

FORM – A

**IN THE COURT OF
JUDICIAL MAGISTRATE FIRST CLASS (RURAL)
(COG. TAKING) BERHAMPUR, DIST: GANJAM**

**P r e s e n t : Ms. Anwesha Das
J.M.F.C., (Rural) (Cog. Taking)
Berhampur, Dist-Ganjam**

(Code: OD-00929)

(12th day of August, 2026)

G.R. No. 44 of 2016

T.R. No. 526 of 2026

(CNR No- ODGM050026732021)

(Arising out of Pattapur P.S. Case No.44 dated 23.03.2016,
U/S.120-B/294/323/386/506/34 of IPC, r/w. Sec. 25/27 of
Arms Act)

Complainant	State of Odisha
REPRESENTED BY	Sri Alok Jyoti Kadam, Ld. APP, Berhampur
ACCUSED PERSONS:	Satru Jena (55), S/o- Hari Jena, R/o- Podamari, Pattapur PS- Pattapur, Dist- Ganjam (A1) Santosh Sahu (52), S/o- Simanchal Sahu, R/o- Podamari, Pattapur PS- Pattapur, Dist- Ganjam (A2) Ramesh Chandra Jena (48), S/o- Arakhita Jena, R/o- Gambhariguda, PS- Pattapur, Dist- Ganjam (A3)

GR Case No.- 44 of 2016

	Santosh Ratha (55), S/o- Lambodar Ratha, R/o- Podamari, PS- Pattapur, Dist- Ganjam (A4)
REPRESENTED BY	Sri Saroj Ku. Gouda & Associates, Ld. Advocates, Berhampur for Accused A1, A2 & A3. Sri H.K. Panigrahi & Associates, Ld. Advocates, Berhampur for Accused A4

FORM – B

Date of Offence	22.02.20216 & 23.03.2016
Date of F.I.R.	23.03.2016
Date of Charge Sheet	31.08.2020
Date of Framing of Charge	10.07.2026
Date of Commencement of Evidence	14.07.2026
Date on which Judgment is reserved	07.08.2026
Date of the Judgment	12.08.2026
Date of the Sentencing Order, if any	--

ACCUSED PERSONS DETAILS:

Rank of the Accused Persons	Name of the Accused Persons	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detentio n undergo ne during Trial for purpose of Section- 428, Cr.P.C.

GR Case No.- 44 of 2016

A1.	Satru Jena	06.07.2017 (Surrender)	Released on 06.07.2017 as per Order of Hon'ble High Court of Orissa passed in ABLAPL No.5056/ 2016	U/s. 120B/294/ 323/386/ 506/34 IPC	Acquitted	NA	NA
A2.	Santosh Sahu	03.05.2016 (On Remand)	21.10.2016	U/s. 120B/294/ 323/386/ 506/34 IPC	Acquitted	NA	NA
A3.	Ramesh Chandra Jena	05.04.2017 (On Remand)	09.05.2017	U/s. 120B/294/ 323/386/ 506/34 IPC	Acquitted	NA	NA
A4.	Santosh Ratha	22.02.2021 (Surrender)	Released on 22.02.2021 as per Order of Hon'ble High Court of Orissa passed in ABLAPL No.5225/ 2016	U/s. 120B/294/ 323/386/ 506/34 IPC	Acquitted	NA	NA

J U D G M E N T

1. The accused persons named above stand charged for the offences U/s.120-B/294/323/386/506/34 IPC for criminal conspiracy, use of obscene language in a public place, voluntarily causing hurt, committing extortion by putting a person in fear and for committing criminal intimidation, in furtherance of their common intention.

2. The case of the prosecution in short is that on 23.03.2016, at about 08.10 P.M., the informant, namely, Pabana Pradhan, aged about 28 years, S/o- Mangala Pradhan, Village- Padmapur, PS- Pattapur, Dist- Ganjam appeared at PS and presented a written report stating that he was running a broiler farm in his village for his livelihood. On 22.02.2016 at about 2:30 P.M., the accused persons namely Satru Jena, Santosh Sahu and Santosh Rath, All are of Village- Podamari came near his broiler farm and accused Satru Jena abused the informant in obscene language and told him to pay money to accused Ramesh Jena stating that he could not run the broiler farm without paying money to Ramesh Jena and questioning how they would otherwise survive. They further told him that accused Ramesh Jena had directed him to pay ₹.10,000/- per month, failing which they would set his broiler farm on fire. When the informant expressed his inability to pay such amount every month, accused Satru Jena allegedly took out a pistol from his waist, placed it on the head of the informant and threatened him stating that he would have to pay ₹.10,000/- per month as directed by Ramesh Jena, failing which he would be killed. Accused Satru Jena assaulted the informant and thereafter left the place. The informant further stated that he had earlier seen the accused persons moving around with Ramesh Jena, the

then Ex-MLA, and out of fear, he did not report the matter to the Police immediately. It is further alleged that on 23.03.2016 at about 4:00 P.M., accused Satru Jena along with accused Santosh Rath again came near his broiler farm and demanded ₹.10,000/- from him on behalf of Ramesh Jena. As some persons from the nearby village came to the spot, the accused persons left the place. While leaving, the accused persons threatened the informant that as he had not complied with the directions of Ramesh Jena they would set fire to his broiler farm and kill him. The informant subsequently came to know that Ramesh Jena was in jail at that time. Owing to such threats, the informant reported the matter before the Police seeking necessary legal action against the accused persons. Basing on the report, the IIC of Pattapur PS registered P.S. Case No.44 dtd.23.03.2016, u/s.120-B/294/323/386/506/34 of IPC, r/w. Sec.25/27 of Arms Act and take up the investigation of this case.

