

**COURT OF THE ADDITIONAL SESSIONS JUDGE-
CUM-SPECIAL JUDGE, CHANDIKHOLE**

Present: Sri Gopabandhu Gadanayak, OSJS,
Special Judge, Chandikhole.
[JO Code No. OD-00346]

C.T. (Special) No. 117 of 2019
355 of 2025

(Arising out of Balichandrapur PS Case No. 302 of 2019)

Date of Argument: 21.07.2026

Date of Judgment: .22.07.2026

FORM-A

Complainant	State of Odisha
Represented by	Sri Nalinikanta Mishra. Addl. Public Prosecutor
	Gyanaranjan Jena@ Gyanendra Jena @Kutia aged 53 yrs, S/o-Sanatan Nayak, of Villag- Ambasouri, P.S-Balichandrapur, Dist- Jajpur.
Represented	Sri N. Patra and associate, Advocates, Chandikhole.

FORM-B

Date of Offence	04.12.2019
Date of F.I.R	05.12.2019
Date of Charge sheet	31.03.2020
Date of Framing of Charges	19.08.2025
Date of commencement of evidence	10.09.2025
Date on which judgment is reserved	-----
Date of Judgment	22.07.2026
Date of Sentencing Order, if any	Does not arise

Rank of the Accused	Name of the Accused	Date of Arrest/appearance	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentence imposed	Period of Detention under gone during Trial for purpose of Section 468 BNSS
01	Gyanaranjan @Gyanendra Jena @Kutia	13.05.2025	13.08.2025	U/s- 341,323,294 of IPC r/w section 3(1)(r)(s)/3(2)(va) of SC/ST (PoA) Act	Acquitted	N.A.	----

J U D G E M E N T

The above-named accused stands charged for alleged commission of offences punishable U/s- 341,323,294 of IPC r/w section 3(1)(r)(s)/3(2)(va) of SC/ST (PoA) Act of Scheduled Castes and Scheduled Tribes (Prevention of Atrocities Act 1989) [in short SC/ST (PoA) Act.]

2. The prosecution case, in short is as follows:-

One Prasant Mallik, S/o- Sahadev Mallik, resident of Vill-Mohanipur, P.S. Dharmasala, lodged a written report before the IIC Balichandrapur PS, alleging that on 04.12.2019 at about 5.30 P.M. he along with his younger brother Papuna Mallik had been to the house of one Kuna Swain of village Janak, to hand over the tools utilized for ground nut sowing. On their way near river bank, they found the accused persons Gyanaranjan@Kutia Jena and Rohan Jena had

obstructed the road by sitting on the bike. On their, protest the accused persons challenged them with vulgar languages and challenged them as to whether the road belonged to their father. The accused persons are very much known to them. The accused persons also abused them in obscene language by saying “SALA MAGHIA E KANA TO BOPA RASTA” etc., rushed to the nearby shop, brought an iron rod and dealt blow to their head and neck for which they ran away from the spot to save their life. The accused persons snatched away the key of their bike and a cash of Rs.63,000/-. So, for the purpose of taking necessary action against the accused persons, the informant has lodged FIR, alleging attempt to murder. On the above written report of the informant on 05.12.2019 I.I.C., Balichandrapur P.S., registered Balichandrapur PS Case No.302 of 2019 U/s- 341/323/294/34 of IPC, r/w section 3(i)(r)(s)/3 (2) (va) of the SC/ST (PoA) Act and as per the order of S.P., Jajpur requested Shri S Tudu, OPS, DSP (IUCAW), Jajpur to take up investigation of the case.

During course of investigation, the IO visited the spot, examined the complainant and other witnesses, recorded their statements u/s- 161 Cr.P.C. issued requisition to obtain Caste particular of the accused persons and the informant and after completion of investigation, the IO submitted charge sheet U/s- 341/323/294/34 of the IPC, r/w section 3(i)(r)(s)/3(2) (va) of the SC/ST (PoA) Act against the accused persons

namely Gyranaranjan @Gyanendra Jena@ Kutia, S/o- Late Gandharba Kumar Jena & Rohan @Rosan @Asutosh Jena, S/o- Gyranaranjan @Gyanendra Jena@ Kutia both are of Vill-Janak, PS- Balichandrapur, Dist- Jajpur to face their trial.

3. The plea of accused persons is simple denial of occurrence and false implication.

4. Prosecution has to prove:

- i) Whether the accused on 04.12.2019 at Janaka under Balichandrapur P.S., wrongfully restrained the informant and prevented him in proceeding in a direction in which he had a right to proceed?
- ii) Whether on the above noted date and time and place, the accused abused him in obscene languages saying SALA MAGHIA E KANA TO BOPA RASTA in a public place causing annoyance to informant?
- iii) Whether on the above noted date and time and place, the accused voluntarily caused hurt to the informant?
- iv) Whether on the above noted date and time and place, accused not being a member of SC and ST Community,

intentionally intimidated the informant with a view to humiliate him belongs member of SC & ST Community have been “KANDARA” in a public place?

- v) Whether on the above date and time and place, the accused not being a member of SC & ST Community humiliated the informant knowing that the informant belongs to Schedule Caste Community?

5. In order to substantiate its case, the prosecution has examined as many as seven (7) numbers of witnesses including informant namely Prasanta Mallik as PW 4, Anirudha Jena as P.W.1, Amiya Kumar Nayak as P.W.2 (seizure witness), Gopal Chandra Jena as P.W.3, Gopal Chandra Mallik @Gopi P.W.5, Madhusmita Mallik as P.W.6. Subodha Jena as P.W.7.

