

IN THE COURT OF THE ASSISTANT SESSIONS JUDGE, BANPUR  
PRESENT:

Sri Satya Ranjan Pradhan  
Asst..Sessions Judge, Banpur

**S.T. Case No. 26/41 of 2014**

(Arising out of G.R. Case No. 263/2011  
corresponding to Banpur P.S. Case No. 166/2011)

State. ... Prosecution.

-Versus-

1. Batan @Gyana Ranjan Sahoo, aged about 27 years,  
S/o Gandu @ Dibakar Sahoo.
  2. Gandu @ Dibakar Sahoo, aged about 67 years,  
S/o Late Khali Sahoo.
  3. Manu @ Manoranjan Sahoo, aged about 30 years,  
S/o Gandu @ Dibakar Sahoo.
- All are of Vill: Hansaradi, P.S:Tangi,Dist: Khurda.

... Accused Persons.

For the Prosecution :Sri S.Mishra, Addl. P.P.

For the Defence : Sri D.K.Pattnaik & Associates,  
Advocates.

Date of Argument : 28.11.2014

Date of Judgment : 01.12.2014

Offence U/s 366/376/294/506/34 I.P.C.

**JUDGMENT**

(i) The above named accused Gyana Ranjan Sahoo stand charged U/s 376/366/294/506 of the Indian Penal Code for having committed the offence of rape, for kidnapping the prosecutrix to compel her marriage, for abusing her in obscene words in or near public place causing annoyance and for threatening her with dire consequence. like wise accused persons namely Dibakar Sahoo and Manoranjan Sahoo stand prosecuted U/s 294/506/34 of

the I.P.C for abusing the prosecutrix in obscene words in or near public place and for threatening her with dire consequence.

(ii) The brief facts of the prosecution story is that:

The accused Gyana Ranjana Sahoo had kept love affairs with the prosecutrix. During their relationship the accused forcibly committed rape upon the prosecutrix and also promised to marry her. On 14.07.2011 at about 7 PM during the absence of her family members the accused Gyana and some of his friends came to the house of the prosecutrix and kidnapped her on the gun point. He also took away a sum of Rs.15,000/- along with some golden ornaments weighing about 20 grams. The other accused persons who are the father and brother of the accused Gyana had threatened the prosecutrix with dire consequence if she came to their house marrying the accused Gyana. After the aforesaid occurrence the brothers and the maternal uncle of the prosecutrix went and rescued her. Thereafter she lodged a written report before the I.I.C Banpur P.S. Basing upon which a case u/s 493/376/366/294/506/34 of I.P.C was registered vide Banpur P.S.Case No. 166/2011 and after completion of investigation the I.O submitted charge sheet U/s 366/376/294/506/34 of the I.P.C. against the accused Gyana Ranjan whereas submitted C.S U/s 294/506/34 I.P.C against the rest two accused persons.

(iii) The plea of the accused person is one of complete denial .

(iv) The points for determination in this case are :-

5. Whether on 14.07.2011 the accused Gyana Ranjan Sahoo kidnapped or abducted the prosecutrix and compelled to marry him against her will or in order to force her to have illicit intercourse?

6. Whether the accused committed rape on the victim Babita Naik?

7. Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention abused the prosecutrix in obscene language in or near public place and abusing annoyance to other?

8. Whether on the same date, time and place of occurrence the accused persons in furtherance of their common intention committed criminal intimidation to the victim thereby causing alarm in her mind?

(v) To substantiate its case prosecution had examined as many as five witnesses, whereas defence had examined none.

(vi) As mentioned earlier to substantiate its case prosecution had examined as many as five witnesses including the prosecutrix as P.W.4. While being examined as P.W.4 the prosecutrix denied her knowledge about the occurrence. However she admitted the fact of lodging the F.I.R which is marked as Ext.1 for the prosecution. She was put to question by the Addl. P.P U/s 154 of the Evidence Act but nothing much of importance was elicited from her mouth which could have supported the case of the prosecution. Moreover she stated that she had put her signatures as because she was told to put it. Apart from the prosecutrix her two brothers and mother were examined by the prosecution as P.Ws 1,3 and 5 respectively. Like the prosecutrix these three witnesses also denied their knowledge about the occurrence. The prosecution also tried to bring out something from their mouth by putting questions U/s 154 of the Evidence Act. But nothing much of importance was elicited from their mouth which could have supported the case of the prosecution. Apart from these witnesses one independent witness to the occurrence was examined by the prosecution as P.W.2 who also showed his ignorance about the occurrence. However the prosecution could not be able to mark the F.I.R as Ext.1 through the informant. 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.1 is of no use for the case of the prosecution. As none of the prosecution witnesses including the victim 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.

(vii) In the result I hold the accused persons not guilty for the offence U/s 366/376/294/506/34 I.P.C. and acquit them u/s. 235(1) Cr.P.C. They be set at liberty forthwith and be discharged from their bail bonds

The seized article if any be destroyed 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 01.12.2014

Asst. Sessions Judge, Banpur.

LIST OF WITNESSES EXAMINED ON BEHALF OF THE PROSECUTION.

P.W.1. Tapan Naik  
P.W.2. Charana Dalei  
P.W.3. Ghana Naik  
P.W.4 The name of the victim is withheld to preserve  
anonymity of victim.  
P.W.5 Satya Naik

LIST OF WITNESSES EXAMINED ON BEHALF OF THE DEFENCE.

NONE.

LIST OF EXHIBIT MARKED FOR THE PROSECUTION.

Ext.1. F.I.R.  
Ext.1/1. Signature of P.W.1 on Ext.1.  
Ext.2 Medical report.

LIST OF EXHIBIT MARKED FOR THE DEFENCE.

NIL.

Asst. Sessions Judge, Banpur.