

FORM-A**IN THE COURT OF ASSISTANT SESSIONS JUDGE-CUM-
SPECIAL TRACK COURT, BHADRAK.**

Present: **Shri Jyoti Ranjan Dash, O.J.S.,**
A.S.J-cum-Special Track Court, Bhadrak.
J.O. Code - OD00483

Dated this the 30th day of June 2026

Sessions Trial Case No.17/62 of 2019

CIS Regd. No. 62 of 2017

(Arising out of G.R. Case No. 402 of 2016 corresponding to Chandbali P.S. Case No. 180 Dated 01.10.2026 u/ss. 341/294/323/307/354/509/506 of Indian Penal Code and S.T. Case No. 62 of 2017 of the Hon'ble District and Sessions Judge, Bhadrak.

COMPLAINANT	STATE OF ODISHA
REPRESENTED BY	Smt. Namita Nayak, Associate Lawyer.
ACCUSED	Bunti @ Sidhanta Mohanty, aged about 35 years, S/o- Late Samar Mohanty, of village-Pahadpur, P.S- Chandbali, District- Bhadrak.
REPRESENTED BY	Learned Advocate Sri Bijan Kumar Jena and his associates.

FORM-B

Date of offence	30.09.2016
Date of FIR	01.10.2016
Date of Charge Sheet	28.12.2016
Date of framing of Charges	06.09.2019
Date of commencement of evidence	24.08.2021
Date on which judgment is reserved	24.06.2026
Date of judgment	30.06.2026
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 428, Cr.P.C.
A-1	Bunti @ Sidhanta Mohanty	01.10. 2016	07.10. 2016	U/ss.341/ 294/323/ 307/354/ 509/506 of Indian Penal Code	Acquitted	Nil	Nil

Status of the accused with reference to Hon'ble Courts letter No.8017(44) dtd.09.09.2014: -

The accused is absent and represented u/s. 317 Cr.P.C today.

J U D G M E N T

The accused stands charged for the offences punishable u/ss.341/323/294/307/354/506/509 of Indian Penal Code of Indian Penal Code (herein after referred to as I.P.C. for brevity).

FACTS OF THE CASE

2. The prosecution case in brief is that on 30.09.2019 at 6.20 P.M. while the informant was returning to home from her tuition on her bicycle, on the way near Chandbali Bhadrak road near Ghosara bridge, the accused and his associate (unknown) came on a motor cycle and kicked her from behind, as a

result she lost her balance and fell down on the road and sustained injury on her body. Then the accused, abused the informant in obscene languages, torn her dress and assaulted her by means of a belt. The accused also attempted to kill the informant by pressing her neck but the people of the locality came to her rescue. When the local people came to the spot, the accused threatened the informant with dire consequence including an acid attack and fled away. Subsequently, the informant reported the matter to the police resulting registration of Dhamnagar P.S. Case No.180 dated 01.10.2026.

Consequent upon registration of the F.I.R., investigation ensued. In course of the investigation, the investigating officer examined the informant and other witnesses. Recorded their statement u/s. 161 of Cr.P.C. The Investigating Officer visited the spot prepared the spot map. The injured was sent for her medical examination. The accused was arrested and forwarded to the court. On completion of the investigation, the investigating officer submitted charge sheet u/ss.341/294/323/354/307/509/506 of I.P.C. against the accused named above. Accordingly, the J.M.F.C., Chandbali took cognizance of the aforesaid offences and committed the case to the Court of Sessions, Bhadrak. Subsequently, the case was transferred to this court for trial. Thereafter, charge on the

aforementioned offences was framed against the accused. The accused pleaded not guilty to the charge. Hence, this trial.

DEFENCE PLEA

3. The plea of the accused as it reveals from his statement recorded u/s. 313 of Cr.P.C. is of complete denial and of false implication.

