

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.

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

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:

- Whether on 15.07.2013 at 8.45 pm the accused voluntarily caused hurt to the informant?
- 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?
- 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