

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument. : 22.08. 2014

Date of Judgment. : 01.09.2014

G.R. No. 303/2009
T.R. No. 414/2009

State

.....Prosecution.

-Versus-

Santosh Kumar Sahoo, aged about 43 years,
S/o Sankarsana Sahoo.
Vill: Totapada, Subudhipatana,
P.S: Balugaon, Dist: Khurda.

..... Accused.

Offence: Under Sections 498(A) of the I.P.C.

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

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

J U D G M E N T.

01. The accused stands charged for the offence punishable Under Section 498(A) of the Indian Penal Code.

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

On 14.08.2009 one Smt. Sujata Sahoo lodged a written report before the Naval Out Post that her marriage was solemnised on 28.04.2009 with Santosh Kumar Sahoo as per Hindu rites and customs. At the time of marriage her family members had given three gold rings, one gold chain and Rs.50,000/- and other house hold articles to the accused. After her marriage the accused told her to bring

Rs.1,00,000/- from her parent's house. When the informant's parent did not fulfill the demand of the accused tortured her both physically and mentally and assaulted her.

Upon such report P.S. Case No.112/2009 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 or before 14.08.2009 the accused being the husband of the informant subjected to cruelty and tortured her both physically and mentally?
05. In order to prove its case, prosecution has examined as many as 9 P.Ws in its favour where as defence has examined none. Out of which P.W.9 is the informant, rest of the witnesses are independent witnesses to the occurrence.
06. This is a case U/s 498(A) 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.9 who is the informant in this case deposed that she has filed this case against the accused due to minor dispute. She has also stated that now the alleged matter has been settled between them, so she does not want to proceed with this case. She has also deposed that she took all the articles in her zima. The independent witnesses to the occurrence deposed that they do not know anything about this case. The seizure witnesses P.Ws 1 & 7 deposed that they do not know anything with regard to this case. On the alleged date police had seized

certain articles like bed, Almira Sinduka and other articles from the house of the accused. This much of the evidence available in the record.

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.498(A) 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.

The Zimanama be cancelled after expiry of four months of the appeal period if no appeal is preferred and in case of appeal as per the direction of Appellate court.

Enter the case as mistake of fact.

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 1st day of September, 2014.

Judicial Magistrate First Class,
Banpur

List of witnesses examined for Prosecution.

PW.1	Kumar Paramanik
PW.2	Maheswar Nanda
P.W.3	Tukuna Bisoi.
P.W.4	Kalu Bhujabala
P.W.5	Bhubaneswar Behera.
P.W.6	Anil Kumar Agrawalla.
P.W.7	Susil Kumar Agrawalla.
P.W.8	Santosh Kumar Barik
P.W.9	Sujata Sahu

List of witnesses examined for defence.

None.

List of Exhibits marked for Prosecution.

Ext-1 Seizure list
 Ext.1/1 Signature of P.W.1 on Ext.1.
 Ext. 1/2 Signature of P.W.1 on Ext.1.
 Ext. 1/3 to
 1/4 Signature of P.W.6 in Ext.1.
 Ext. 1/5 &1/6 Signature of P.W.7 on Ext.1.
 Ext. 1/7 Signature of P.W.9 on Ext.1.
 Ext. 1/8 Signature of P.W.9 on Ext.1.
 Ext.2 F.I.R.
 Ext.2/1 Signature of P.W.9 on Ext.2.
 Ext.3 Zimanama.
 Ext.3/1 Signature of P.W.9 on Ext.3.
 Ext.3/2 Signature of P.W.9 on Ext.3

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,
 Banpur