

IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS(O),
BHUBANESWAR, DIST-KHURDA

Present : Sk. Md. Quais, M.A., LL.M.
J.M.F.C.(O), BHUBANESWAR

Date of conclusion
of argument : 13.11.2014

Date of Judgment : 18.11.2014

G.R. No. 245/2012
Trial Case No. 367/2012

S t a t e

vrs

1. Bishnu Prasad Dalei, aged about 39 years,
S/o- Late Kasi Dalei,
2. Basanta Dalei, aged about 53 years,
S/o- Late Kasi Dalei,
3. Prasanna @ Parsuram Dalei, aged about 39 years,
S/o- Late Kasi Dalei,
4. Rabindra Dalei, aged about 41 years,
S/o- Raghunath Dalei,
5. Golakha Dalei, aged about 23 years,
S/o- Basanta Dalei,
6. Alok Dalei, aged about 23 years,
S/o- Parsuram Dalei,
All are of Village: Ogalapada, PS-Jatni,
Dist-Khurda.

... Accused Persons

For offences punishable u/s 448/341/323/294/506/34 of IPC.

For the Prosecution : A.P.P

For the Defence : A. K. Sahoo & his Associate Advocates.

J U D G M E N T

The accused persons stand prosecuted for offences punishable u/s.
448/341/323/294/506/34 of IPC for allegedly committing house trespass by
entering into the house of the informant with intent to commit an offence, for

wrongfully restraining the informant and his family members, uttering obscene words in a public place, voluntarily causing hurt and committing criminal intimidation by issuing threats to the informant and his family members, in furtherance of their common intention.

2. The case of the prosecution in short is as follows:

That on 12.04.2012 at about 5.15 P.M the informant Bidyadhar Dalei appeared at Jatni PS and presented a written report to the effect that on 09.04.2012 at about 4.30 P.M. at village-Ogalapada the accused persons entered into his house and wrongfully restrained the informant and his family members. The accused persons abused the informant and his family members in obscene languages. The accused, Bishnu Prasad Dalei assaulted the informant by means of one iron chain, as a result he sustained bleeding injuries on his person. The accused persons threatened the informant to face dire consequence. Basing upon such report of the informant Jatni PS Case No. 88 dtd. 09.04.2012 was registered and the matter was investigated into. After completion of investigation, charge sheet u/s 448/341/323/294/506/34 of IPC was submitted against the accused persons to face their trial in court of law. Hence this case.

3. The plea of the accused persons could not be recorded due to want of incriminating material.

4. The points to be determined are as follows ;

(i) Whether on 09.04.2012 at about 4.00 P.M. at village-Ogalapada the accused persons in furtherance of their common intention, committed house trespass by entering into the house of the informant with intent to annoy and criminally intimidate the informant and his family members ?

(ii) Whether on the aforesaid dates and place of the occurrence the

accused persons in furtherance of their common intention wrongfully restrained the informant and his family members from proceeding to any direction which they had got right to proceed ?

(iii) Whether on the aforesaid date and place of the occurrence the accused persons in furtherance of their common intention abused the informant and his family members by uttering any obscene words in or near a public place causing annoyance to the informant, his family members and others ?

(iv) Whether on the aforesaid date and place of occurrence the accused persons in furtherance of their common intention committed criminal intimidation by issuing threats to the informant, with injury to informant with intent to cause alarm in his mind ?

5. In order to prove its case, prosecution has examined only one witness. PW.1, Bidyadhar Dalei who is the informant and victim of this case. Examination of the rest witnesses has been declined by the prosecution. Defence has examined none on its behalf.

6. PW.1, the informant has deposed that due to some misunderstanding there was some dispute with accused persons which he has settled amicably. He doesn't want to proceed further with this case. During cross-examination, PW.1 stated that he is residing peacefully with accused persons. Examination of rest of the witnesses was declined by the prosecution.

7. From the aforesaid evidence of prosecution witnesses it appears that none of the witnesses has whispered a single word against the accused persons. The informant has not corroborated his own FIR story. Under the

above circumstances, I find no incriminating material against the accused persons.

In the result, I hold the accused persons not guilty of the offences punishable u/s 448/341/323/294/506/34 of IPC and acquit them there from u/s 255(1) of Cr.PC. The accused persons be set at liberty forthwith and they are discharged from their bail bonds.

Enter the case as mistake of fact.

J.M.F.C.(O), Bhubaneswar

Dictated, corrected and pronounced in the open court on this the 18th day of November, 2014 under my hand signature and seal of this court.

J.M.F.C.(O), Bhubaneswar

List of witnesses examined for prosecution

PW.1 Bidyadhar Dalei

List of witnesses examined for defence

N o n e

List of documents admitted in evidence for prosecution

N I L

List of documents admitted in evidence for defence

N I L

J.M.F.C.(O), Bhubaneswar

