

FORM-A**IN THE COURT OF ADHOC ADDL. DISTRICT & SESSIONS JUDGE (FTSC), DISTRICT- KENDUJHAR**

**Present: Shri Bijaya Kumar Mishra, LL.M.,
Adhoc Addl. District & Sessions Judge, (FTSC),
Kendujhar.**

JO CODE-OD-90025

Date of Argument 27.07.2026

Dated this the 1st day of August, 2026

S.T. Case No.13/16 of 2026

**(Arising out of G.R. Case No.1766 of 2024 in connection
with Keonjhar Sadar P.S Case No.577, dtd.08.11.2024)**

COMPLAINANT/ INFORMANT	STATE OF ODISHA
ADVOCATE REPRESENTING THE PROSECUTOR	Shri Patitapaban Nath, Special Public Prosecutor, Kendujhar
ACCUSED PERSON	Sana @ Sanatan Munda , aged about 33 years, S/o Late Sudar Munda of Vill-Amunipur, P.S. Kendujhar Sadar, Dist- Kendujhar
ADVOCATE REPRESENTING THE ACCUSED PERSON	Mrs. Kusum Prusty and associates

FORM-B

Date of offence	03.11.2024
Date of FIR	08.11.2024

Date of Charge Sheet				10.07.2025			
Date of Framing of Charges				17.06.2026			
Date of commencement of evidence				30.06.2026			
Date on which judgment is reserved				27.07.2026			
Date of the Judgment				01.08.2026			
Date of the Sentencing Order, if any				Does not arise			
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 468, B.N. S.S
1.	Sana @ Sanatan Munda	-	-	u/ss. 75(2)/351(2) of	Acquitted	-	-

				the BNS			
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Status of the accused person: The above named accused person is present.

J U D G M E N T

The above named accused Sana @ Sanatan Munda presently on Court bail and being charged u/ss.75(2)/351(2) of the Bharatiya Nyaya Sanhita, 2023, in short, “B.N.S” was facing trial there under.

2. The case of the prosecution, in brief, as per the FIR dtd. 08.11.2024 of the victim (name and identity concealed) is that on 03.11.2024 at about 9:30 P:M during absence of her husband accused Sana Munda came to her house and asked her for a screwdriver and she also handed over the same to him. After some times the accused again came to her house and asked her for another screwdriver and while she was searching for the same from a box, the accused gagged her mouth from behind, removed her dress and touched her private part. On such information, the Officer-in-charge of Palaspanga Police Beat House entered Station Dairy Entry No.12 dtd.08.11.2024 and sent the report to Kendujhar Sadar P.S. for registration and P.S. Case No. 577 of 2024 was registered u/ss.75(2)/351(2) of the BNS, the matter was

investigated and after completion of the same charge sheet was submitted against accused Sana Munda @ Sanatan Munda u/ss.75(2)/351(2) of the BNS and the Court has also framed charge against the accused there under to stand trial.

3. Defence plea is complete denial of the prosecution charge and false implication.
4. Points for determination in this case are as follows:-
 - (i) Whether on 03.11.2024 at about 9:30 P:M in village Amunipur accused Sana Munda @ Sanatan Munda had committed sexual harassment of the victim by physical contact and advance involving unwelcome and explicit sexual overtures?
 - (ii) Whether on 03.11.2024 at about 9:30 P:M in village Amunipur accused Sana Munda @ Sanatan Munda had criminally intimidated the victim by threatening her to cause injury to her person?
5. In order to prove the charge against the accused prosecution has examined as many as seven witnesses of whom P.W.1 is the victim-informant herself, P.W.2 is her husband, P.W.3 is the cousin of P.W.2, P.W.4 Rajesh Munda, P.W.5 Junesh Munda and P.W.6 Kabibar Naik are independent witnesses being co-villagers and P.W.7 Surjya

Naranyan Routray is the I.O. of this case. In addition to oral evidence prosecution produced and proved documents marked as Ext.P.1 to Ext.P.3 respectively.

On the other hand, the accused has examined one witness namely Asadhu Naik as D.W.1 in his defence but no documentary evidence has been adduced from his side.