POINTS FOR DETERMINATION

4. The points for determination in this case are as follows: -

(i) Whether on 30.09.2016 at about 6.20 P.M., while the informant-cum-victim was returning to home after attending her tuition, on her way near Chandbali, Bhadrak main road near Kuanrasara Ghosara bridge, the accused wrongfully restrained her by preventing her from proceeding in a direction in which she had a right to proceed and thereby committed an offence punishable u/s.341 of I.P.C?

(ii) Whether on the alleged date, time and place, the accused voluntarily caused hurt to the informant and thereby committed an offence punishable u/s. 323 of I.P.C?

- (iii) Whether on the alleged date, time and place, the accused abused the informant in obscene words in or near a public place causing annoyance to others and thereby committed an offence punishable u/s.294 of I.P.C?
- (iv) Whether on the alleged date, time and place, the accused attempted to kill the informant by pressing her throat with such intention or knowledge and under such circumstances that if by that act the accused had caused the death of the informant would have been guilty of murder and thereby committed an offence punishable u/s.307 of I.P.C?
- (v) Whether on the alleged date, time and place, the accused used criminal force towards the informant intending to outrage her modesty and thereby committed an offence punishable u/s. 354 of I.P.C.?
- (vi) Whether on the alleged date, time and place, the accused dragged the wearing apparels of the informant intending to insult her modesty and thereby committed an offence punishable u/s. 509 of I.P.C.?

(vii) Whether on the alleged date, time and place, the accused committed criminal intimidation by threatening the informant with dire consequences such as to pour acid upon her with an intention to cause alarm and thereby committed an offence punishable u/s. 506 of I.P.C.?

EVIDENCE ADDUCED BY THE PARTIES

5. In order to substantiate its case, prosecution has examined altogether ten witnesses, out of whom, P.W.1 to P.W.6 are independent witnesses to the occurrence. P.W.7 is the father of the informant. P.W.8 is the informant. P.W.9 is the doctor and P.W.10 is the Investigation Officer. Besides oral evidence, the prosecution has relied upon four documents vide Ext.P-1 to Ext.P-4 in course of the trial.

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

ARGUMENTS ADVANCED BY THE PARTIES

6. The learned counsel for the accused argued that the testimony of the informant-cum-injured (P.W.8) is not clear, cogent and trustworthy as there are many discrepancies in her evidence. He further argued that other independent witnesses neither supported the prosecution case nor stated anything implicating the

accused. The tuition teacher and other natural witnesses were not examined. Material improvements were made during trial regarding injuries and other aspects of the occurrence. The alleged previous FIR against the accused has not been proved during investigation. These cumulative circumstances create a reasonable doubt regarding the prosecution version. Basing on the above grounds, the learned defence counsel argued that the prosecution has failed to prove its case beyond reasonable doubt.

On the other hand, learned Addl. P.P. argued that the testimony of P.W.8 (informant-cum-injured) is sufficient to convict the accused. She also argued that the testimony of P.W.8 is supported by medical evidence. Hence, she prayed for conviction of the accused on all the charges.

DISCUSSION, DECISION AND REASONS THEREOF

7. Perused the evidence on record and considered the same in light of points for determination as well as the rival contentions of both sides. Before moving for appreciation of the evidence, it is worthy to mention that it is the cardinal principle of criminal jurisprudence that the prosecution has to prove its case against the accused beyond reasonable doubts and in case any doubt arises, the benefit has to be given to the accused. Keeping the above settled principles of law in

mind, let us scrutinise whether the prosecution has been able to establish its case against the accused beyond reasonable doubt.

8. On careful scrutiny of the record, it is found that P.W.1 to P.W.6 who are independent witnesses and said to be the eye witnesses to the occurrence have not stated anything about the alleged occurrence or anything implicating the present accused persons.

8.1. P.W.7 is the father of the informant. He deposed that in the year, 2016, one day in the evening hours, the villagers ran towards Ghusura (slope), Kuanrsara on hearing that her daughter has fallen there from bicycle. The villagers brought her daughter to his house and on being asked she stated that when she was coming on the bicycle, two persons came on a motor cycle and one of them kicked on her bicycle for which she fell down and sustained injuries on her hands and legs. P.W.7 further deposed that he brought her daughter to Chandbali hospital for treatment. On the same day in between 8 P.M. to 8.30 P.M her daughter lodged F.I.R.