In addition to the above oral evidence, the prosecution has proved two documents marked Seizure list as Ext. P-1 and signature of P.W.2 marked as Ext.P-1¹, FIR was marked as Ext.P-2 and the signature of informant marked as Ext.P-2¹.

On the other hand, defence did not adduce any evidence.

6. Coming to the points for determination:

All the points are taken together for better appreciation of evidence. The informant P.W. 4, during his examination in chief, he said that the alleged incident occurred in the year 2019 but cannot say the specific date & month on which he was going with his Tractor and when the accused obstructed him by holding his collar, dragged him and also assaulted him. He said that the accused snatched away Rs.63,000/- for him. The FIR lodged by him was marked as Ext.P-2 and his signature thereon marked as Ext.P-2¹. P.W.1 in his examination-in-chief, he said that, he does not know the informant Prasanta Mallik but identified the accused Gyanaranjan Jena of this case. In his examination in chief, in para 2, he said that, he does not know, when the alleged incident has occurred but he admitted that he was examined by the I.O of this case. In his examination in chief, in para 3, he said that, it is not a fact that he had stated before the IO that the accused Gyanaranjan Jena and his son has obstructed the passage of the tractor and also abused in obscene language SALA KANDARA PANA etc, and also gave him fist and slaps blows. P.Ws. 3 & 7 in their examination-in-chief they said that, they do not know the informant Prasanta Mallik but identified the accused Gyanaranjan Jena of this case. They do not know when the alleged incident has occurred. They do not know anything regarding this case. They were examined by the I.O of this case. P.Ws. 5 & 6 in their

examination-in-chief they said that, they know the informant Prasanta Mallik also identified the accused Gyanaranjan Jena of this case. P.W.5, in his examination-in- chief, in para 2 said that, the alleged incident occurred in the year 2021, he and the informant Prasanta both were going on the river bridge side road. The accused along with other accused persons in intoxicated conditions blocked the road by parking their bike. He admitted that he was examined by I.O of this case. P.W.6, in his examination-in- chief, in para 2 said that, he cannot recollect when the alleged incident has occurred. The accused after assaulting to Prasanta Mallik, snatched away the money from him for which FIR was lodged. He was examined by I.O of this case. P.W.2, in his examination-in-chief, he said that, on 12.03.2020, he was posted as Asst. Teacher L N High School, Pobala Taranjia. The School Register which was seized by the IO. He is one of the witness to the seizure of the School Admission Register and his signature there on was marked Ext.P-1¹. Learned Addl. PP with the permission of the Court, declared the witness as hostile and put leading question to him but nothing help full to the prosecution was elicited from his mouth.

7. I also perused the cross-examination of the PWs. P.W.4, the informant in his cross-examination he admitted that, now the matter of the

case has been compromised between them. So, he does not want to proceed further with the case as they are now pulling well. He cannot say what obscene language the accused uttered against him. P.W.2, in his examination-in-chief, he said that, at the instance of the IO, he only put his signature on the seizure list. The contents of the seizure list was not read over and explained to him.

8. While the factual matrix of the case, as revealed from the above evidence of the PWs is as such, let me scrutinize the evidence by which, the prosecution wants to prove guilt of the accused. It is a cardinal principle of appreciation of evidence in a criminal trial is that, the evidence of the informant/victim is of paramount importance. P.W.4, informant in his examination-in-chief has stated that, the accused obstructed him and holding his collar dragged him and also assaulted to him. Further the informant P.W.4, in para 3 of his cross-examination admitted that now the matter of the case has been compromised between them and they are pulling well. So, he does not want to proceed further with this case.

9. So, from the above evidence of PWs, I find that, there is no materials to hold that, the accused wrongfully restrained the informant and prevented him, accused abused the informant, voluntarily caused hurt to the informant and abused in his caste name within public view to humiliate him and not being

members of SC/ST community abused the informant within public view.

10. In the result, the accused is found not guilty of offence U/s- 341,323,294 of IPC r/w section 3(1)(r)(s)/3(2)(va) of SC/ST (PoA) Act and therefore the accused is acquitted U/s-235 (1) of the CrPC.

11. Since there is no seizure, no order is passed regarding disposal of seized articles.

The previous bail bond with surety of the accused who is on bail shall remain in force for a period of six months as per section 437 (A) CrPC.

Sd/- Sri. G. Gadanayak
Special Judge, Chandikhole.

Judgment pronounced in the open Court under my sign and the seal of this Court, on this the 22nd day of July, 2026.

Sd/- Sri. G. Gadanayak
Special Judge, Chandikhole.

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution witnesses		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESSES, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS

PW 1	Anirudah Jena	Independent witness
PW 2	Amiya Kumar Nayak	Seizure witness
PW 3	Gopal Chandra Jena	Independent witness
PW 4	Prasanta Mallik	Informant
PW 5	Gopal Chandra Mallik@Gopi	Independent witness
PW 6	Madhusudan Mallik	Independent witness
PW 7	Subodha Jena	Independent witness

B. Defence witnesses

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESSES, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	None	

C. Court witness, if any

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	Nil.	

LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS**A. Prosecution Exhibits.**

Sl.No.	Exhibit Number	Description
1.	Ext. P-1	Admission Register
2.	Ext. P-1 ¹	Signature of PW 2.
3.	Ext. P-2	FIR
4.	Ext. P-2 ¹	Signature of PW 4.

B. Defence Exhibits, if any

Sl.No.	Exhibit Number	Description
1.	Nil	

C. Court Exhibit, if any		
Sl.No.	Exhibit Number	Description
1.	Nil	
D. Material Objects:		
Sl.No.	Material Object	Description.
1.	Nil	

Sd/- Sri. G. Gadanayak
Special Judge, Chandikhole.