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FORM-A

**IN THE COURT OF JUDICIAL MAGISTRATE  
FIRST CLASS, ROURKELA**

**Present:**

**Smt. Sharmistha Padhy, LL.M.,  
J.M.F.C, Rourkela  
JO Code- OD00875**

**Date of Judgment: 08.04.2026**

**G.R. Case No. 491/2005**

**Trial No.-141/2025**

**Regd. No. 11059/2014**

(Arising out of Mahila P.S. case No. 14 dt.19.03.2005)

(U/s. 498-A/506/34 of IPC/ r.w. U/s. 4 of DP Act)

|                 |                                                                                                                                                                                                                                                                                                                                                                                |
|-----------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Complainant     | State of Odisha                                                                                                                                                                                                                                                                                                                                                                |
| Represented By  | Sri Irshad Khan, Ld. APP                                                                                                                                                                                                                                                                                                                                                       |
| Accused persons | 1. Sailabala Naik,<br>aged about- 75 yrs,<br>W/o- Banamali Naik<br>At./P.- Qt. No. A/146,<br>P.S.-Sector-19, Rourkela,<br>Dist-Sundargarh<br>2. Gayatri Naik<br>aged about- 48 yrs,<br>D/o- Banamali Naik<br>At./P.- Qt. No. A/146,<br>P.S.-Sector-19, Rourkela,<br>Dist-Sundargarh<br>3. Dharitri Naik<br>aged about- 52 yrs,<br>D/o- Banamali Naik<br>At./P.- Qt. No. A/146, |

|                |                                                                                                                                                                                             |
|----------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                | P.S.-Sector-19, Rourkela,<br>Dist-Sundargarh<br>4. Chittaranjan Naik<br>aged about- 50 yrs,<br>S/o- Banamali Naik<br>At./P.- Qt. No. A/146,<br>P.S.-Sector-19, Rourkela,<br>Dist-Sundargarh |
| Represented By | Ld. Adv. Sri B.N. Pradhan, Rourkela                                                                                                                                                         |

## FORM-B

|                                      |                     |
|--------------------------------------|---------------------|
| Date of Offence                      | Since<br>23.11.2002 |
| Date of FIR                          | 19.03.2005          |
| Date of Charge Sheet                 | 18.06.2005          |
| Date of Framing of Charge            | 21.05.2025          |
| Date of Commencement of evidence     | 30.03.2026          |
| Date on which judgment is reserved   | 30.03.2026          |
| Date of Judgment                     | 08.04.2026          |
| Date of the Sentencing order, if any | -                   |

| Accused Details     |                     |                |                         |                       |                                |                  |                                                                              |
|---------------------|---------------------|----------------|-------------------------|-----------------------|--------------------------------|------------------|------------------------------------------------------------------------------|
| Rank of the Accused | Name of the accused | Date of Arrest | Date of Release on Bail | Offences charged with | Whether acquitted or convicted | Sentence imposed | Period of detention undergone during Trial for purpose of section 428 Cr.P.C |
|                     |                     |                |                         |                       |                                |                  |                                                                              |

|     |                   |            |            |                                             |           |   |  |
|-----|-------------------|------------|------------|---------------------------------------------|-----------|---|--|
| A1. | Sailabala Naik    | 20.03.2005 | 20.03.2005 | U/S.- 498-A/506/34 of IPC/ r.w. 4 of DP Act | Acquitted | - |  |
| A2. | Gayatri Naik      | 20.03.2005 | 20.03.2005 | U/S.- 498-A/506/34 of IPC/ r.w. 4 of DP Act | Acquitted | - |  |
| A3. | Dharitri Naik     | 20.03.2005 | 20.03.2005 | U/S.- 498-A/506/34 of IPC/ r.w. 4 of DP Act | Acquitted | - |  |
| A4. | Chittaranjan Naik | 20.03.2005 | 20.03.2005 | U/S.- 498-A/506/34 of IPC/ r.w. 4 of DP Act | Acquitted | - |  |

### **JUDGMENT**

1. The above named accused persons stands charged for the commission of offences punishable U/s. 498-A/506/34 of Indian Penal Code (Hereinafter referred to as IPC) r.w. 4 of DP Act in furtherance of common intension for cruelty to a women by her hus-

band or relative of husband, for criminal intimidation and demanded dowry from the informant.