During cross-examination, P.W.7 stated that he does not have any grievance against the accused. He further stated that the matter has been amicably steeled between them.

8.2. The informant (P.W. 8) has deposed that on 30.09.2016 at 6.20 P.M. while she was returning home from her tuition on her bicycle, the accused along with another man came on a motor cycle and hit her bicycle from behind causing her to fall on the ground. P.W.8 further deposed that the accused pushed her, pulled her dress, threatened her by saying "I will see how you can again lodge a case" and abused her in obscene languages. P.W.8 also deposed that the accused threatened her for an acid and fled away from the spot. Due to the said incident, the informant stated to have sustained injury on her right waist and hand. It is further reveals from the evidence of P.W.8 that the people of the locality came to her rescue and brought her to her home. Then her father took her to the hospital for her treatment. On the next day morning, she lodged F.I.R. She proved the F.I.R. vide Ext.P-1/P.W.8. It is also reveals from her testimony that prior to this incident, in the year, 2016, the accused had also passed comments on her and harassed her for which she had also lodged an F.I.R. against him.

8.3. P.W.9 is the Medical Officer. He deposed that on 01.10.2016, on police requisition, he examined the victim girl and found the following injuries:-

- i. Abrased contusion of size 3 inch x 2 inch x 1/2 inch on the right knee.

ii. Abrasion of size 1 inch x 1 inch x 1/2 inch on the right little finger.

iii. Abrasion of size 3 inch x 2 inch x 1/4 inch on the right forearm.

iv. Contusion of size 1 inch x 1 inch x 1/4 inch on the left knee.

The doctor opined that all the injuries were simple in nature. The injury at serial no.(i) might have been caused by blunt force slides. The injuries at serial no.(ii),(iii) and (iv) might have been caused by blunt weapon. The doctor proved the injury report marked as Ext.P-2¹. During cross-examination, the doctor deposed that the injuries found on the body of the injured can be possible if someone falls on a rough surface.

8.4. P.W.10 is the Investigating Officer of this case. He has deposed about the steps taken by him during the course of investigation. He proved the injury requisition and spot map marked as Ext.P-3 and Ext.P-4 respectively. He deposed that he has apprehended the accused namely, Sidhanta Mohanty and forwarded him to the Court after observing all the formalities. After completion of investigation, he submitted charge sheet against the accused u/ss. 341/323/307/354/509/506/509 of I.P.C.

APPRECIATION OF EVIDENCE

9. The prosecution case rests substantially upon the sole testimony of the victim (P.W.8). It is a settled position of law that conviction can be based on the sole testimony of a victim or single witness if his/her testimony is found to be clear, cogent and trust worthy. Let us scrutinise whether the sole testimony of the victim in this case is sufficient to prove the charges against the accused.

10. On careful appraisal of the testimony of the witnesses, there is no dispute that the victim (P.W.8) had sustained certain injuries. The medical officer (P.W.9) found abrasions and contusions on knees, the right forearm and the right little finger. However, the medical evidence merely proves the existence of injuries and does not establish the identity of the assailant or the exact manner in which the injuries were sustained.

11. In the instant case, the victim (P.W.8) stated that the accused hit her bicycle from behind, causing her to fall, thereafter pushed her, pulled her dress, abused her in obscene language and threatened her for an acid attack. P.W.8 has deposed that due to the incident she had sustained injury on her right waist and leg. The medical evidence does not reveal any injury on the waste. Although she stated in para-19 that she had sustained bleeding injuries but the evidence of doctor

is silent regarding any bleeding injury on the body of the victim. Thus, the injury on the waist and bleeding injury as deposed by the victim appears to be a material improvement introduced by her during trial. During cross-examination, it was suggested to P.W.8 by the defence that she has not stated that due to the incident she had sustained injury on her right waist, leg and hand and that her father took her to the hospital before the police in his statement recorded u/s. 161 Cr.P.C. to which P.W.8 denied. The aforementioned testimony of P.W.8 was confronted to the Investigating Officer (P.W.10) who admitted in para-15 of his cross-examination that P.W.8 has not stated so before the police.

