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**IN THE COURT OF ADDITIONAL DISTRICT AND SESSIONS JUDGE,
BHADRAK**

Present: Sri Pravat Kumar Rajguru,
Additional District and Sessions Judge,
Bhadrak.

JO Code- OD-00221

Date of Judgment:24.12.2025

S. T. CASE NO.203 of 2023

(Arising out of G.R. Case No.2199 of 2022 corresponding to Purunabazar P.S. case No.196 dated 18.08.2022 u/s.302/201/34 of the I.P.C.)

Complainant	STATE OF ODISHA
REPRESENTED BY	Shri S.K. Kuanr, ADDL. P.P. Shri A.K. Mishra, ADDL. P.P. Shri S.K.Dash, ADDL. P.P.
ACCUSED	1. Khudiram @ Jagannath Mahala, aged about 33 years, S/O: Sudarsan Mahala Village:Patrasahi,Dhaantola, PS:Purunabazar, Dist:Bhadrak 2. Deba @ Debendra Kumar Sahoo, S/O:Sanatan Sahoo aged about 36 years, Village:Chinamali, Kenduapada, PS:Bhadrak(R), Dist:Bhadrak 3. Sk. Kalan @ Meherban Khan, aged about 38 years, S/O:Kasimuddin Khan Village:Nuasahi, Dhanatola, PS:Purunabazar, Dist:Bhadrak

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REPRESENTED BY	Shri G.Das & Associates, Advocates Shri D.K.Ray & Associates, Advocates Shri S.K.Jena & Associates, Advocates
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FORM-B

Date of occurrence	17.08.2022
Date of FIR	18.08.2022
Date of Charge Sheet	30.11.2022
Date of Framing of Charges	20.01.2024
Date of commencement of evidence	29.07.2024
Date on which judgment is reserved	20.12.2025
Date of the Judgment	24.12.2025
Date of the Sentencing Order, if any	Not applicable.
Accused Details:	
Rank of the Accused	A-1
Name of the Accused	Khudiram @ Jagannath Mahala
Date of Arrest /Surrender	24.08.2022
Date of release on bail	16.08.2024
Offences charged with	Sec.302/201/34 of the I.P.C.
Whether Acquitted or Convicted	Acquitted
Sentence imposed	NA

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Period of detention undergone during Trial for purpose of Section 428 Cr.P.C.	NA
Rank of the Accused	A-2
Name of the Accused	Deba @ Debendra Kumar Sahoo
Date of Arrest /Surrender	30.08.2022
Date of release on bail	01.02.2023
Offences charged with	Sec.302/201/34 of the I.P.C.
Whether Acquitted or Convicted	Acquitted
Sentence imposed	NA
Period of detention undergone during Trial for purpose of Section 428 Cr.P.C.	NA
Rank of the Accused	A-3
Name of the Accused	Sk.Kalan @ Meherban Khan
Date of Arrest/ Surrender	05.05.2023
Date of release on bail	25.05.2023
Offences charged with	Sec.302/201/34 of the I.P.C.
Whether Acquitted or Convicted	Acquitted
Sentence imposed	NA
Period of detention undergone during Trial for purpose of Section 428 Cr.P.C.	NA

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The accused persons above named stand charged for the offenced punishable u/ds.302/201/34 of the I.P.C..

2. The case of the prosecution as per the FIR is that on 17.08.2022 at about 8 p.m. the deceased and the accused persons were consuming liquor on the embankment of river 'Salandi' near Gandhibalashram of the village of the deceased. Villagers had last seen the deceased and the accused persons taking liquor. On that night the deceased did not return to home. On the next day morning i.e. on 18.08.2022 the family members of the deceased searched for the deceased. They failed to trace him out. On that day around 3 p.m. it was found by the villagers that the dead body of the deceased was floating over the water of river 'Salandi' near the place where the deceased was last seen with the accused persons on the fateful night. After identifying the dead body of the deceased, the villagers percolated the dead body from the river. The dead body of the deceased was found sustaining number of injuries. One iron rod being stained with blood was also found from the spot where on the previous night the deceased and the accused persons were consuming liquor.

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For such, the informant who happens to be the elder brother of the deceased lodged FIR at PS which was registered as Purunabazar P.S. case No.196 dated 18.08.2022 u/s.302/201/34 of the I.P.C. against the above named accused persons for commission of offences u/ss.302/201/34 of the I.P.C.

