

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-4373/2007

Trial No- 299/2009

Date of argument: 24.09.2014

Date of Judgment: 30.09.2014

STATE.....Prosecution

Versus

Prafulla Mohabhoi, 31 years, S/o. Dhoi @ Kailasa Mohabhoi,
Vill- Kalarahanga, P.S. Mancheswar, Dist- Khurda,

Accused .

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

Counsel for the Prosecution: APP, Bhubaneswar.

Counsel for the defence : Sri Ramakanta Das 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 of I.P.C.

2. The prosecution case in brief is that:

On 04.11.2007 at about 9.00 P.M. the accused abused the informant in obscene languages, wrongfully restrained him, then caused hurt to him. Being aggrieved the informant informed the police and after due investigation, Police submitted charge and subsequently substances of accusation U/s. 341/323/294 of IPC were read over and explained to which he 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 04.11.2007 at about 9.00 P.M the accused wrongfully restrained the informant 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 alleged date and time the accused voluntarily caused hurt to the informant without any provocation so as to commit the offence punishable under section 323 of IPC?*

iii) *Whether on the aforesaid date and time 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*

5 The informant (P.W.1) has deposed before the Court that the matter has been amicably settled and he has further deposed that he does not want to proceed with this case against the accused and there is absolutely no evidence on record to hold the accused guilty in this case.

6. Taking consideration of the said facts and circumstances as there is no evidence on record against the accused and as such he is found not guilty U/s. 341/323/294 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. The seized articles be returned to the real owner 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 30th day of September, 2014.

S.D.J.M., Bhubaneswar.

List of witnesses examined on behalf of the prosecution:

P.W.1: Santosh Kumar Nath.

P.W.2: Indramani Mohabohi.

P.W.3: Krushna Chemi.

P.W.4: Harihar Mohabhoi.

P.W.5: Snakar Mohabhoi.

List of witnesses examined on behalf of the defence:

None

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.