur

List of witnesses examined for Prosecution.

PW.1        Sukanta Kumar Paikray  
PW.2        Kailash Martha.  
P.W.3       Sugyani Pradhan  
P.W.4       Suli Pradhan.  
P.W.5       Saraswati Pradhan  
P.W.6       Kabita Pradhan.  
P.W.7       Gopal Pradhan.  
P.W.8       Basanta Pradhan  
P.W.9       Govinda Pradhan

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.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,  
Banpur



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument : 06.09.2014

Date of Judgment. : 18.09.2014

G.R. No. 55/2010  
T.R. No. 197/2010

State

.....Prosecution.

-Versus-

3. Ashok Rout, aged about 30 years, S/o Panchu Rout.
  4. Ahalya Rout, aged about 50 years, W/o Panchu Rout.
  5. Jhumuri Rout, aged about 27 years, W/o Ashok Rout.
- All are of Vill: Ankula, P.S:Balugaon, Dist: Khurda.

..... Accused Persons .

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Offence: Under Section 341/323/294/379/506/34of the I.P.C.

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

For the Defence. :Sri A.K.Swain & others.

J U D G M E N T .

01. The accused persons stand charged for the offence punishable Under Sections 341/323/294/379/506/34 of the Indian Penal Code.

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

One Mina Rout of village Ankula appeared before the I.I.C., Balugaon P.S with a written report alleging therein that on 23.02.2010 at 6pm when a meeting was conveyed about their land dispute the accused Ashok suddenly by holding a Khokari abused her husband by saying “HAIRE MAGIHA SALA TU JAGA NABU PARA ASE” dragged him and dealt a blow to his head, as a result he sustained bleeding injury on his head. When

the informant protested the accused Ashok the accused Ahalya suddenly by dragging her hair snatched away ear flower as a result she sustained bleeding injury on her ear. At that time her son and daughter reached at the spot and when they protested the accused persons also assaulted them and threatened them to do away their lives.

Upon such report P.S. Case No. 23/2007 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused persons, the I.O. submitted charge sheet against them. Hence this trial.

03. The plea of defence is one of complete denial and false implication.

4. The point for determination in this case emerges as follows:

- (x) Whether on 23.02.2010 at about 6 pm the accused persons in furtherance of their common intention wrongfully restrained the informant and her husband from proceeding in a certain direction in which she had right to proceed?
- (xi) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention abused the informant in obscene language in or near public place causing annoyance to others?
- (xii) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused hurt to the informant and her husband?
- (xiii) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention committed theft of ear flower without the consent of the informant with a dishonest intention?
- (xiv) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention committed criminal intimidation and caused alarm to the informant?

05. In order to prove its case, prosecution has examined as many as four witnesses in its favour where as defence has examined none. Out of which PW.1 is the informant, P.Ws 2,3 & 4 are independent witnesses to the occurrence.

06. This is a case U/s 341/323/294/379/506/34 of the I.P.C. In order to substantiate the case against the accused persons, it is necessary to scrutinize the case of prosecution. During course of trial P.W.1 who is the informant of this case deposed that due to minor dispute he lodged the F.I.R which is marked as Ext.1 and Ext.1/1 is his signature. He also deposed that now matter has been settled in between them so he does not want to proceed further with the case. P.Ws 2, 3 & 4 deposed that they do not know anything about this case.

Hence considering the above evidence on record and the recent development of the fact of mutual settlement of the matter I am of the opinion that prosecution has miserably failed to prove its case beyond all reasonable doubt. In the result, the accused persons are found not guilty for the offence U/s. 341/323/294/379/506/34 of the I.P.C. and acquitted thereof U/s.248 (1) of Cr.P.C. They be set at liberty and discharged from their bail bonds.

The seized materials, 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.

Enter the case as mistake of fact.

Judicial Magistrate First Class,  
Banpur.

This judgment typed to my dictation, corrected by me and pronounced in the open court, given under my hand and seal of this court, this the 18<sup>th</sup> day of September, 2014.

Judicial Magistrate First Class,  
Banpur

List of witnesses examined for Prosecution.

PW.1        Meena Rout

PW.2        Ratnakar Rout

P.W.3        Gauri Pradhan

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.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,  
Banpur

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument. : 02.09.2014

Date of Judgment. : 10.09.2014

G.R. No. 343/2006

T.R. No. 08/2008

State

.....Prosecution.

-Versus-

1. Manu @ Manasha Bhola, aged about 28 years,  
S/o Kuma @ Kumar Bhola.
  2. Niru @ Niranjan Bhola, aged about 27 years, S/o Panu Bhola.
  3. Kuma @ Kumar Bhola, aged about 47 years, S/o Jharia Bhola.
  4. Smt. Kabita Bhola, aged about 42 years, S/o Kumar Bhola.
- All are of Vill: Salapadiha, P.S: Banpur, Dist: Khurda.

..... Accused persons.

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Offence: Under Sections 341/294 of the I.P.C.

