



**IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS,
SERAGARA, GANJAM, ODISHA.**

**Present: Sri Srikant Padhy, B.Tech, LL.M
J.M.F.C, Seragara, Ganjam,
JO CODE- OD 0740**

Dated this 03rd day of April, 2026

**Case No. G.R. 46 of 2020
54 – T - 2021**

CNR No.- ODGM200000242020

(Arising out of Hinjili P.S. Case No. 86 dtd. 14.03.2020
U/s. 9/10/11 of the Prohibition of Child Marriage Act.)

Complainant-	STATE OF ODISHA.
Represented by	Sri Manoj Kumar Behera, Ld. APP, Seragara
Accused Persons	Krushna Swain, aged about 32 years, S/o- Magata Swain, Vill: Mohiguda, PS: Hinjili, Ganjam. (The accused is on bail and present today before this Court in person)
Represented by	Sri Rudra Prasad Mohapatra, Adv. and Associates.

Date of Offence	29.01.2020
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Date of FIR					14.03.2020		
Date of Charge sheet					02.05.2020		
Date of framing of charge					10.02.2021		
Date of commencement of evidence					01.03.2021		
Date on which judgment is reserved					03.04.2026		
Date of the judgment					03.04.2026		
Date of the Sentencing Order, if any					Nil		
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 428 of Cr.P.C.
I.	Krushna Swain	NA	NA	U/s. 9/10/11 of the Prohibition of Child Marriage Act	Acquitted	Nil	NA

J U D G M E N T

1. The above accused person is prosecuted for the offences U/s. 9/10/11 of the Prohibition of Child Marriage Act.
2. The prosecution case as unfolded from the FIR is that: The informant Jayanti Patapingua, CDPO at Sheragada, Ganjam lodged a written report before the IIC Hinjili alleging that, she had received information from Child line, Berhampur vide letter no.271/CL, dtd.30.01.2020 regarding marriage of one minor girl namely Barsa Mohanty, aged about 17 years, D/o- Damburudhara Mohanty and Sukuni Mohanty of vill- Thuruburai, PS- Hinjili,

Dist- Ganjam with one Krushna Swain, S/o- Magata Swain of vill- Mohiguda, PO-Adapada, PS- Hinjili, Dist- Ganjam on dtd. 29.01.2020 in his residence at Mohiguda.

Then, the informant started preliminary enquiry, it was ascertained that, the matter is true. As per the school certificate of Barsa Mohanty that, she is a minor. The details had been mentioned in letter no. 138, dtd.30.01.2020 of CDPO, Sanakhemundi. Later, in her letter no.136, dtd. 24.02.2020, it had been decided that, the minor girl was staying in the house of Krushna Swain. As per the statement of one Sarojini Behera, she and the child line staffs of Berhampur and the police had gone to the house of Krushna Swain to Mohiguda to enquiry about the matter and during interrogation, Krushna Swain had stated that, Barsa Mohanty was adult. He had been asked to submit it before police or CDS, Sanakhemundi within ten days. But, still he had not submitted the same. On dtd. 13.03.2020, the informant came to know from local gentries that, Krushna Swain was not staying at his house in village Mohiguda and the victim Barsa Mohanty was staying with her father at her parental home in village Thuruburai.

Lastly, they found that, the parents of Krushna Swain and Barsa Mohanty had broken the law of Child Marriage Act. After marriage, the victim Barsa Mohanty had stayed in the house of Krushna Swain for more than two months.

Then, the informant lodged case against the accused person along with she submitted the report of CDPO, Sheragada, age

proof of the victim Barsa Mohanty, Family survey report of Anganwadi centre, enquiry report of CDPO, Sanakhemundi and letter of Child line, all in original. Basing on this written report IIC Hinjili, lodged PS case no. 86 dtd. 14.03.2020. After completion of investigation, the IO submitted charge sheet against accused person Krushna Swain u/s. 9/10/11 of the Prohibition of Child Marriage Act.

3. The accused person has pleaded innocence, false implication and claimed for trial.
4. The points need to be determined in this case are as follows:
whether on 29.01.2020 in village Mahiguda :-
 - i. the accused being a male adult, married Barsa Mohanty, D/o- Damburu Mohanty and Sukuni Mohanty of village Thuruburai, PS- Hinjili on dtd. 29.01.2020, when on that day, the victim Barsa Mohanty was a child, punishable U/s. 9 of the Prohibition of Child Marriage Act?
 - ii. The accused solemnised child marriage with the victim Barsa Mohanty on dtd. 29.01.2020, punishable u/s. 10 of the Prohibition of Child Marriage Act?
 - iii. The accused by contracting child marriage on the aforementioned date also permitted and promoted solemnisation of child marriage, punishable u/s. 11 of the Prohibition of Child Marriage Act?
5. In order to prove its case, prosecution has examined as many as ten witnesses. Out of whom, PW1 is the informant, PW2, PW3,

PW4, PW5 and PW6, all are independent witnesses, PW7 is seizure witness, PW08 is independent witness, PW09 is official seizure witness, PW10 is Investigating Officer of this case. The prosecution has relied upon twelve numbers of marked Exhibits. Out of which, Ext.1 is letter, Ext.2 is letter to Headmaster, Ext.3 is letter to DWO, Ext.4 is FIR, Ext.5 is spot map, Ext.6 is letter DR no.570, dtd. 13.04.2020.

