

IN THE COURT OF THE SUB-DIVISIONAL JUDICIAL MAGISTRATE,
BHUBANESWAR

PRESENT: *Sri D.R. Sahoo, L.L.M.*
S.D.J.M, Bhubaneswar.

G.R. Case No- 1705/2012

Trial No- 1153/2013

Date of argument: 18.09.2014

Date of Judgment: 22.09.2014

STATE.....Prosecution

Versus

**Mahendra Behera, aged about 34 years, S/o. Ramesh Ch. Behera,
Vill- Ghatikia, P.S. Khandagiri, Dist- Khurda.**

..... Accused.

Offence under Sections 294/427/506 of Indian Penal Code

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri S.S. Mohanty and Associates

J U D G M E N T

The above named accused stands prosecuted for committing offences punishable U/s. **294/427/506** of I.P.C.

2. The prosecution case in brief is that

On 27.05.2012 at about 6.20 P.M. the accused abused the informants in obscene languages, damaged their bath rooms and threatened to do away their life. Being aggrieved the informants lodged FIR at the Police Station and after due investigation police submitted charge sheet and subsequently substance of accusation U/s. **294/427/506** of IPC read over and explained which the accused plead not guilty and claimed for trial. Hence this trial

3. The plea of the defence is one of complete denial and false implication.

4. The points for determination in this case are as follows:

i) *Whether on 27.05.2012 at about 6.20 P.M the accused uttered obscene words at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294 of IPC?*

ii) *Whether on the alleged date and time the accused damaged the bath room of the informants and thereby committed mischief punishable U/s 427 of IPC?*

iii) *Whether on the aforesaid date and time the accused threatened the informant and her husband intend to cause alarm in their mind and thereby committed offence punishable U/s. 506of IPC*

5. The evidence on record shows that the prosecution witnesses P.W.1, P.W. and P.W.3 have stated regarding occurrence before the Court but at the time of cross-examination P.W.1 has admitted that the accused has not assaulted them and that out of their previous dispute he has lodged FIR in this case and he does not want to proceed in this case. P.W.2 and P.W.3 in their cross-examination admitted the same facts which creates doubt as regard to the real occurrence.

6. Taking consideration of the above said facts and circumstances as there is no evidence on record against the accused, he is found not guilty U/s 294/427/506 of IPC. and he is acquitted there from as per the provision U/s.255 (1) Cr.P.C. He be set at liberty forthwith. His bail bond stands cancelled.

Enter the case as a mistake of fact.

S.D.J.M., Bhubaneswar.

Typed to my dictation, corrected by me and pronounced the judgment in the open Court today given under my hand and seal this the 22nd day of September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

- P.W.1: Babita Pradhan.
P.W.2: Jayanti Sethi.
P.W.3: Namita Sahoo.
P.W.4: Sarat Ku. Sahoo.
P.W.5: Trinath Sahoo.

List of witnesses examined on behalf of the defence:

N O N E

List of Exts. marked on behalf of the prosecution:

- Ext.1: F.I.R.
Ext.1/1. Signature of P.W.1 on it.

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.