

FORM-A**IN THE COURT OF THE JUDICIAL MAGISTRATE FIRST CLASS, RAJGANGPUR, DISTRICT-SUNDARGARH**

Present: Ms. Pracheta Priyadarshini Mohapatra, LL.M.,
J.M.F.C., Rajgangpur

J.O. CODE : OD00837

Date of Judgment:- **05/06/25**

G.R. Case No.66 2013

T.R. No.273 2013

E.Reg No.397 of 2015

(PS case No.10 20/02/2013, Rajgangpur, for the offences U/s. 427/452/354/323/294/506 of IPC)

Complainant	State of Odisha
REPRESENTED BY	Ld. APP, Rajgangpur
ACCUSED PERSON	Dasaratha Singhi
REPRESENTED BY	Sri S. Panigrahi Ld. Advocate, Rajgangpur

FORM-B

Date of Offence	19/02/2013
Date of FIR	20/02/2013
Date of Submission of Charge sheet	05/03/2013
Date on which particulars of offences read over and explained/Date of framing of charge	24/10/2013
Date of commencement of evidence	05/12/2013
Date on which judgment is reserved	04/06/2025
Date of Judgment	05/06/2025

Date of the Sentencing Order, if any				N/A			
Accused Person(s) Details							
Rank of the Accused Person (s)	Name of the Accused Person(s)	Date of Arrest	Date of Release on Bail	Offences charged with	Whether Acquitted or convicted	Sentenced imposed	Period of Detention undergone during Trial for purpose of section 428, Cr.P. C.
1	Dasaratha ,Singhi aged about 55years, S/o-Shradha kar Singhi of Vill.-Purkapali(Adhapoda), PS-Kutra &Dist.-Sundargarh	21/02/2013	25/02/2013	U/s. 427/452/354/323/294/506of IPC	Acquitted	N/A	N/A

Status of the accused person

Accused person is on bail and he is present before this Court.

J U D G M E N T

1. The above named accused person stands prosecuted for the commission of offences U/s. 427/452/354/323/294/506 of IPC.

2. The brief fact of prosecution case is that on 19/02/2013 at about 09:00 PM the informant namely Sampaty Nayak, W/o-Sansar pradhan of Vill.- Panjupada, PS-Kutra & Dist.-Sundargarh appeared at Kutra PS and presented a written report before the IIC of Kutra PS alleging therein that on the said date at 09:00 PM the accused person namely Dasarathi Singhi(the accused person) entered the house of the informant by breaking her house door and pulled put the informant from her bed and assaulted her by means of a wooden stick. Due to this she sustained injuries on her right leg and right hand. Then again on the same day at about 02.00PM abused the informant in obscene language. Basing upon the said written report, Kutra P.S. case no.10 dtd.20/02/2013 U/s.427/452/354/323/341/323/506 of IPC was registered and the investigation was taken up. During course of investigation the I.O visited the spot, examined the informant and other witnesses. The I.O after completion of investigation submitted Charge-sheet bearing CS no.-10 dtd.20/02/2013 U/s-427/452/354/323/294/506 of IPC against the accused person. Hence this case for trial.

3. The plea of the defence is of complete denial of the alleged occurrence and of false implication in this case.

4. The points need to be determined in this case is that:-

I. Whether on 19/02/2013 at about 09:00 PM at village Panjupada, the accused person by committing mischief and caused damage the property of the informant and thereby committed an offence U/s-427 of IPC?

- II. Whether on the aforementioned date, time & place, the accused person committed house-trespass after preparation for hurt, assault or wrongful restraint and thereby committed an offence U/s-452 of IPC?
- III. Whether on the aforementioned date, time & place, the accused person committed assault or used criminal force to informant with intent to outrage her modesty and thereby committed an offence U/s-354 of IPC?
- IV. Whether on the aforementioned date, time & place, the accused person causing hurt to the informant and thereby committed an offence U/s-323 of IPC?
- V. Whether on the aforementioned date, time & place, the accused person abused the informant in obscene language and thereby committed an offence U/s-294 of IPC?
- VI. Whether on the aforementioned date, time & place, the accused person threatened the informant to kill her in life and thereby committed an offence U/s-506 of IPC?

5. In order to prove its case, prosecution has examined as many as five witnesses on its favour. Out of them PW1 is the scribe and PW.2 is the independent witness, PW3 is the informant, P.W.4 is the I.O and P.W.5 is M.O of this case. In addition to this, prosecution has exhibited certain documents vide Ext.P-1/PW1 (FIR), Ext.P-1¹/PW1 (Signature of PW1 on FIR) and Ext.P-2/PW1 (Signature of PW1 on injury report). On the other hand, defence has neither adduced any oral documents nor any exhibited documentary evidence on its behalf.

6. On careful scrutiny of the evidence available in this case it is observed by this court that P.W3 (the informant) of this case deposed that the accused

entered her house, assaulted her on the date of incident and that no one came to her rescue, due to the assault she sustained several injuries including fracture on her right knee yet no medical document to support the fact of fracture as claimed by the informant. Again in para-3 of her evidence wherein she deposed that she had sustained fracture prior to the incident also. In the FIR it is mentioned that the accused assaulted on person of P.W.3 by means of wooden(thenga) whereas nothing of that sort was ascertained from her evidence as deposed before this court. Thus this makes it doubtful that those injuries may not have been be caused due to the assault by the accused as claimed by the informant. This makes it doubtful to rely on her diversified versions.