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

For the Defence. :Sri A.K.Swain & others.

J U D G M E N T.

01. The accused persons stand prosecuted for the offence punishable Under Sections 341/294 of the Indian Penal Code.

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

One Prava Nayak filed a complaint petition before this court alleging therein that on 09.10.2006 at about 9 pm when she was sleeping inside her house the accused persons by pushing the front door of her house entered in to her house. She woke up and caught hold the accused Manasa Bhola seeing this the other accused persons namely Niru Bhola and Sahadev Jena fled away from the spot and informed in the house of Manasa Bhola. Hearing this all the accused persons came in front of her house abused her in filthy languages and dragged from her house and assaulted her. The complaint petition was sent to Banpur P.S for investigation.

Upon such report P.S. Case No.229/2006 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused persons, the I.O. submitted charge sheet against them. 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 9<sup>th</sup> day of October, 2006 Moramori the accused persons in furtherance of their common intention wrongfully restrained the informant from proceeding in a certain direction in which she had right to proceed?
- (ii) Whether on the aforesaid date, time and place the accused persons in furtherance of their common intention abused the informant in obscene language in or near public place causing annoyance to others?

5. In order to prove its case, prosecution has examined as many as six P.Ws in its favour where as defence has examined none. Out of which

P.W.2 is the informant and P.Ws 1,3,4,5 & 6 are independent witnesses to the occurrence.

06. This is a case U/s 341/294 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.2 who is the informant in this case deposed that due to minor dispute she lodged the F.I.R. which is marked as Ext.1 and admitted her signatures marked as Ext.1/1, 1/2, 1/3, 1/4, 1/5. She deposed that now the matter has been settled between them and does not want to proceed with this case. P.Ws 1,3 & 4 deposed that now the matter has been settled between them. P.Ws 5 & 6 deposed that they do not know anything about this case.

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 persons are found not guilty for the offence U/s.341/294 of the I.P.C. and acquitted thereof U/s.255 (1) of Cr.P.C. They be set at liberty and discharged from their bail bonds.

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 10<sup>th</sup> day of September, 2014.

Judicial Magistrate First Class,  
Banpur

List of witnesses examined for Prosecution.

|       |               |
|-------|---------------|
| PW.1  | Subash Dalei  |
| P.W.2 | Prava Naik    |
| P.W.3 | Golakha Naik  |
| P.W.4 | Seeta Dalei   |
| P.W.5 | Ananta Bhola. |

P.W.6      Dinabandhu Bhola

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.2 on Ext.1.

Ext. 1/2      Signature of P.W.2 on Ext.1.

Ext. 1/3      Signature of P.W.2 on Ext.1.

Ext. ¼      Signature of P.W.2 on Ext.1.

Ext. 1/5      Signature of P.W.2 on Ext.1.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,  
Banpur



IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument : 02.09.2014

Date of Judgment. : 08.09.2014

G.R. No. 109/2003

T.R. No. 701/2003

State

.....Prosecution.

-Versus-

1. Rama Chandra Parida, aged about 62 years,

S/o Sanatana Parida.

2. Kushna Parida, aged about 34 years,

S/o Rama Chandra Parida.

Both are of Vill: Binjhala, P.S:Banpur. .... Accused Persons .

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Offence: Under Section 294/324/325/354/379/34 of the I.P.C.

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

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

J U D G M E N T.

01. The accused persons stand charged for the offence punishable Under Sections 294/324/325/354/379/34 of the Indian Penal Code.

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

One Srimati Sabita Sahoo of Binjhala appeared before the I.I.C., Banpur P.S with a written report alleging therein that on 12.04.2003 at 12am taking advantage in the absence of her husband the accused persons entered into her house being armed with a katuri. The accused Rama Parida abused her by saying “GHODAGEHI RAJANITI KARUCHHU BAHARA LOKANKU GHAITA KARUCHHU”. When she protested the accused Rama Parida tried to drag her, she shouted. Hearing her sought the family member of her reached at the spot and tried to rescue her the accused Krushna Sahu dealt blows by means of katuri to Rabindra Sahoo. The accused Rama Parida also dealt a kick blow to the waste of her mother in-law. The accused Rama Parida also took away her one attach containing Rs.5000/-, one necklace, one gold chain and five pairs of gold ring.

Upon such report P.S. Case No. 62/2003 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused persons, the I.O. submitted charge sheet against them. Hence this trial.

During the course of trial, both the parties filed a joint compromise petition praying to compound the offences. Accordingly the offence U/s 448/341/323/506 of I.P.C. have been compounded in view of the provisions laid down U/s.320 (8) of Cr.P.C. and now the accused persons are facing their trial for the offence U/s 324/325/294/354/379/34 of I.P.C.

