

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, BANPUR

PRESENT:

Sri Satya Ranjan Pradhan  
Asst Sessions Judge, Banpur

**S.T. Case No. 95/130 of 2014**

(Arising out of G.R. Case No. 226/2013  
corresponding to Banpur P.S. Case No. 144/2013)

State. ... Prosecution.

-Versus-

1. Sanjaya Pradhan, aged about 27 years, S/o Meghasan Pradhan.
2. Meghasan Pradhan, aged about 62 years, S/o Late Biswanath Pradhan.
3. Smt. Mochi Pradhan, aged about 58 years, W/o Meghasan Pradhan.
4. Ahali @ Ahalya Pradhan @ Sahu, aged about 28 years, W/o Bipini Sahu.
5. Ajaya Pradhan, aged about 22 years, S/o Meghasan Pradhan.
6. Bijaya Pradhan, aged about 20 years, S/o Meghasan Pradhan.

All are of Vill: Ghasadiah, P.S:Banpur, Dist: Khurda.

... Accused Persons.

For the Prosecution : Sri R.K.Bisoi, Addl. P.P.

For the Defence : Sri S.S.Mishra & Associates,  
Advocates.

Date of Argument : 12.01.2015

Date of Judgment : 17.01.2015

Offence U/s 498(A)/323/294/328/307/506/34 I.P.C. R/W 4 D.P.Act.

**JUDGMENT**

1. The above named accused persons stand charged 498(A)/323/294/ 328 /307/506/34 I.P.C. R/W 4 D.P.Act.
2. The brief facts of the prosecution story is that:

The daughter of the informant namely Narmada Pradhan

had married to accused Sanjaya Kumar Pradhan as per Hindu rite and rituals. At the time of marriage as per the demand of the in-laws the informant had given a sum of Rs. 40,000/- out of the demanded amount of Rs.1,00,000/- along with one Hero Honda Motor cycle, some golden ornaments along with other house hold articles. One year after the marriage a son was begotton out of the wedlock of Narmada and Sanjaya. After the said birth of their son the accused persons demanded the rest amount of dowry money. In connection with the said dowry money the accused persons used to torture the informant both mentally and physically. On 30.06.2013 at about 10 A.M. the informant got a telephonic call from his daughter to the effect that she was administered poison by her in-laws. After getting such information he along with his son to the house of the accused persons. There the said accused persons had assaulted both the informant and his son, However due to the intervention of the local people and other relatives of the informant could be rescued and then were sent for medical treatment. Thereafter the informant lodged a written report at Banpur P.S. which was registered as Banpur P.S. Case No.144 dated 30.06.2013 U/s 498(A)/323/294/307/328/379/427/506/34 I.P.C & 4 D.P.Act. After completion of investigation C.S was also submitted U/s 498(A)/323/ 294/ 328/307/506/34 I.P.C. R/W 4 D.P.Act. Hence this case.

3. The points for determination in this case are :-

(i) Whether on 30<sup>th</sup> day of June, 2013 at 10 am the accused persons being the husband and relative of the husband in furtherance of their common intention tortured the victim ( Narmada Pradhan) both physically and mentally ?

(ii) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention voluntarily caused hurt to the informant's daughter?

(iii) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention abused the victim in obscene language in or near public place causing annoyance to others?

(iv) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention administered to the victim poison with intent to cause death?

(v) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention dealt a blow by means of a thenga to the head of of the informant and his son with such intention or knowledge and by that act you had caused the death of them?

(vi) Whether on the same date, time and place of occurrence the accused persons committed criminal intimidation by threatening with injury and to cause alarm to the informant and victim.?

(vii) Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention

demanded more dowry from the informant's family member?

4. To substantiate its case prosecution had examined as many as eight witnesses, whereas defence had examined none.

5. As mentioned earlier to substantiate its case prosecution had examined as many as eight witnesses including the informant as P.W.5. The informant Bidaydhar Pradhan while being examined as P.W.1 stated that he does not remember anything about this case. He also stated that his daughter is now staying with her husband. So far as the present accused persons is concerned he had disclosed that he has nothing to say against them. However, through this witness prosecution could able to mark the F.I.R as Ext.2. The victim of this case namely Narmada Pradhan was examined by the prosecution as P.W.3. She stated that there was a disturbance between them but now they are living peacefully. She also stated that she does not remember about the occurrence now and that she has nothing to say against them. P.W.2 the son of the informant stated that he does not know the occurrence. However he admitted that he was medically examined and had put his signature on the medical report which was marked as Ext.1. Apart from them P.Ws 1, 7 & 8 stated that they do not know anything about the occurrence. Similarly the other witnesses who were examined as P.Ws. 4 & 6 stated that previously there was a dispute between their families which is compromised now. So we are only left

with the FIR marked as Ext.2. At this juncture it can be said that the F.I.R is not a substantial piece of evidence which can be used to convict the accused. Rather it is a corroborative piece of evidence. It can be used for the purpose of contradiction and corroboration only. As no corroboration is available to the FIR story the said document marked as Ext.2 is of no use for the case of the prosecution. As none of the prosecution witnesses including the victims did not support the case of the prosecution, I am of the opinion that the prosecution could not able to prove its case beyond all reasonable doubt.

6. In the result I hold the accused persons not guilty for the offence U/s 498(A)/323/294/328/307/506/34 I.P.C. R/W 4 D.P.Act.. and acquit them U/s. 235(1) Cr.P.C. They be set at liberty forthwith and be discharged from their bail bonds

The Zimanama if any be cancelled after four months of expiry of the appeal period if no appeal is preferred and in case of any appeal as per the order of the Appellate court.

Asst. Sessions Judge, Banpur.

Typed to my dictation & corrected by me. Judgment being sealed and signed is pronounced in the open court today i.e. on 17.01.2015.

Asst. Sessions Judge, Banpur.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION.

P.W.1. Golakha Pradhan.  
P.W.2. Manoj Kumar Pradhan  
P.W.3. Narmada Pradhan  
P.W.4 Bishnu Kishori Biswal  
P.W.5 Bidyadhar Pradhan  
P.W.6 Santilata Pradhan  
P.W.7 Bijay Pradhan  
P.W.8 Harihar Pradhan

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE.

NONE.

LIST OF EXHIBIT MARKED FOR THE PROSECUTION.

Ext.1. Signature of P.W.2 on Injury report.  
Ext.2 F.I.R.  
Ext.2/1 Signature of P.W.5 on Ext.1  
Ext.3 Seizure list regarding joint photograph.  
Ext.3/1 Signature of P.W.5 on Ext.3.  
Ext.4 Seizure list regarding house hold articles.  
Ext4/1 Signature of P.W.5 on Ext.4  
Ext.5 Zimanama  
Ext.5/1 Signature of P.W.5 on Ext.5.  
Ext.6 Signature of P.W.5 on medical report.

LIST OF EXHIBIT MARKED FOR THE DEFENCE.

NIL.

Asst. Sessions Judge, Banpur.