

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument. : 24.10.2014

Date of Judgment. : 30.10.2014

G.R. No. 31/2013
T.R. No. 374/2013

State

.....Prosecution.

-Versus-

1. Lokanath Nayak, aged about 63 years, S/o Late Arjuna Nayak
 2. Kanak Nayak, aged about 61 years, S/o Lokanath Nayak.
- Both are of Vill: Parikansari, P.S: Balugaon, Dist: Khurda.

..... Accused persons.

Offence: Under Sections 341/323/294/34 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 persons stand prosecuted for the offence punishable Under Sections 341/294/323/34 of the Indian Penal Code.

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

One Purnachandra Jagadev appeared before the I.I.C. Balugaon P.S alleging therein that on 03.02.2013 at 7 am while his daughter in-law Sasmita Jagadev went to the village pond to bring water the accused persons wrongfully restrained her and and not allow her to bring water. When she protested them all the accused persons abused her in obscene language, assaulted her.

Upon such report P.S. Case No.16(3)/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 03.02.2013 at 7 am the accused persons in furtherance of their common intention wrongfully restrained the informant's daughter in-law from proceeding in a certain direction in which she had right to proceed?
- (ii) Whether on the aforesaid date, time and place of occurrence the accused persons in furtherance of their common intention abused the informant's daughter in-law in obscene language in or near public place causing annoyance to others?
- (iii) Whether on the aforesaid date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused hurt to the informant's daughter in-law?

5. In order to prove its case, prosecution has examined as many as two P.Ws in its favour where as defence has examined none. Out of which P.W.1 is the informant and P.W.2 is the victim.

06. This is a case U/s 341/294/323/34 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 deposed that due to minor dispute he lodged the FIR which is marked as Ext.1 and admitted his signature marked as Ext.1/1. He also deposed that now the alleged matter has been settled between them so he does not want to proceed in this case any more.

P.W.2 the victim of this case deposed that now the alleged matter has been settled between them so they do not want to proceed in this case any more.

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.341/294/323/34 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.

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 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 30th day of October, 2014.

Judicial Magistrate First Class,
Banpur

List of witnesses examined for Prosecution.

P.W.1 Purna Chandra Jagadev.

P.W.2 Sasmita Jagadev.

List of witnesses examined for defence.

None.

List of Exhibits marked for Prosecution.

Ext.1 FIR

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