03. The plea of defence is one of complete denial and false implication.

04. The point for determination in this case emerges as follows:

(xv) Whether on 12.04.2003 at 12am the accused persons in furtherance of their common intention abused the informant in

- obscene language in or near public place causing annoyance to others?
- (xvi) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused grievous hurt by means of a katuri to one Rabindra Sahoo which used a weapon of offence ?
  - (xvii) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused grievous hurt to the informant's mother in-law?
  - (xviii) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention assaulted or used criminal force to the informant to out rage her modesty?
  - (xix) Whether on the alleged date, time and place of occurrence the accused persons in furtherance of their common intention committed theft of one attach containing containing Rs.5000/-, one necklace, one gold chain and five pairs of gold ring?

05. In order to prove its case, prosecution has examined as many as three witnesses in its favour where as defence has examined none. Out of which PW.1 is the informant, P.W.2 is the victim of this case. P.W.3 is mother in-law of the informant.

06. This is a case U/s 324/325/294/354/379/34 of the I.P.C. In order to substantiate the case against the accused persons, it is necessary to scrutinize the case of prosecution. During course of trial P.W.1 who is the informant of this case deposed that due to minor dispute she lodged the F.I.R which is marked as Ext.1 and Ext.1/1 is her signature. She also deposed that now matter has been settled in between them so she does not want to proceed further with the case. P.W.2 deposed that he does not know anything about this case. P.W.3 deposed that now the matter has been settled between them.

Hence considering the above evidence on record and the recent development of the fact of mutual settlement of the matter I am of the opinion

that prosecution has miserably failed to prove its case beyond all reasonable doubt. In the result, the accused persons are found not guilty for the offence U/s. 324/325/294/354/379/34 of the I.P.C. and acquitted thereof U/s.248 (1) of Cr.P.C. They be set at liberty and discharged from their bail bonds.

The seized materials, 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.

Enter the case as mistake of fact.

Judicial Magistrate First Class,  
Banpur.

This judgment typed to my dictation, corrected by me and pronounced in the open court, given under my hand and seal of this court, this the 8<sup>th</sup> day of September, 2014.

Judicial Magistrate First Class,  
Banpur

List of witnesses examined for Prosecution.

PW.1        Sabita Sahoo  
PW.2        Rabindra Sahoo  
P.W.3       Rangabati Sahoo

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.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,  
Banpur

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument : 08.08.2014

Date of Judgment. : 20.08.2014

G.R. No. 245/2013

T.R. No. 650/2013

State

.....Prosecution.

-Versus-

Prasana Kumar Sethy @ Bulu, aged about 30 years,  
S/o Bhagaban Sethi.  
Vill: Veseri, P.S: Banpur,  
Dist: Khurda

..... Accused.

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

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For the Prosecution. :Sri Jaladhar Pradhan, APP.

For the Defence. :Sri D.K.Panigrahi & others.

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

01. The accused stands prosecuted for the offence punishable Under Sections 294/323/506 of the Indian Penal Code.

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

One Aswani Kumar Ratha appeared before the I.I.C., Balugaon P.S with a written report alleging therein that he is working as an E.M.T in 108 ambulances. On 15.07.2013 at about 8.45 pm he along with his staffs was brought two accidental patients in their ambulance to Balugaon Hospital for treatment. In the Hospital due to previous enmity the accused abused them in obscene languages by saying “SALA, MAGIHA, BHAUNIGIHA , CHHODIPUA” etc. He also dragged his collar and assaulted him.

Upon such report P.S. Case No. 91/2013 was registered and investigation was carried out and after completion of investigation as prima facie evidence is well made out against the accused persons, the I.O. submitted charge sheet against them. 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:

- (iii) Whether on 15.07.2013 at 8.45 pm the accused voluntarily caused hurt to the informant?
- (iv) Whether on the same date, time and place of occurrence the accused abused the informant in obscene language in or near public place causing annoyance to others?
- (v) Whether on the same date, time and place of occurrence the accused committed criminal intimidation and caused alarm to him.

05. In order to prove its case, prosecution has examined as many as three witnesses in its favour where as defence has examined none. Out of which P.W.1 is the informant and P.Ws 2 & 3 are independent witnesses to the occurrence.

06. This is a case U/s 294/323/506 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 deposed that due to minor dispute he lodged the F.I.R. He also deposed that now the matter has been settled between them so he does not want to proceed with this case any more. P.W.2 deposed that he does not know anything about this case. P.W.3 deposed that now the matter has been settled between them.

Hence considering the above evidence on record and the recent development of the fact of mutual settlement of the matter 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. 294/323/506 of the 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.

No order is passed regarding the seized property as nothing has been seized in this case.

Enter the case as mistake of fact.

Judicial Magistrate First Class,  
Banpur.

This judgment typed to my dictation, corrected by me and pronounced in the open court, given under my hand and seal of this court, this the 19<sup>th</sup> day of August, 2014.

Judicial Magistrate First Class,  
Banpur

List of witnesses examined for Prosecution.

|       |                     |
|-------|---------------------|
| PW.1  | Aswani Kumar Ratha  |
| PW.2  | Sisir Kumar Paikray |
| P.W.3 | Arun Samantaray     |

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.

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,  
Banpur



