

HEADING OF DECISION IN SESSIONS CASE

Form- A

IN THE COURT OF ADDITIONAL DISTRICT & SESSIONS JUDGE, ATHMALLIK <u>DISTRICT- ANGUL</u>	
Present: Sri Ranjan Kumar Sutar, OSJS, Addl. District & Sessions Judge, Athmallik, Judicial Officer's Code No.OD-00265.	
<u>Date of Judgment</u> Dated, this the 16 th Day of December, 2025	
<u>Case No. C.T.(S) No.19 of 2025</u> Regd. No. C.T. (SS) No.19 of 2025	
<u>Details of F.I.R./Crime and Police Station</u> F.I.R. No.78 , dated.28.03.2022, U/s.294/323/307/506 of IPC of Athmallik P.S. corresponding to G.R. Case No.494 of 2019 of the court of the learned S.D.J.M, Athmallik.	
Complainant	State of Odisha Informant- Surendra Pradhan
Represented by	Miss. Gayatri Das, Addl. P.P.(C)., Athmallik & A.R.Deo, Addl. P.P.
Accused Person	(A1) Srabana Karmi , aged about 40 years, S/o.Tripurendra Karmi, Occupation- Cultivator, Village:Aida, PS-Athmallik, District- Angul.
Represented by	Sri. S. K. Sasani & Associates, Advocate, Athmallik.

Form- B

Date of Offence	27.03.2022
Date of F.I.R.	28.03.2022
Date of Charge sheet	02.06.2022

Date of Framing of Charges						31.07.2025	
Date of Commencement of evidence						31.07.2025	
Date on which judgment is reserved						16.12.2025	
Date of the Judgment						16.12.2025	
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	Shrabana Karmi	Not Arrested	Released on 23.05.2022 vide ABLPL No.4174 of 2022	U/s.294/323/307/506 of IPC	Acquitted	Not applicable	Not applicable

Status of the accused person:-

The accused person is on bail.

// J U D G M E N T //

1. The accused ‘Shrabana Karmi’ stood charged and faced trial for the alleged offences punishable U/ss.294/323/307/506 of IPC.

2. The case of the prosecution as is revealed from the FIR lodged on 28.03.2022 at about 11.05 PM, by one Surendra Pradhan before the IIC of Athmallik P.S that on 27.03.2022 at evening 09.00 PM, while he along with others were gossiping on the house verandah of Sudam Karmi, Shrabana Karmi (accused) abused him and saying “sala, maghia, madhurchod”

and threatened with dire consequence and also assaulted him by means of bamboo thenga causing bleeding and fracture injury on his head. Thereafter, he was shifted to hospital for medical treatment. While leaving the place, the accused was saying “if he files any case against him (accused), he will kill him.”

The IIC of Athmallik P.S. registered the FIR as Athmallik P.S. Case No.78, dtd.28.03.2022 U/ss. 294/323/307/506 of IPC and he himself took up investigation of this case and after completion of investigation, the IIC of Athmallik P.S. submitted charge sheet for the offences punishable under above sections. Accordingly, cognizance of the said offences, was taken by the learned SDJM, Athmallik and after supplying police papers to the accused, committed the case record along with the accused Shrabana Karmi to this court to face his trial. Hence, this case.

3. The plea of the defense is one of complete denial and false implication.

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

- i) Whether on 27.03.2022 at about 09 PM at Aida, the accused abused the informant, in or near a public place causing annoyance to him and others?
- ii) Whether on above noted date and place, the accused voluntarily caused hurt to the informant?
- iii) Whether on the above noted date and place, the accused assaulted the informant along by means of thenga causing bleeding injury on his head of the informant, with such intention and under such cir-

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cumstances, that if by that act they had caused death?

- iv) Whether on the above noted date and place, the accused committed criminal intimidation by threatening to the informant with intent to cause alarm to him?

5. In order to prove its case, the prosecution has examined only two witnesses, namely Surendra Pradhan (**P.W.1/Informant**) & Dr. Anil Kumar Dey (**P.W.2**). In view of the testimony of the informant-cum-so called injured, the Ld. Addl. P.P. declined the rest charge sheeted witnesses. On the other hand, defense has examined none in its behalf.

