

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- 2457/2012

Trial No- 434/2013

Date of argument: 19.09.2014

Date of Judgment: 24.09.2014

STATE.....Prosecution

Versus

- 1. Binod Behera, aged about 37years, S/o. Lochan Behera, Vill- Patapur, P.S. Banki, Dist- Cuttack, At/Pr- Damana Hatabasti, P.S. Chandrasekharpur, Bhubaneswar, Dist- Khurda.**
- 2. Sudam Behera, aged about 48 years, S/o. Late Brahmabar Behera, Vill- Similipur, P.S. Banki, Dist- Cuttack, At/Pr- Damana Hatabasti, P.S. Chandrasekharpur, Bhubaneswar, Dist- Khurda**

..... Accused persons.

Offence under Sections 341/323/294/506/34 of Indian Penal Code

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri N.K. Patra and Associates

J U D G M E N T

The above named accused persons stand prosecuted for committing offences punishable U/s. 341/323/294/506/34 of I.P.C.

2. The prosecution case in brief is that

On 13.07.2012 at about 1.00 P.M, the accused persons in furtherance of their common intention abused the informant in obscene languages, wrongfully restrained him and his wife, then caused hurt to

him and criminally intimidated to take away his life. Being aggrieved the informants lodged FIR at the Police Station and after due investigation police submitted charge sheet and subsequently substances of accusation U/s. 341/323/294/506/34 of IPC read over and explained which the accused persons 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 13.07.2012 at about 1.00 P.M., the accused persons in furtherance of their common intention wrongfully restrained the informants thereby prevented them from proceeding in a direction where they had a right to proceed and thereby committed the offence punishable U/s.341/34 of IPC?*

ii) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention voluntarily caused hurt to the informants without any provocation so as to commit the offence punishable under section 323/34 of IPC?*

iii) *Whether on aforesaid date and time the accused persons in furtherance of their common intention uttered obscene languages at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294/34 of IPC*

iv) *Whether on the aforesaid date and time the accused persons in furtherance of their common intention threatened the informant intend to cause alarm in his mind and thereby committed offence punishable U/s. 506/34 of IPC?*

5. The informant (P.W.1) has deposed before the Court that the matter has been amicably settled. He further deposed that he does not

want to proceed with this case against the accused persons. His wife also deposed same thing. Hence there is absolutely no evidence on record to hold the accused persons guilty in this case.

6. Taking consideration of the above said facts and circumstances as there is no evidence on record against the accused persons, they are found not guilty U/s.341/323/294/506/34 of IPC. and they are acquitted there from as per the provision U/s.255 (1) Cr.P.C. They be set at liberty forthwith. Their bail bonds stand cancelled. The seized articles be destroyed after expiry of the appeal period.

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 24th day of September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Duryodhan Majhi.

P.W.2: Babita Majhi.

List of witnesses examined on behalf of the defence:

N O N E

List of Exts. marked on behalf of the prosecution

NIL.

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.