P.W.1 the scribe of FIR in his para-2 deposed that he had no direct knowledge about the case and he deposed before this court all that was narrated by the informant and nearby people to him about the incident. P.W2 even did depose in para 2 of his evidence that he has not seen the accused going towards the house of the informant. Hence it is highly risky to rely on all that was deposed by P.W.1 without in any independent corroboration as well as supportive documents exhibited in that regard as he is related to P.W.3 being his nephew.

P.W.2 deposed that the informant was assaulted and on the next day of the incident was threatened by the accused thereby stating himself that he was not present at the time of occurrence which means from the evidence as deposed by P.W1 & 2 it can be ascertained that none of them had witnessed the incident and deposed all that they heard from informant and others. P.W5 has deposed in para 2 &4 that the informant had sustained simple injuries that may be caused even by fall on hard and blunt surfaces. P.W4 has even stated that he did not see any bleeding injury on the person of

the informant except some swollen injuries. Under such circumstances it creates a cloud of suspicion thereby rendering the accused benefit of doubt.

Further the informant (P.W3) deposed in para 3 that wife of the accused was present with her at the time of incident as she came to sleep with her on the alleged date of incident who was only eye witness to the incident yet she was not examined in this case for the reasons best known to the prosecution.

7. On heedful perusal it is ascertained that P.W4 the I.O of this case has in para 3 deposed that during course of his investigation he did not find any mark of violence at the spot especially at the door of house of P.W3 whereas P.W.3 deposed she opened the door to accused on banging and FIR depicts that the accused entered forcefully by breaking open the door of house of informant. P.W4 & P.W.3 has even stated that house of one Kumari Daldalia and Sumitra were adjacent to the house of the informant P.W3 yet no one came her rescue (P.W3) hearing her cry due to the alleged assault by the accused person is quite unbelievable one. Except the FIR nowhere in the prosecution evidence it can be ascertained about abusul of the accused person to the informant (P.W.3). Moreover there is no inspiring credible evidence on record to book the accused under the alleged charges. Except the story of the F.I.R, nothing found culpable against the accused person so also there is huge variation in prosecution evidence from that of the FIR. Since the story of the F.I.R. is not a substantial piece of evidence, it is not safe to warrant conviction on the sole basis of the story of the F.I.R because the story of the F.I.R. can only be used for the purpose of corroboration and contradiction so also there is no iota of evidence found against the accused person. Hence on concerted appraisal of material available in this case it is observed that the prosecution stalled to prove the occurrence on the alleged

day as not a single word from that evidence as submitted before this court could pinch the ingredients of the offences U/S- 323/427/452/354/294/506 of IPC thereby tilting the case in favour of the accused.

7. Considering the above facts and circumstances the prosecution has failed to bring the alleged offences home due to want of credible evidence in satisfaction to the ingredients of the alleged offences. As a result, the accused person is found not guilty for the commission of the offences punishable U/s. 427/452/354/323/294/506 of IPC and he is acquitted therefrom U.S.248(1) of Cr.P.C. He be set at liberty and discharged from his bail bond(s) along with surety after expiry of six months as per the provision enshrined U/s. 437(A) of Cr.P.C.

No specific order is passed for disposal of property as the Prosecution has reported no seizure in this case.

“Enter this case as Mistake of Fact”

Sd/-
Judicial Magistrate First Class,
Rajgangpur

The judgment is typed as per my dictation, corrected by me and pronounced in the open court on this the **05th day of June, 2025** given under my hand and seal of this court.

Sd/-
Judicial Magistrate First Class,
Rajgangpur

FORM-C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES		
A. Prosecution Witnesses		
Rank	Name	Nature of evidence
PW1	Sumitra Pradhan	Scriber
PW2	Hemananda Pradhan	Independent witness
PW3	Samprati Nayak	Informant
PW4	Hemanta Behera	I.O
PW5	Madhuri Patel	M.O
B. Defence Witness, if any:		
Rank	Name	Nature of evidence
	Nil	
C. Court Witnesses, if any		
Rank	Name	Nature of evidence
	Nil	
LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS		
A. Prosecution Exhibits		
Sl No.	Exhibit Number	Description
1.	Ext.1	FIR
2.	Ext.2	Endorsement of the IIC
3.	Ext.3	Injury requisition
4.	Ext.3/1	Signature of P.W.4 on injury requisition
5.	Ext.4	Injury Report
6.	Ext.4/1	Signature of P.W.5 on injury report
B. Defence Exhibits, if any		
Sl No.	Exhibit Number	Description
	Nil	
C. Court Exhibits, if any		
Sl No.	Exhibit Number	Description
	Nil	
D. Material Objects:		
Sl No.	Material Object	Description

	Number	
	Nil	

Sd/-
Judicial Magistrate First Class,
Rajgangpur