It has been held by Hon'ble High Court of Orissa in **Arjun Prasad vrs. State of Orissa, 2011 (Supp.-II) OLR 732** that "A witness whose statement has been recorded at the stage of investigation and in such investigation he has not stated material aspects of the case as deposed in courts during the trial, then such witness became an unreliable witness."

Therefore, the above omission in the testimony of P.W.8 amount to material contradiction which affects its credibility.

12. P.W.8 further stated that about twenty persons gathered at the spot and several villagers including Muktikanta Bala, Abhimanyu Parida, Mahendra Kumar

Mohanty, Prafulla Kar, Uttam Kumar Bala and Rabindra Bala witnessed the occurrence. However, it is significant that the independent witnesses named by the victim have been examined as P.W.1 to P.W.6. They have not supported the prosecution case at all. They have not corroborated the allegations of assault, pulling of dress, obscene abuse or criminal intimidation. Although they have been declared hostile and cross-examined by the prosecution but nothing could be elicited from them which would point towards the guilt of the accused. Thus, despite the alleged occurrence taking place on a busy public road where many persons had assembled, the prosecution has failed to secure independent corroboration. The victim admitted during cross-examination that the place of occurrence is a busy road and that around twenty persons had assembled immediately after the occurrence hearing her scream. Ordinarily, when such a serious allegation involving outraging modesty and threats of acid attack is made in a crowded public place, some independent corroboration would reasonably be expected. The complete failure of the prosecution to obtain such corroboration assumes significance.

13. P.W.7, the father of the victim also does not support the prosecution version in material particulars. He has not deposed anything against the accused. He has simply stated that villagers informed him that his daughter had fallen from bicycle. The villagers brought

her home. On enquiry, she merely stated that two persons on a motorcycle kicked her bicycle causing her to fall. The victim stated at para-23 that her father had also arrived at the spot and she narrated him about the occurrence. However, the evidence of father is conspicuously silent regarding pulling of dress, abuse using obscene language, criminal intimidation or threat of acid attack. Had such grave allegations been disclosed to him immediately, it is natural that he would have deposed about them before the Court. This omission affects the prosecution case.

14. Another important circumstance is that the victim deposed that her jeans and top were torn during the occurrence. She further stated that the police had seen the torn clothes. However, the Investigating Officer (P.W.10) categorically admitted that he had not seen the torn wearing apparels and had not seized any such articles. The failure to seize the allegedly torn clothes deprives the Court of important corroborative evidence. The Investigating Officer also admitted that he did not ascertain the registration number or ownership of the alleged motorcycle though the prosecution case specifically attributes the occurrence to a motorcycle. No attempt appears to have been made to trace or identify the vehicle allegedly used in the commission of the offence. The Investigating Officer further admitted that he did not examine the tuition teacher though the victim stated at para-26 that she had

informed her tuition teacher and friends about the occurrence. The omission to examine these natural witnesses without any justification weakens the prosecution case.

15. The prosecution also relied upon the allegation that there was an earlier incident of harassment in respect of which an FIR had been lodged by the victim against the accused. This forms the motive for the occurrence. However, the Investigating Officer candidly admitted that his investigation did not reveal whether any such earlier FIR had in fact been lodged. Therefore, the alleged motive suggested by the prosecution remains unsubstantiated.

16. As already stated above, law is well settled that conviction can certainly be based upon the sole testimony of the prosecutrix if her evidence inspires confidence and is of sterling quality. Corroboration is not an absolute necessity when the testimony is clear, cogent and trust worthy. However, where the evidence suffers from material omissions, improvements and inconsistencies and where natural independent witnesses do not support the prosecution despite the occurrence allegedly taking place in a busy public place, the Court must exercise caution.

