

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

Present. : Miss Sarmistha Dash, LL.B.,
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.

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

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 9th 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 10th 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