2. The brief fact of the prosecution story is that:

On the informant namely, Pratima Gouda lodged a written complaint before Mahila police station wherein she stated that on 15.03.2005 her in-laws came to her house and assaulted her. Further she stated in her FIR that her marriage was solemnized with one Chitta Ranjan Naik on 23.11.2002. Since her marriage her in-laws were assaulted her for dowry. Hence the informant lodged the FIR on 19.03.2005.

Basing on the above report, I.I.C. of Police, Mahila P.S. registered the written complaint filed P.S. case No. 14 dt.19.03.2005 and directed S.I. N. Modi to take up the investigation and to submit the charge-sheet.

During the course of investigation, the I.O. examined the informant and other witnesses U/s. 161, Cr.P.C. and submitted the charge-sheet vide C.S. No. 25 dtd. 18.06.2005, U/s. 498-A/506/34 of I.P.C./ r.w. offence U/s. 4 of DP Act against the above named accused persons. Hence, this present trial.

3. The plea of the defence is that of complete denial and of false implication.

4. The points for determination for the prosecution are as follows: —

Whether on 15.03.2005, at the house of the informant under the jurisdiction of Mahila P.S., the accused persons committed the offence of; -

- (i) for cruelty to the informant by her husband or relative of husband?
- (ii) for criminal intimidation ?
- (iii) for demanded dowry from the informant?

5. In order to substantiate its case, the prosecution has examined one witness. P.W.1 is the informant in this case. The prosecution has exhibited two documents on its behalf. However, the defence has examined none and has not exhibited any evidence on its behalf.

### **Findings-**

6. In the instant case, **P.W.1** the informant stated in her examination in chief that, she knows the accused persons namely Sailabala Naik, Gayatri Naik, Chitta Ranjan Naik and Dharitri Naik of this case. They are her in-laws. In the year of 2005, she had lodged this case due to misunderstanding. This is the said FIR marked as Ext.P1/P.W.1 and her signature thereon as Ext. P1<sup>1</sup>/P.W.1. This is the seizure list marked as Ext. P2/P.W.1 and her signature in the seizure list marked as Ext. P2<sup>1</sup>/P.W.1.

Further in her cross-examination she stated that

now the matter has been amicably outside the Court, So, she does not want to proceed further in this case. Presently she is residing happily and peacefully with her in-laws. She put her signature in the seizure list at the instance of Police.

7. Ongoing through the evidence on record it is found that the informant and other material witnesses of this case deposed that they do not want to proceed with the case as the matter of dispute has been amicably settled between the parties outside the court. So, there is nothing else available in the prosecution evidence to incriminate the accused person except the FIR which has been admitted into evidence vide Ext. P-1/P.W.1 and her signature thereon vide Ext. P-1<sup>1</sup>/P.W.1. But it will be worthy to mention here that in the case of **Madhusudan Singh and another vs. State of Bihar (AIR 1995 SC 1437)** Hon'ble Supreme Court held that *"FIR cannot be treated as a substantive piece of evidence and it can only be used for contradiction and corroboration of the person lodging the FIR. So, in this juncture this much can be concluded that a cloud is cast on the prosecution case and in the absence of any incriminating evidence against the accused person no liability can be fixed upon him"*.

