

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, BANPUR.

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

Date of argument. : 04.08.2014

Date of Judgment. : 14.08.2014

G.R. No. 345/2010

T.R. No. 245/2011

State

.....Prosecution.

-Versus-

Smt. Sanju Jena, aged about 31 years, S/o Nalu Jena.
Vill: Odagaon, P.S: Banpur, Dist: Khordha

..... Accused .

Offence: Under Section 294 of the I.P.C.

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

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

J U D G M E N T.

01. The accused stands prosecuted for the offence punishable Under Sections 294 of the Indian Penal Code.

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

One Sanju Bisoi of Odagaon appeared before the Banpur P.S on 24.11.2010 with a written report alleging therein that two days prior to the occurrence there was exchange of hot words between her and accused due to children quarrel the accused also threatened to see her. On 21.11.2010 at about 7 am while she was feeding her minor son at that time the accused entered into her house by holding a stone abusing in obscene language assaulted to her head

by that stone. As a result she sustained bleeding injury on her head and she fell down on the ground. The accused also gave kick blows to her and threatened to kill her.

Upon such report P.S. Case No.210/2010 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:

- Whether on 21st day of November, 2010 the accused abused the informant in obscene language in or near public place causing annoyance to others?

05. In order to prove its case, prosecution has examined only the informant as P.W.1 where as defence has examined none.

06. This is a case U/s 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.1 who is the informant in this case deposed that due to minor dispute she lodged the F.I.R. She has deposed that now the matter has been settled between them and she does not want to proceed with 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 is found not guilty for the offence U/s 294 of the I.P.C. and acquitted thereof U/s.255 (1) of Cr.P.C. He be set at liberty and discharged from his 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 14th day of August, 2014.

Judicial Magistrate First Class,
Banpur

List of witnesses examined for Prosecution.

PW.1 Sanju Bisoi

List of witnesses examined for defence.

None.

List of Exhibit marked for the prosecution.

Nil

List of Exhibits marked for defence.

Nil.

List of MOs marked for Prosecution.

Nil.

Judicial Magistrate First Class,
Banpur