6. In this case the accused is related to the victim as her husband's elder cousin brother. But the allegations against him are grave and serious in nature. So, the evidence of the victim and other witnesses should be carefully examined to arrive at a decision. The victim has been examined as P.W.1 and according to her, in the night of the occurrence at about 9:30 P:M or 10 P:M the accused came to her house during absence of her husband and asked her to give a screwdriver and she gave the same to him. But sometimes thereafter the accused again came to her house and returned the screwdriver stating that the same was not working properly and asked for another one but she could not trace out any other screwdriver. Then the accused gagged her mouth from behind, laid her on the ground, removed her dress and touched her private part. She intimated the said fact to her husband over phone who was present in his work site and coming to know about the

same her husband returned to the village, convened a village meeting but the accused did not confess his guilt in the meeting for which the matter was reported before police. She proved her FIR marked as Ext.P.1. In her cross-examination, she could not say the day, date, month and year of the occurrence nor the date on which she lodged the FIR before police nor the name of the scribe who scribed her FIR. No other family member was present in the house at the time of the occurrence. There are houses of Buturu Munda, Selei Munda, Kuitu Munda, Mala Munda and that of the accused adjoining her house and are at an audible distance and if one shouts the same will be audible to them. She could not say the contents of the FIR. So far as the delay in lodging the FIR is concerned, she stated that as there was a football tournament in their locality the co-villagers took time to convene the meeting after the tournament was over and as there could be no decision in the meeting, hence there was some delay in lodging the FIR. She admitted that for the first time she stated that a meeting was convened in the village and the co-villagers convened the meeting after the football tournament was over. In the night of the occurrence, she had not disclosed about the same before others. She admitted previous land dispute between her family and the family of the accused but denied that due to the said dispute she has

foisted false case against the accused.

6.1. P.W.2 is the husband of the victim who could come to know about the occurrence being informed by her and according to him, on his return from his work place his wife disclosed before him that the accused had come to their house for a screwdriver and caught hold of her from behind, removed her dress and touched her private part. He convened a meeting in the village but there could be no solution for which the matter was reported before police. In his cross-examination by defence, he stated that there was document regarding holding of meeting in the village. He denied the suggestion not to have stated before the I.O. regarding convening of a village meeting to solve the dispute. He denied the suggestion that due to previous land dispute, they were not pulling on well with the accused.

6.2. P.W.3 is the cousin of P.W.2 and according to him, the husband of the victim (P.W.2) disclosed before them that the accused had been to his house and asked his wife for screwdriver and while she was searching for the same, he gagged her mouth from behind, laid her on the ground, removed her dress and touched her private part. There was a village meeting in connection with that incident but there

could be no solution. In cross-examination, he denied the suggestion that P.W.2 had not disclosed about the facts of this case before him and that at the instance of P.W.2 he was deposing falsehood. P.W.4 is another co-villager of the parties and he stated that there was a meeting in the village in which the victim disclosed that the accused came to her house asking for a screwdriver and the same was given to him but thereafter he again came to her house stating that the screwdriver he had taken was not working properly for which he again came to her house and asked for a screwdriver and while she was searching for the same, he caught hold of her from behind, gagged her mouth, laid her on the ground, removed her dress and touched her private part. In cross-examination by defence, he stated that the decision of the meeting was reduced to writing.

- 6.3.** P.W.5 is another co-villager who expressed his ignorance about the alleged occurrence and though he was declared hostile by the prosecution but nothing positive could be elicited from him by putting leading questions. P.W.6 another co-villager stated about the meeting in the village which he attended but there was no discussion in the said meeting. He was also declared hostile by the prosecution but he denied all the facts suggested to him to have stated before the I.O.

7. The aforesaid oral evidence of the victim, her husband and other witnesses is to be carefully scrutinized. Except the victim, the evidence of the other witnesses is hearsay. So, the evidence of the victim needs careful scrutiny. She had categorically admitted that there was previous land dispute between their family and the family of the accused. Here the question arises as to when the two families are in dispute over landed properties can it be believed that the accused came to the house of the victim at about 9:30 P:M or 10 P:M when her husband was very much absent. Need of a screwdriver at that hour was so important that the accused came to her house twice at that belated hour when both the families were in dispute how the victim took the accused in to confidence and allowed his entry twice into her house. She alleged and deposed that the accused gagged her mouth from behind, laid her on the ground, removed her dress and touched her private part. Had the accused any such evil intention then he could have sexually abused the victim in absence of her husband. If the accused at all had laid her on the ground and removed her dress, then he must have used both of his hands and in such a situation she had the opportunity to shout for help when she very well knew that there are houses of some others adjoining her house. Though she alleged in the FIR that when she shouted the accused

threatened her to assault but she had neither deposed that she shouted nor that the accused had threatened her to assault. Though, she deposed that after her husband returned to house a village meeting was convened but she had not mentioned about any such meeting in her FIR, rather in her cross-examination she admitted that for the first time she stated about any such meeting in Court. She herself had not scribed the FIR nor could say who scribed the same. She further stated that on the next day of the occurrence, she intimated about the incident to her husband over phone but what prevented her from immediately intimating her husband. Since she was alone in her house at the time of the occurrence, it was reasonably expected from her to intimate about the same to her neighbours immediately. She neither shouted for their help at the time of the incident nor thereafter immediately intimated her neighbours. The aforesaid conduct of the victim raises reasonable doubt if any such occurrence as alleged had taken place.

