

FORM-A

**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
BHADRAK**

Present : Smt. Prangya Paramita Mohanty, Msc, LL.B.,
Judicial Magistrate First Class-II (Cog Taking),
Bhadrak.
JO Code: OD00803

Dated this 23rd day of November, 2023

GR Case No: 1055/2022
Trial No. - 718/2022

(C.S. No. 136 Dtd. 26/05/2022 U/S. 341/323/294/506 of IPC)

Complainant	State of Orissa
REPRESENTED BY	Sri Benudhara Mallick, Ld. APP, Bhadrak
ACCUSED PERSONS	1. Manoranjan Mallik, aged about 37 years, S/o- Bhaskar Mallick, of Vill- Parbati, PS- Bhandaripokhari, Dist-Bhadrak
REPRESENTED BY	Sri Debendra Kumar Das, Advocate and his associates, Bhadrak.

FORM-B

Date of Offence	22/04/2022
Date of FIR	23/04/2022
Date of Charge Sheet	26/05/2022
Date of Framing of Charge	23/11/2023
Date of Commencement of evidence	23/11/2023
Date on which judgment is reserved	NA

Date of the Judgment		23/11/2023					
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 the purpose of section 428, Cr.P.C
1	Manoranjan Mallik	Not Arrested	28/08/2023	U/S. 341/323/294/506 of IPC	Acquitted	-	-

J U D G M E N T

1. The above named accused persons stand charged for the offences U/s. U/S. 341/323/294/506 of IPC.

2. In brief the case of the prosecution is that, on Dtd. 22/04/2022 at about 02:00 P.M. at Parbati, the accused person had abused the father of the informant namely Karunakar Mallik in filthy languages. He had assaulted him by means of fist blows. He had threatened to kill him from his life. On the next day the informant lodged an written report at the Bhandaripokhari police station. On the basis of the report the then IIC registered P.S. Case No. 143 dtd. 23.04.2022. During course of investigation the informant was examined, spot was visited, spot map was prepared, other witnesses were examined. On completion of

investigation the I.O. submitted charge-sheet bearing no. 136 dtd. 26/05/2022 against the accused persons to stand their trial before the court of law. Hence this case.

3. The plea of the accused persons are one of complete denial to the allegation leveled against them and one of false implication.

4. The points to be determined in this case are as follows:-

i) Whether on Dtd. 22/04/2022 at Parbati at about 02:00 PM the accused person had assaulted the father of the informant?

ii) whether on the above mentioned date, place and time the accused person had abused the father of the informant in filthy languages?

iii) whether on the above mentioned date, place and time the accused person had obstructed the father of the informant from proceeding in any direction in which he had right to proceed?

iv) whether on the above mentioned date, place and time the accused person had threatened to the father of the informant to kill from his life ?

5. In order to succeed in this case prosecution has examined as many as one no. of witness. PW1 namely Padmolochan Mallik, informant in this case. On the other hand defence examined none.

6. For the sake of convenience, all the points are taken together for determination and evidence is perused accordingly.

PW1, the informant in this case had stated that the matter has been amicably settled among them and he does not want to proceed in this case. FIR and signature of PW1 on the FIR was proved by the prosecution vide Ext. P-1/PW1, Ext. P-1¹/PW1.

7. On the foregoing discussion it is clear that the informant compromised the case and expressed he does not want to proceed further in this case. So, it is forthcoming that though this case has been initiated in the heat of passion, with efflux of time, the parties have settled their mind. So, it is unnecessary to delve further in this case. So, prosecution has failed to establish the involvement of the accused persons in the alleged occurrence at the first place. The only material where the involvement of accused person is alleged is in the FIR but it is well settled that 'FIR is not considered a substantive piece of evidence, It can only be used to corroborate or contradict the informant's evidence in Court. His mere statement in the FIR, being uncorroborated, fails to be of much help to establish Prosecution's case.

It has been held by **Hon'ble Supreme Court of India in Madan Mohan Abbot Vs. State of Punjab [2008 AIR SCW 2287]** that in dispute where the questions involved is of a purely personal in nature, the court should ordinarily accept the terms of the compromise even in criminal proceeding as keeping the matter alive with no possibility of result in favour of the prosecution is a luxury which the courts, grossly

over burdened as they are, cannot afford the time and so can be utilized in deciding more effective and meaningful litigation.

8. Hence the accused person is found not guilty for the offences U/s. 341/323/294/506 of IPC and he is acquitted there of U/s-255 (1) of the Cr.P.C. The accused person be set at liberty and discharged from his bail bond.

There is no order regarding the seized property as there is no seizure.

Enter this case as mistake of fact.

Sd/-

**Judicial Magistrate First Class-II(Cog taking),
Bhadrak**

This Judgment is typed to my dictation, corrected by me and pronounced in the open court, today this the 23rd day of November, 2023 under my hand and seal of this court in presence of the accused person who is on bail.

Sd/-

**Judicial Magistrate First Class-II(Cog taking),
Bhadrak**

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)

PW1	Padmolochan Mallik	Informant
B. Defence Witness, if any :		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
-	None	-
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1	Ext. P-1/PW1	FIR
2	Ext. P-1 ¹ /PW1	Signature of PW1 on the FIR
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 Number	
	Nil	

Sd/-
Judicial Magistrate First Class-II(Cog. Taking),
Bhadrak