During the course of investigation, the IO visited the spot, prepared spot map, examined the informant and other connected witnesses, recorded their statements U/s. 161 Cr.P.C., made prayer before the Court of the learned J.M.F.C., Sanakhemundi for remand of the accused persons namely Santosh Sahu and Ramesh Chandra Jena, and made a prayer before the said Court for issuance of NBW against the accused namely Santosh Ratha and after

completion of investigation, he submitted charge sheet vide C.S. No.223 dtd.31.08.2020 U/s.120-B/294/323/386/506/34 of IPC against the accused persons namely Satru Jena, Santosh Sahu, Ramesh Chandra Jena and Santosh Ratha to face trial in the Court of law. Hence, this case for trial against the accused persons.

3. The plea of the accused persons is one of outright denial and of false implication.

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

i) Whether on 22.02.2016 and 23.03.2016, at Village- Padmapur, the above-named accused persons, in furtherance of their common intention, agreed amongst themselves to do or cause to be done illegal acts, to demand and extort money from the informant by putting him in fear of death and injury and thereby committed an offence punishable u/s.120-B of IPC?

ii) Whether on the aforesaid dates and place, the above-named accused persons, in furtherance of their common intention, abused the informant in obscene language in or near a public place thereby causing annoyance to him or to others present and thereby committed an offence punishable u/s.294 of IPC?

iii) Whether on the aforesaid dates and place, the above-named accused persons, in furtherance of their common intention, voluntarily caused hurt to the informant and thereby committed an offence punishable u/s.323 of IPC?

iv) Whether on the aforesaid dates and place, the above-named accused persons, in furtherance of their common intention, putting the informant in fear of death and grievous hurt, dishonestly induced and compelled him to pay a sum of ₹.10,000/- per month, and threatened that in default of such payment his broiler farm would be set on fire and he would be killed and thereby committed an offence punishable u/s.386 of IPC?

v) Whether on the aforesaid dates and place, the above-named accused persons, in furtherance of their common intention, threatened the informant with death and with causing destruction of his broiler farm by fire, with intent to cause alarm to him and to compel him to pay ₹10,000/- per month and thereby committed an offence punishable u/s.506 of IPC?

5. To substantiate its case, the prosecution has examined P.W.1 the informant-cum-victim in this case. Considering the testimony of the witnesses, year old nature of the case and the nature of offence alleged, in order to avoid undue

delay, the evidence from the side of the prosecution was closed. On the other hand, Ld. Defence has examined none from its side.

6. It reveals from the testimony of P.W.1, being the informant-cum-victim in this case that he has lodged this case around 10 years back out of misunderstanding and they have now amicably settled the dispute outside the Court. He has proved the FIR vide Ext.P-1/P.W.1 and his signature thereon vide Ext.P-1¹/P.W.1. In his cross-examination, he has deposed that he does not wish to proceed further in this case and he would not be prejudiced upon compromising of this case and he has further stated that nobody has forced him to compromise this case.

7. After careful analysis of the prosecution evidence, it reveals that the prosecution witness, i.e., P.W.1 the informant-cum-victim, has neither corroborated the FIR story nor has he deposed anything incriminating against the accused persons in this case. Rather, P.W.1 has deposed that this case was filed against the accused persons due to some misunderstanding between both the parties and as the matter has been amicably settled between them, he does not want to proceed further in this case. Further, it is a well settled principle of law that FIR is not a substantive piece of evidence and requires corroboration. Hence, in the absence of any clear and cogent evidence and sufficient

corroboration to the FIR story, it is not proper to hold the accused persons guilty of the offences alleged against them.

8. In such light and on considering the facts and circumstances of this case and the nature of offences, this Court is of the conclusion that the prosecution has failed to prove its case against the accused persons beyond all reasonable doubts and accordingly, the accused persons are held not guilty of the offences punishable U/s.120-B/294/323/386/506/34 IPC and they are acquitted therefrom as per the provision of Section 248 (1) Cr.P.C.

9. No order as to disposal of property as nothing has been seized in connection with this case.

Enter this case as mistake of fact.

Sd/-
Ms. Anwasha Das
J. M. F. C (R.) (Cog. Taking),
Berhampur
12.08.2026

This judgment is typed as per my dictation in the office computer, corrected, signed and pronounced by me in the open court on this the **12th day of August, 2026** given on my hand and seal of the Court.

Sd/-
Ms. Anwasha Das
J. M. F. C (R.) (Cog. Taking),
Berhampur
12.08.2026

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)
P.W.1	Pabana Pradhan	Informant-cum-Victim
B. Defence Witness, if any :		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
D.W.	Nil	Nil
C. Court Witnesses, if any :		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
C.W.	None	None
LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS		
A. Prosecution Exhibits :		
Sl. No.	Exhibit Number	Description
1.	Ext.P-1/PW.1	FIR
2.	Ext.P-1 ¹ /PW.1	Signature of P.W.1 on FIR

B. Defence Exhibits, if any :		
Sl. No.	Exhibit Number	Description
—	Nil.	Nil.
C. Court Exhibits, if any :		
Sl. No.	Exhibit Number	Description
—	Nil.	Nil.
D. Material Objects :		
Sl. No.	Exhibit Number	Description
—	Nil.	Nil.

Sd/-
Ms. Anwasha Das
J. M. F. C (R.) (Cog. Taking),
Berhampur
12.08.2026