*But it will be worthy to mention here that the Hon'ble Supreme Court in **Madan Mohan Abbot vs***

*state of Punjab Appeal (Crl.) no 555 of 2008 has emphasized that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the Court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common-sense approach to the matter based on ground of realities and bereft of the technicalities of the law. Hence, considering the above decision of the apex court, this court finds it undesirable to interfere into the existing scenario between the accused person and the informant of this case. It is also the well settled principle of law that the law is meant to do justice and not to force the parties for a protracted litigation. As such, when the parties themselves seem to have compromised the dispute, it would be waste of time in going through a mock trial.*

Therefore, after scanning the entire record and keeping in view the above discussion, in the absence of compelling and persuasive testimony of the informant and the injured on record, in my considered opinion, the prosecution has failed to prove offences U/s. 498-

A/506/34 of I.P.C./ r.w. offence U/s. 4 of DP Act against the accused persons.

8. Considering the aforesaid discussion made above and the available evidence on record, I am convinced that the prosecution has not adduced sufficient and cogent evidence to substantiate the offences prosecuted for the offences punishable U/s. 498-A/506/34 of I.P.C./ r.w. offence U/s. 4 of DP Act against the accused persons. The prosecution has failed to prove its case beyond all reasonable doubt against the accused persons. Hence, it is found that the offences U/s. 498-A/506/34 of I.P.C./ r.w. offence U/s. 4 of DP Act are not made out against the accused person.

As result of which, I hold the accused is not guilty for committing offences punishable U/s. 498-A/506/34 of I.P.C./ r.w. offence U/s. 4 of DP Act and the accused persons are acquitted there from U/s. 248(1) of the Cr.P.C. and they shall be discharged from their bail bonds.

9. The seized articles, if any, be destroyed after expiry of four months from the end of appeal period and if appeal is preferred, the seized article has to be dealt as per the direction of the Appellate Court.

Enter this case as a “Mistake of Fact” for



statistical purpose.

Dictated

Sd/-

**Judicial Magistrate First Class,**

**Rourkela**

**This Judgment is typed out and corrected by me in my personal computer and pronounced in the open court today i.e. on 08<sup>th</sup> April 2026 under my signature and seal of this court.**

Sd/-

**Judicial Magistrate First Class,**

**Rourkela**

**FORM-C**

| <b>LIST OF PROSECUTION/DEFENCE/COURT WITNESSES</b> |               |                           |
|----------------------------------------------------|---------------|---------------------------|
| <b>A. Prosecution Witnesses.</b>                   |               |                           |
| <b>Rank</b>                                        | <b>Name</b>   | <b>Nature of Evidence</b> |
| PW1                                                | Pratima Gouda | Informant                 |
| <b>B. Defence Witnesses, if any</b>                |               |                           |
| <b>Rank</b>                                        | <b>Name</b>   | <b>Nature of Evidence</b> |
| None                                               |               |                           |
| <b>C. Court Witnesses, if any</b>                  |               |                           |
| <b>Rank</b>                                        | <b>Name</b>   | <b>Nature of Evidence</b> |
| None                                               |               |                           |

| <b>LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS</b> |                              |                                    |
|---------------------------------------------------|------------------------------|------------------------------------|
| <b>A. Prosecution Exhibits</b>                    |                              |                                    |
| Sl. No.                                           | Exhibit Number               | Description                        |
| 1                                                 | Ext.P1/P.W.1                 | FIR                                |
| 2                                                 | Ext. P1 <sup>1</sup> /P.W.1  | Signature of P.W.1 on FIR          |
| 3                                                 | Ext. P2/P.W.1                | Seizure List                       |
| 4                                                 | Ext. P2 <sup>1</sup> /P.W.1. | Signature of P.W.1 on Seizure List |
| <b>B. Defence Exhibits, if any</b>                |                              |                                    |
| Sl. No.                                           | Exhibit Number               | Description                        |
| Nil                                               |                              |                                    |
| <b>C. Court Exhibits, if any</b>                  |                              |                                    |
| Sl. No.                                           | Exhibit Number               | Description                        |
| Nil                                               |                              |                                    |
| <b>D. Material Objects:</b>                       |                              |                                    |
| Sl. No.                                           | Material Object Number       | Description                        |
| Nil                                               |                              |                                    |

Sd/-

**Judicial Magistrate First Class,  
Rourkela**