During course of investigation, the I.O. had examined the informant and other witnesses, recorded their statements, issued command certificate to the constable to guard the spot as well as the dead body of the deceased, made requisition to S.P., Bhadrak with a request to depute scientific team for collection of clue, visited the spot, awaited for arrival of the scientific team, allowed the scientific team to collect the physical clue from the spot, conducted inquest over the dead body of the deceased, sent the dead body of deceased to DHH, Bhadrak for postmortem by preparing dead body challan, searched the spot and collected liquor bottles from the spot, effectuated seizure of the iron road, empty liquor bottles, plastic disposable glass, prepared the seizure list, seized the physical clues collected by the Asst. Scientific Officer, DFSL, Bhadrak, prepared seizure list, seized the wearing apparels of deceased,

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prepared seizure list, seized VIVO mobile from the possession of accused Khudiram @ Jagannath Mahala, prepared seizure list, recorded the confessional statement of the said accused, recreated the crime scene at the spot as per the narration of the said accused, seized the wearing apparels of accused Khudiram @ Jagannath, prepared seizure list, seized the biological sample of accused Khudiram @ Jagannath, prepared seizure list, forwarded him to the Court, apprehended accused Deba @ Debendra Sahoo, recorded his confessional statement, seizure one purple colour Samsung Galaxy mobile phone from the accused Debendra Sahoo, prepared seizure list, examined seizure witnesses, forwarded accused Deba @ Debendra Sahoo to the Court and on 04.09.2022 consequent upon the transfer of the first I.O. of this case, handed over the charge of investigation to B.K.Rout, SI of Police. The subsequent I.O. re-examined the informant and other witnesses, visited the spot, received postmortem report of the deceased from ADMO, DHH, Bhadrak, made query to the Medical Officer who conducted postmortem over the body of the deceased by sending seized weapon of offence i.e. iron rod for his opinion, received the query report, examined the Medical

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Officer, sent the exhibits to SFSL, Bhubaneswar for chemical examination and report, received CDR with respect to mobile of the three accused persons against whom charge sheet was submitted, received CDR with respect to the mobile of the deceased, received acknowledgement of exhibits sent to SFSL, Bhubaneswar for scientific opinion, seized one silver colour Honda CB Unicorn motorcycle bearing Regd. No.OR-22D-4838 stands in the name Sudarsan Mahala and its documents, prepared seizure list, left zima of the said vehicle and other documents in zima of Trinath Mahala by executing proper zimanama, made prayer to the Court of SDJM, Bhadrak for issuance of NBW against accused Sk. Kalan @ Meherban Khan, verified criminal antecedent of the accused persons and after completion of investigation, submitted charge sheet against the accused persons namely Khudiram @ Jagannath Mahala and Deba @ Debendra Sahoo u/ss.302/201/34 of IPC by keeping the investigation open for the absconding accused namely Sk. Kalan @ Meherban Khan.

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Prior to framing of charge, on 05.05.2023 the absconding accused Sk. Kalan @ Meherban Khan surrendered and taken to custody.

After the case was committed to the Court of Sessions, charge was framed against the accused persons u/ss.302/201/34 of the I.P.C. and the content of the charge was read over and explained to the accused persons to which they pleaded not guilty and claimed to be tried.

Hence, the present trial.

3. The plea of the defence is one of denial and false implication.

4. The points for determination in this case is:-

i) Whether in the night of 17.08.2022 in Dhanatola Asram field, the accused persons in furtherance of their common intention had committed murder of the deceased namely Muna @ Prakash Behera, by intentionally assaulting to his head by means of an iron rod causing his death ?

ii) Whether on same date, time and place, the accused persons in furtherance of their common intention threw the dead body of the deceased in river 'Salandi' to cause disappearance of evidence ?

