

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- 365/2010

Trial No- 308/2011

Date of argument: 12.09.2014

Date of Judgment: 18.09.2014

STATE.....Prosecution

Versus

Harihara Muduli, aged about 29 years, S/o., Vill- Serapur, P.S. Town Bhadrak, Dist- Bhadrak A/p- C/o. Anirudha Sahu, Qr. No. B-51, Railvihar, P.S. Chandrasekharapur, Bhubaneswar, Dist- Khurda.

..... Accused .

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

Counsel for the Prosecution : APP, Bhubaneswar.

Counsel for the defence : Sri M.M. Jena and Associates

J U D G M E N T

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

1. The prosecution case in brief is that

On 20.04.2010 at about 6.00 A.M, the accused abused the informant's wife in obscene languages, wrongfully restrained her and then caused hurt to her and criminally intimidated to take away her life. Being aggrieved the informant 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 of IPC were 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 20.04.2010 at about 6.00 A.M, the accused wrongfully restrained the informant's wife and thereby prevented him from proceeding in a direction where he had a right to proceed and thereby committed the offence punishable U/s.341 of IPC?*

ii) *Whether on the aforesaid date and time and the accused voluntarily caused hurt to the informant's wife without any provocation so as to commit the offence punishable under section 323 of IPC?*

iii) *Whether on aforesaid date and time the accused uttered obscene languages at or near a public place thereby caused annoyance to others so as to commit the offence punishable under section 294 of IPC?*

iii) *Whether on the aforesaid date and time the accused threatened the informant's wife intend to cause alarm in her mind and thereby committed offence punishable U/s. 506 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 in this case against the accused. His wife is also deposed same thing. Hence there is absolutely no evidence on record to hold the accused guilty in this case.

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.341/323/294/506 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 18th day of September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Anirudha Sahu.

P.W.2: Susama Mohapatra

List of witnesses examined on behalf of the defence:

N O N E

List of Exts. marked on behalf of the prosecution:

N I L

List of Exts. marked on behalf of the defence:

N I L

S.D.J.M., Bhubaneswar.