- 7.1.** Though, P.W.2, P.W.3, P.W.4 and P.W.6 stated about the village meeting but under the facts and circumstances of the case, the same appears to be a subsequent development and an afterthought. P.W.4 even went to the extent of stating that the decision of the meeting was reduced to writing, whereas,

P.W.6 stated that there was no discussion in the said meeting which he himself had attended. P.W.2 and P.W.3 stated that there could be no solution in the meeting, so what decision was reduced to writing as stated by P.W.4. No such written decision is forthcoming. According to P.W.2, many people had attended the meeting but he could not say their names. Therefore, it can be said that there was no such meeting in the village relating to any such occurrence.

8. The I.O. has not examined the immediate neighbours of the victim as admitted by him which appears to be unreasonable. He had not sent the victim to Court nor had moved the Court for recording her statement u/s. 183 of the BNSS though the allegations are grave and serious in nature.
9. D.W.1 also denied about the alleged occurrence.
10. If the aforesaid facts and circumstances are taken into consideration, it raises reasonable doubt if any such occurrence had at all taken place. Thus, prosecution having failed to establish the charge against the accused beyond all reasonable doubt, hence he is entitled to an order of acquittal.
11. In the result, I find accused Sana @ Sanatan Munda not guilty u/ss.75(2)/351(2) of the BNS and accordingly I have

acquitted him from the said charges u/s. 258(1) of the BNSS and he has been discharged from the bail bonds.

The Zimanama, if any, be cancelled, and the seized articles be destroyed excepting the seized documents if any, after four months of the appeal period, if no appeal is preferred, or as per the order of the Appellate Court in case of appeal.

The Judgment is typed out to my dictation, corrected by me and pronounced in the open Court under my signature and seal of this Court on this the **1st day of August, 2026.**

**Adhoc Addl. District & Sessions Judge,
(FTSC),Keonjhar.
01.08.2026**

Dictated & corrected by me

**Adhoc Addl. District & Sessions Judge,
(FTSC),Keonjhar.
01.08.2026**

FORM-C

LIST OF PROSECUTION / DEFENCE/ COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	<u>NATURE OF EVIDENCE</u> (EYE WITNESS,

		POLICE WITNESS, EXPERT WITNESS, MEDICAL JURIST, PANCH WITNESS, OTHER WITNESS)	
P.W.1	Victim	Informant	
P.W.2	Husband of the victim (name concealed)	Independent witness	
P.W.3	Sachin Naik	Independent witness	
P.W.4	Rajesh Munda	Independent witness	
P.W.5	Junesh Munda	Independent witness	
P.W.6	Kabibar Naik	Independent witness	
P.W.7	Surya Narayan Routray	Investigating Officer	
B. Defence Witness:			
RANK	NAME	NATURE OF EVIDENCE	
D.W.1	Asadhu Naik	Witness on behalf of accused Sana Munda	
C. Court Witnesses, if any:- NIL			
LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS			
A. Prosecution Exhibits:-			
<u>Sl. No Number</u>	<u>Exhibits No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/Atteste d by</u>
1	Ext.P.1	FIR	P.W.1
2	Ext.P.1/1	Signature of P.W.1 on Ext.P.1	P.W.1
3	Ext.P.1/2	Endorsement with signature of P.W.7 on	P.W.7

		Ext.P.1	
4	Ext.P.1/3	Endorsement with signature of IIC A.K. Bhuyan	P.W.7
5	Ext.P.1/4	Formal FIR	P.W.7
6	Ext.P.2	CD (Compact Disc) containing audio visual statement of the victim	P.W.7
7	Ext.P.3	Spot map	P.W.7
8	Ext.P.3/1	Signature of P.W.7 on Ext.P.3	P.W.7
B.Defence Exhibits, if any:-			
<u>Sl. No.</u>	<u>Exhibits No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/ Attested by</u>
NIL			
C. Court Exhibits, if any			
<u>Sl. No</u>	<u>Exhibits Number</u>	<u>Description of the Exhibit</u>	<u>Proved by/ Attested by</u>
Nil			
D. Material Objects if any:			
<u>Sl. No.</u>	<u>Material Object No.</u>	<u>Description of the Exhibit</u>	<u>Proved by/ Attested by</u>
NIL			

Adhoc Addl. District & Sessions Judge,
(FTSC),Keonjhar.
01.08.2026