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5. In order to prove the charge, the prosecution had examined as many as sixteen (16) nos. of witnesses. Of them, P.Ws.1 to 3 are the three witnesses who had last seen the deceased with the accused persons in the night of occurrence, PW-4 is a post-occurrence witness and a witness to seizure, PW-5 and PW-6 are the two witnesses to leading to discovery of the weapon of offence and other articles from the spot given by accused Khudiram @ Jagannath Mahala, PW-7 is the informant-cum-elder brother of the deceased, PW-8 is an independent post-occurrence witness before whom accused Jagannath Mahala had confessed his guilt and a witness to recreation of crime scene, PW-9 is a witness to seizure, PW-10 is another brother of the deceased, PW-11 is an independent witness to occurrence, PW-12 is the witness to seizure, P.Ws 13 and 14 are the two witnesses to inquest conducted by the I.O. over the dead body of the deceased, PW-15 is the Medical Officer who had conducted postmortem over the dead body of the deceased and PW-16 is the widow of the deceased.

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Apart from oral evidence, prosecution had also relied upon certain documentary evidence which are marked as Exts.P-1/PW-4 to P-9¹/PW-15 respectively.

On the other hand, defence has not adduced either any oral or documentary evidence.

6. In this case, there is no eye witness to the alleged occurrence of murder of the deceased committed by the accused persons.

This is a case based on circumstantial evidence.

In the case of present nature, the most important witnesses are they who had last seen the deceased with the accused persons, as “*doctrine of last scene theory*” is the first link of the circumstantial chain.

In the instant case, those witnesses are none else but P.Ws.1 to 3.

They have declined the case of the prosecution. Though they were declared hostile by Id. Addl. P.P. but he failed to draw out anything incriminating from their mouth against the accused persons.

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During cross-examination P.Ws.1 to 3 have deposed that they were not examined by the I.O..

Accordingly, the first link is missing.

7. The second link of the circumstantial chain in this type of case is the evidence of the witnesses in whose presence either the accused persons or anyone of them have led the I.O. to give recovery of the weapon of offence and other materials, if any, used either prior to or at the time of commission of offence.

P.Ws.5 and 6 are the two independent witnesses to leading to discovery. One of the accused persons namely Khudiram @ Jagannath Mahala had led the I.O. and witnesses to the place of concealment and there he gave recovery of the materials and then the I.O. effectuated the seizure of the weapon of offence and other incriminating materials recovered by the said accused from the place of concealment, as per the prosecution story.

But, these witnesses declined the case of the prosecution.

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Though they were declared hostile, but the prosecution failed to draw out anything incriminatory from their mouth against the accused persons.

So, the second link of the circumstantial chain is also missing.

8. The third set of important witnesses are the family members of the deceased who shall have to strengthen the link by deposing about the motive of the accused persons in committing the alleged crime.

They are none else but PW-7, the brother of the deceased-cum-informant, PW-10, another brother of the deceased and PW-16, the widow of the deceased.

These three witnesses (P.Ws.7, 10 and 16) also declined the case of prosecution.

Though they were declared hostile, but the prosecution failed to draw out anything incriminatory from their mouth against the accused persons.

PW-7 in his cross-examination deposed that he is unaware about the contents of the FIR as he put his signature on the body of the FIR as per the instruction of police.

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PW-16 during cross-examination at paragraph-13 has deposed that her deceased husband being addicted to liquor had fallen from the embankment of river 'Salandi' and by such fall, the deceased had come in contact with the rocks packed at the soar of the river and by this, the deceased had sustained injuries which resulted in his death.

So, the prosecution fails to prove the motive of the accused persons in murdering the deceased.

9. P.Ws.6, 10 and 16 have further deposed that they have no grievance against the accused persons.

10. When the important witnesses have not supported the case of prosecution, then there is no need to discuss the evidence of remaining witnesses including the Medical Officer because their testimony shall no way develop the prosecution case.

11. The foregoing analysis of the testimony of P.Ws. make it clear that the prosecution fails to establish the charge against the accused beyond all reasonable doubts.

12. In the result, this Court holds the accused persons not guilty for the offences punishable u/ss.302/201/34 of the

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I.P.C., acquit them accordingly u/s. 235 (1) of the Cr.P.C. and their bail bonds stand cancelled.

13. The seized silver colour Honda CB Unicorn motorcycle bearing Regd. No.OR-22D-4838 and its documents were left in zima of Trinath Mahala by executing proper zimanama as per case diary dt.11.11.20222. The said zimanama stands cancelled and the zima property be retained by the zimandar.