6. During course of trial, PW01, informant, testified that, on dtd. 30.01.2020, she was working as CDPO at Sheragad. On the same day, she received a letter through office mail from child line, Berhampur about child marriage of Barsa Mohanty of Thuruburai village with Krushna Swain of village Mohiguda. She identified the said letter which the clerk of the office make a print out in his presence at his direction marked as Ext.1. Then, she along with Supervisor of Thuruburai sector proceeded to Thuruburai village Anganwadi centre and the date of birth of Barsa Mohanty is in the year 2004. Then, the Anganwadi worker of Thuruburai-3 gave PW1 the xerox copy of the family survey Register wherein the date of birth of Barsa Mohanty is 01.01.2004. Then, they proceed to the High School of Thuruburai village and after verification that day of birth of Barsa Mohanty is in the year 2003. the school headmaster also gave a letter in the school letter pad mentioning the date of birth of Barsa Mohanty is 17.01.2003. PW1 identified the said letter marked as Ext.2. She knew from the above verification that Barsa Mohanty has not attained the age of 18

years on the date of her marriage. PW1 also informed about the same to the District Welfare Officer, Chhatrapur. PW1 identified the said letter marked as Ext.3 and Ext.3/1 his signature thereon. So, PW1 lodged case against the accused. She identified the said FIR marked as Ext.4 and Ext.4/1 her signature thereon.

7. The accused person implicated falsehood of prosecution and pleaded innocence during his examination u/s. 313 of Cr.P.C.
8. The defence adduced no evidence.
9. Heard both sides and perused the case record.
10. **In order to prove its case for an offence punishable U/s: 9 of the Children Marriage Prohibition Act**, the prosecution has to establish that, the accused person :
 - i. The accused Krushna Swain married Barsa Mohanty, D/o- Damburu Mohanty and Sukuni Mohanty.
 - ii. Barsa Mohanty was a child at the time of marriage being below the age of eighteen years on the date of marriage.
 - iii. The accused was above the age of eighteen years on the date of marriage.
11. PW01 is the informant. She was the CDPO at Sheragada as on 30.01.2020. As per her evidence, she brought information that, marriage between the accused Krushna and a child had been solemnised on 29.01.2020.
12. PW09 has stated that, he got information from unknown source that, on 29.01.2020 in minor marriage had been solemnised.

13. Apart from the above two testimonies. The prosecution has not adduced any evidence of solemnisation of marriage. In other words, there are no direct witnesses to the alleged marriage between Barsa Mohanty and the accused Krushna Swain.
14. Solemnisation of marriage needs to be proved conclusively in cases u/s.9 of the Prohibition of Child Marriage Act, 2006. However, in the present case, no credible evidence to the said marriage has been adduced by the prosecution. Unless the marriage between the accused and the victim is proved, the prosecution cannot succeed. The ascertaining of age of the victim is only secondary to the case.
15. The independent witnesses have stated nothing regarding solemnisation of marriage.
16. The PW01 and PW09 are only post-occurrence witnesses.
17. The other circumstantial evidences don't constitute coherence to support the hypothesis of the prosecution.
18. Therefore, the prosecution, having failed to prove the marriage, has failed to prove allegation u/s.9 of the prohibition of Child Marriage Act.
19. For the reasons stated above, the prosecution has also failed in establishing involvement of accused in offence punishable u/s. 10/11 of the prohibition of Child Marriage Act.
20. In result, the accused person is found not guilty for commission of offence punishable u/s.9/10/11 of the Prohibition of Child Marriage Act. Therefore, he is acquitted for commission of

offence u/s. 9/10/11 of the Prohibition of Child Marriage Act read with section 255 (1) of the Cr.P.C.

No orders as to disposal of property, since nothing was seized during course of investigation. The bail bond shall stand in force till the expiry of period of six months and in case appeal is preferred, the bail bond shall stand in force till appropriate order of appellate court. Enter this case as mistake of fact.

(S.Padhy)
Judicial Magistrate First Class,
Seragara, Ganjam
J.O.Code- OD-0740

The Judgment is typed to my dictation and corrected by me and the same is delivered in the open Court in presence of the accused person on this **03rd day of April, 2026**, under my seal and signature.

(S.Padhy)
Judicial Magistrate First Class,
Seragara, Ganjam
J.O.Code- OD-0740

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
Rank	Name	Nature of evidence
PW1	Jayanti Patpingua	Informant

PW2	Banamali Sethi	Independent witness
PW3	Barsa Mohanty	Independent witness
PW4	Prasanta Lenka	Independent witness
PW5	Gandhia Sahu	Independent witness
PW6	Damburu Mohanty	Independent witness
PW7	Chitrasen Polai	Seizure witness
PW8	Sarojini Behera	Independent witness
PW9	Sai Prasad Samal	Official Seizure Witness
PW10	Pradipta Kumar Das	Investigating Officer

B. Defence Witnesses, if any

Rank	Name	Nature of evidence
DW1	Nil	

C. Court witnesses, if any

Rank	Name	Nature of evidence
CW1	NIL	

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

Sl no	Exhibit number	Description
1.	Ext.1	Letter from Child Line, Berhampur
2.	Ext.1/1	Signature of PW9 on Ext.1
3.	Ext.2	Letter to Headmaster
4.	Ext.P2/1	Signature of PW7 on Ext.2
5.	Ext.3	Letter to District Welfare Officer, Chhatrapur
6.	Ext.3/1	Signature of PW1 on Ext.3
7.	Ext.4	FIR
8.	Ext.4/1	Signature of PW1 on FIR

9.	Ext.4/2	Endorsement and signature of the then IIC on FIR
10.	Ext.5	Spot Map
11.	Ext.5/1	Signature of PW10 on Ext.5
12.	Ext.6	Letter to Headmaster at High School, Thuruburai
13.	Ext.6/1	Signature of PW10 on Ext.6
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	Exhibit number	Description
	NIL	

(S.Padhy)
Judicial Magistrate First Class,
Seragara, Ganjam
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