6. During the course of examination, the P.W.1, as being the informant-cum-so called injured, has deposed that due to some misunderstanding in between him and the accused, a quarrel arose, for which he being angry with the accused, lodged the FIR at P.S. He has further stated that he has not been examined by the police and that as the case has already been compromised, he doesn't want to proceed further with the case. He admitted the FIR vide Ext.P-1/PW1 and his signature thereon vide Ext.P-1/a/PW1.

P.W.2, who is said have examined the informant-cum-so called injured has deposed that on 28.03.2022 at about 12.02 AM, on police requisition he examined one Surendra Pradhan (informant), son of Damodar Pradhan of village Aida under Athmallik P.S. and found one laceration wound of size (5x3x2) cm. He further opined that the injury is simple in nature might

have been caused by lathi. The age of injury is within 06 hours from the time of his examination. He admitted the police requisition vide Ext.P-2/PW2. He also admitted his opinion vides Ext.P-3/PW2 and his signature thereon vide Ext.P-3/a/PW2.

7. Keeping in view the essential ingredients of the alleged offences punishable U/ss.294/323/307/506 of IPC and taking into consideration the submission of Ld. Addl. P.P. as well as the Ld. Counsel for the accused, put forth during the course of their argument, perused the entire case record and found, the informant-cum-so called injured as the vital witness to the prosecution, has whispered not a single incriminating material against the accused to establish even a single ingredient of anyone of the allegations. Even though P.W.2 has stated that P.w.1 has sustained lacerated wound, which might have been caused by thenga, yet the same not being substantive piece of evidence, in absence of substantive piece of evidence to be corroborated by this evidence of Doctor, is not helpful to the prosecution in the case in hand. Because P.W.1 has not whispered that he has sustained any injury in any manner in connection with the case.

8. So far as, the FIR vide Ext.P-1/PW1 under the signature of the informant vide Ext.P-1/a/PW1, is concerned, the informant has not stated anything in his examination-in-chief in consonance with the content of FIR. So, the FIR has not corroborated the testimony of P.W.1 as the informant, for which in absence of any incriminating material from the mouth

of the informant as substantive piece of evidence, to be corroborated by the content of FIR, the sole FIR cannot be based to prove the allegations therein against the accused. That apart, the informant (P.W.1) has stated in his cross-examination that he doesn't have any allegation against the accused and that he has not stated anything against the accused in connection with the case.

Thus, in view of the fact of the case and the testimonies of the P.Ws including the informant-cum-so called injured, the prosecution failed miserably to prove its case against the accused.

9. In the result, the accused “**Shrabana Karmi**” is found not guilty of commission of anyone of the alleged offences punishable U/ss.294/323/307/506 of IPC and accordingly, he is acquitted there from U/s.235(1) of Cr.P.C. The accused be set at liberty forthwith and be discharged from his bail bond except from the bond executed by the accused as per the provision of 437(A) of Cr.P.C.

Sd/-

Addl. Dist. & Sessions Judge, Athmallik.

10. No order in connection with the seizure is being passed as there is nothing to prove any seizure.

Enter this case as a “mistake of fact” for statistical purpose.

Sd/-

Addl. Dist. & Sessions Judge, Athmallik.

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This judgment is dictated and corrected by me and pronounced in the open Court, today, the **16th** Day of **December, 2025** given under my hand, seal and signature of the court.

Sd/-

Addl. Dist. & Sessions Judge, Athmallik.

Form- C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
1	Surendra Pradhan	Informant/Injured
2	Dr. Anil Kumar Dey	Medical Officer
B. Defence Witness, if any		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
Nil	Nil	Nil
C. Court Witness, if any		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
NIL	NIL	NIL
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits		

State of Orissa Vrs. Shrabana Karmi

Sl. No.	Exhibit Number	Description
1	Ext. No.P-1	F.I.R.
2	Ext. No.P-1/a	Signature of P.W.1 on FIR
3	Ext.P-2	Police Requisition
4	Ext.P-3	Medical Report
5	Ext.P-3/a	Signature of P.W.2 on the report
B. Defence Exhibits, if any		
Sl. No.	Exhibit Number	Description
Nil	Nil	Nil
C. Court Exhibits, if any		
Sl. No.	Exhibit Number	Description
Nil	Nil	Nil
D. Material objects:		
Sl. No.	Material Object Number	Description
Nil	Nil	Nil

Sd/-**Addl. Dist. & Sessions Judge, Athmallik.**