The seized black colour VIVO-1803 mobile phone seized from the accused Khudiram @ Jagannath Mahala and the seized purple colour Samsung Galaxy A-31 model mobile phone seized from the possession of other accused Deba @ Debendra Sahoo be returned to them if have not been returned in the meantime.

The rest of the seized articles be destroyed.

Thess property orders shall be effective four months after the expiry of appeal period if no appeal is preferred and in case of any appeal, the same be dealt with as per the direction of the Hon'ble Appellate Court.

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Pronounced the judgment in the open Court, on this the 24th day of December, 2025 under my hand and signature and seal of this Court.

Sd/-

Addl. Sessions Judge, Bhadrak.

Dictated & corrected by me.

Sd/-

Addl. Sessions Judge, Bhadrak.

FORM-C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NATURE OF EVIDENCE	
PW-1	Kalu Khan	witness who had last seen the deceased with the accused persons
PW-2	Ajmer Khan	Witness who had last seen the deceased with the accused persons
PW-3	Maheswar Behera	Witness who had last seen the deceased with the accused persons
PW-4	Kailash Mohanty	Post-occurrence witness and a witness to seizure

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PW-5	Dilip Singh	Witness to leading to discovery of the weapon of offence and other articles from the spot given by accused Khudiram @ Jagannath Mahala
PW-6	Gouranga Behera	Witness to leading to discovery of the weapon of offence and other articles from the spot given by accused Khudiram @ Jagannath Mahala
PW-7	Santosh Kumar Behera	Informant-cum-elder brother of the deceased
PW-8	Prahallad Singh	Independent post-occurrence witness before whom accused Jagannath Mahala had confessed his guilt and a witness to recreation of crime scene
PW-9	Nilamadhab Singh	Witness to seizure
PW-10	Manas Behera	Another brother of the deceased
PW-11	Deepak Behera	An independent witness to occurrence
PW-12	Chandra Kumar Behera	Witness to seizure
PW-13	Kasinath Behera	Witness to inquest conducted by the I.O. over the dead body of the deceased
PW-14	Biswanath Singh	Witness to inquest conducted by the I.O. over the dead body of the deceased
PW-15	Subash Chandra Biswal	Medical Officer who had conducted postmortem over the dead body of the deceased
PW-16	Sulochana Behera	Widow of the deceased

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B. Defence Witnesses: Nil		
C. Court Witnesses: Nil		
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits:		
Sl. No.	Exhibit Number	Description
1	Ext.P-1/PW-4	Signature of PW-4 on inquest report
2	Ext.P-2/PW-4	Signature of PW-4 on seizure list
3	Ext.P-3/PW-4	Signature of PW-4 on seizure list
4	Ext.P-1 ² /PW-5	Inquest report
5	Ext.P-1 ³ /PW-5	Signature of PW-5 on Inquest report
6	Ext.P-2 ¹ /PW-5	Signature of PW-5 on seizure list
7	Ext.P-3 ¹ /PW-5	Signature of PW-5 on seizure list
8	Ext.P-5/PW-5	Signature of PW-5 on seizure list
9	Ext.P-4/PW-5	Signature of PW-5 on the confessional statement of accused Jagannath Mahala
10	Ext.P-4 ¹ /PW-6	Signature of PW-6 on the confessional statement of accused Jagannath Mahala
11	Ext.P-5 ¹ /PW-6	Signature of PW-6 on seizure list
12	Ext.P-6/PW-7	FIR
13	Ext.P-6 ¹ /PW-7	Signature of PW-7 on Ext.P-6
14	Ext.P-1 ³ /PW-7	Signature of PW-7 on inquest report
15	Ext.P-7/PW-9	Signature of PW-9 on seizure list
16	Ext.P-7 ¹ /PW-12	Signature of PW-12 on seizure list
17	Ext.P-8/PW-15	Postmortem report
18	Ext.P-8 ¹ /PW-15	Signature of PW-15 on Ext.P-8
19	Ext.P-9/PW-15	Query report of Medical Officer
20	Ext.P-9 ¹ /PW-15	Signature of PW-15 on Ext.P-9
B. Defence Exhibits		

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Sl. No.	Exhibit Number	Description
Nil		
C. Court Exhibits		
Sl. No.	Exhibit Number	Description
D. Material Objects: Nil		
Sl. No.	Material Object Number	Description
Nil		

Sd/-

Addl. Sessions Judge, Bhadrak.