17. In the present case, the evidence adduced by the prosecution suffers from the following material infirmities:

- i. The victim has made material improvement in her evidence during trial.
- ii. The independent witnesses named by the victim have not supported the prosecution case.
- iii. The father's evidence materially differs from that of the victim regarding the allegations of pulling of dress, obscene abuse and criminal intimidation.
- iv. The alleged torn clothes were neither seized nor produced before the Court.
- v. The Investigating Officer did not identify or trace the alleged motorcycle.
- vi. The identity of the other co-accused as alleged by the victim has not been brought to the purview of investigation.
- vii. The tuition teacher and other natural witnesses were not examined.
- viii. Material improvements were made during trial regarding injuries and other aspects of the occurrence.
- ix. The alleged previous FIR against the accused has not been proved during investigation.

The circumstances narrated above create a reasonable doubt regarding the prosecution version.

18. The burden always lies upon the prosecution to prove its case beyond reasonable doubt. Suspicion, however strong, cannot substitute proof.

After careful appreciation of the entire evidence on record, this Court is of the considered opinion that the sole testimony of the victim is not sufficient to prove the charges against the accused and the prosecution has failed to establish beyond reasonable doubt that the accused committed the offences punishable under Sections 341, 323, 307, 294, 354, 506 and 509 of the I.P.C. Accordingly, the accused is entitled to the benefit of doubt.

19. In the result, the accused is found not guilty for the alleged offence u/ss.341/294/323/307/354/509/506 of I.P.C and he is acquitted there from u/s. 235(1) of Cr.P.C. He be set at liberty forthwith and be discharged from his bail bonds.

There being no seizure of any articles, no order is passed in respect of disposal of the seized article.

**A.S.J-cum-Special Track Court,
Bhadrak**

Dictated, corrected by me and pronounced in the open court on this day the 30th day of June, 2026 under my signature and seal of this court.

**A.S.J-cum-Special Track Court,
Bhadrak**

FORM-C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESSES, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
P.W.1	Abhimanyu Parida	Occurrence Witness
P.W.2	Mahendra Kumar Mohanty	Occurrence Witness
P.W.3	Prafulla Kar	Occurrence Witness
P.W.4	Rabindra Bala	Occurrence Witness
P.W.5	Uttam Kumar Bala	Occurrence Witness
P.W.6	Mukti Kanta Bala	Occurrence Witness
P.W.7	Ganesh Bala	Occurrence Witness
P.W.8	Subhalaxmi Bal	Informant/victim
P.W.9	Dr. Bikash Chandra Dash	Medical Officer
P.W.10	Rabindra Kumar Khuntia	Investigating Officer
B. Defence Witness, if any:		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESSES, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
	None	None
C. Court Witnesses, if any:		
RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESSES, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESSES)
	Nil	Nil
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits		

Sl. No.	Exhibit Number	Description
1	Ext.P-1	F.I.R
2	Ext.P-1 ¹	Signature of P.W.8 on Ext.P-1
3	Ext.P-1 ²	Signature of L. Behera on Ext.P-1
4	Ext.P-2	Signature of P.W.8 on Injury Report
5	Ext.P-2 ¹	Injury Report
6	Ext.P-2 ²	Signature of P.W.9 on Injury Report
7	Ext.P-3	Injury Requisition
8	Ext.P-3 ¹	Signature of P.W.10 on Ext.P-3
9	Ext.P-4	Spot Map
10	Ext.P-4 ¹	Signature of P.W.10 on Ext.P-4
B. Defence Exhibits, if any		
Sl. No.	Exhibit Number	Description
	Nil	Nil
C. Court Exhibits, if any		
Sl. No.	Exhibit Number	Description
	Nil	Nil
D. Material Objects:		
Sl. No.	Material Object Number	Description
	Nil	Nil

**A.S.J-cum-Special Track Court,
Bhadrak.**