

IN THE COURT OF THE ADDL.C.J.M, B H U B A N E S W A R.

Present:
Sri P.L.Satpathy,LL.B.,
Addl.C.J.M,Bhubaneswar.

G.R.CASE NO.1687/03

(Arising out of Jatani P.S. Case No.125/03)

S T A T E Prosecution.
.....Versus.....

1. Sangram Keshari Routroy @ Gatua, aged about 49 years,
S/o Ramesh Routroy, At: Kurunati
P.S. Jatni, Dist.Khurda,

..... Accused person.

OFFENCE U/S.341,323,294,506 I.P.C

Counsel for the prosecution : Sri B.R Misra A.P.P, Bhubaneswar.

Counsel for the defence : Sri B.K.Pattnaik & Associates, Advs, BBSR.

Date of argument: 7.11.2013

Date of judgment:12.11.2013

J U D G M E N T

1. The accused named above stands trial for the offences punishable U/s.341,323,294,506 I.P.C.

2. The prosecution case, in brief, is as follows:

On 16.5.03 night at around 9.30 pm while the informant (PW.2) had been to Lokaline under Jatani PS for some of his work, by that time the accused coming to him abused at him. Abusing so the accused dealt a push to PW.2. When PW.2 raised protest to it, the accused told him as to why he had come to his area. Two other associates of the accused also threatened PW.2 to leave the place immediately otherwise we will finish you. The accused holding a gun aimed at him told me to leave the place otherwise I will shoot you. Out of

fear I left the place. The local people had seen the occurrence. The informant (PW.2) lodged the written report (Ext.1) on the same date at 10.30 pm. On the basis of the written report (Ext.1) lodged by the informant (PW.2) Jatani PS Case No.125 U/s.323/294/506/34 IPC was registered against the accused and his two other associates and investigation was undertaken thereon. After completion of the investigation charge sheet U/Ss.341,323,294,506 IPC was submitted against the present accused to face his trial in the court of law.

3. The plea of the accused is one of complete denial to the prosecution allegation and false implication.

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

- i) Whether on on 16.5.03 at around 9.30 pm at Loka colony, Jatani the accused voluntarily wrongfully restrained PW.2 ?
- ii) Whether on the alleged date, at time and at place the accused caused annoyance to others by uttering obscene words at PW.2 ?
- iii) Whether on the alleged date, at time and at place the accused voluntarily caused hurt to PW.2?
- iv) Whether on the alleged date, at time and at place the accused caused had given threat to PW.2 with intent to cause alarm to his person?

5. To prove its case prosecution examined 5 witnesses, in all. PW.2 is the informant PW.1 & 3 were the alleged to be occurrence witnesses . PW.4 is the preliminary IO of this case and PW.5 is the another IO who had submitted the charge sheet. On the other hand defence has adduced no evidence on its side.

6. PW.2 is the informant. His evidence before the court discloses that on 16.5.03 at 9.30 pm he had been to the house of his friend Durya Ku. Badajena situates at Loka Colony. While he had gone to his friend namely Bijaya Ku. Badajena at his camp office situates at Loka Colony the accused came to him and asked him as to whom he has come to meet. Further his evidence discloses that asking so the accused pushed him . The other two associates of the accused who were present there threatened him saying to leave the place immediately otherwise you will face dire consequence. Further his evidence discloses that when he raised protest to the other two associates of the accused then the accused showing a gun at him threatened to kill him. According to

prosecution PW.1 and 3 were two eyewitnesses to the occurrence. They both have not supported either to the prosecution case or to the aforesaid version of PW.2. Both PW.1 and 3 in their evidence have stated that they do not know anything about the case. Hence the evidence of the informant PW.2 regarding the incident stands uncorroborated. Pw.4 is the preliminary IO. Reading the evidence of PW.2 as well as PW.4 it is clear that what PW.2 had stated before the police in the course of investigation had not stated the same before the court and what PW.2 has stated in the court had not stated the same before the police in the course of investigation . Hence whatever evidence PW.2 has given he has given contradictory evidence. The evidence of PW.2 does not disclose that the accused voluntarily obstructed him. His evidence also does not disclose that the abusive words if any uttered by the accused had actually caused annoyance to others. In the absence of independent corroboration only basing on the uncorroborated and contradictory statement of PW.2 it would not be safe to hold the accused guilty with regard to the commission of the alleged offences. Considering the prosecution evidence available on record I am of the considered view that the prosecution has failed to establish its case against the accused and as such the accused is entitled to be acquitted.

In the result, I hold the accused is not guilty U/Ss.341,323,294,506 IPC and acquit him therefrom U/s.255(1) CrPC. The accused is on court bail. The bail bond furnished by him be canceled and the surety thereof be discharged.

Enter this case as “Mistake of Fact”

Addl.C.J.M,Bhubaneswar.

The judgment is dictated,corrected and pronounced by me in the open court today i.e. on 12th day of November, 2013 under my hand and seal of this court.

Addl.C.J.M,Bhubaneswar.

List of P.w.s. examined for prosecution.

P.w.1	Pramod Ku. Harichandan
P.w.2	Rahas Bihari Narendra
P.w.3	Alok Ku. Mohanty

P.w.4 Debisankar Pratap

P.w.5 Sanjay Ku. Putul

List of D.ws.examined for defence.

None.

List of exhibits marked for prosecution.

Ext.1 Written F.I.R

Ext.1/1 Signature of p.w.2 on Ext.1

Ext.1/2 Endorsement & signature of Haris Chandra pandey, IIC in Ext.1

Ext.1/3 Formal FIR

Ext.1/4 Signature of IIC H.C.Pandy in Ext.1/3

Ext.2 Rough Spot Map

Ext.2/1 Signature of PW.4 in Ext.2

List of exhibits marked for defence.

N i l.

List of M.Os.

N i l.

Addl.C.J.M,Bhubaneswar.