

FORM-A
IN THE COURT OF SUB-DIVISIONAL
JUDICIAL MAGISTRATE, NUAPADA

P r e s e n t:

Smt Snataki Dash, LL.M.,
S.D.J.M, Nuapada

JO CODE:- OD0727

Dated, 07th day of July, 2026

C.T. Case No.169 of 2017

Trial No.409/2017

C. No.175/2017

(Arising Out of Jonk P.S Case No.55

Dtd.17.04.2017)

Complainant	STATE OF ODISHA
Represented by	Sri Ghanashyam Sahu, L/d APP, Nuapada
Accused persons	1. Premlal Naik, aged about 50 years, S/o- Late Lima Naik, 2. Amarchand Naik, aged about 37 years, S/o- Ramlal Naik, 3. Mohit Rout @ Yadav, aged about 49 years, S/o- Humo Yadav, All are R/o- Vill- Baloda, PS- Jonk, Dist- Nuapada, 4. Naresh Sahu, aged about 49 years,

	S/o- Bhabani Sahu, R/o- Biromal, PS-Jonk, Dist- Nuapada.
Represented by	Advocate Sri K. A Bodhankar & Associate Advocates, Nuapada.

Status of the accused person: Accused persons are on bail.

FORM-B

Date of Offence	17.04.2017
Date of FIR	18.04.2017
Date of Charge Sheet	07.09.2017
Date of Framing of Charges	26.03.2026
Date of Commencement of Evidence	06.07.2026
Date of which Judgment is Reserved	07.07.2026
Date of the Judgment	07.07.2026
Date of the Sentencing Order, if any	N.A.

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 on undergone during Trial for purpose of Section 428, Cr.P.C.
1.	Premlal Naik	-	-	u/s.294/323/506/34 IPC	Acquitted	-	N.A.
2.	Amarchand Naik	-	-	u/s.294/323/506/34 IPC	Acquitted	-	N.A.
3.	Mohit Rout @ Yadav	-	-	u/s.294/323/506/34 IPC	Acquitted	-	N.A.
4.	Naresh Sahu	-	-	u/s.294/323/506/34 IPC	Acquitted	-	N.A.

J U D G M E N T

01. The above named accused persons stand charged for the commission of the offence u/s.294/323/506/34 of the Indian Penal Code (hereinafter referred as IPC).

02. The fact of the prosecution case in a nutshell is that on dtd.17.04.2017 at about 4 pm the accused persons had been the shop of informoant, abused in obscene languages, assaulted the informant and kill him in life. The informant filed a written report for this incident and basing on this report IIC, Jonk P.S registered a case vide Jonk P.S case No.55/2017 and directed ASI J. Naik to investigate this case. On completion of investigation, the I.O submitted the charge sheet U/s.294/323/506/34 I.P.C, against the present accused persons. Hence this case.

03. There is no incriminating material available against the accused persons. Hence recording of accused statement is not required.

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

Whether on dtd-17.04.2017 at about 4 pm at Parkod village area the accused persons in further of their common intention,

- I. abused the informant in obscene languages in a public place which caused annoyance to him as well as others and that thereby committed an offence punishable u/s.294/34 IPC?
- II. assaulted the informant and that thereby committed an offence punishable u/s.323/34 IPC?
- III. threatened the informant to kill him in life which caused alarm in his mind and that thereby committed an offence U/s.506/34 IPC ?

05. In order to prove its case, the prosecution has examined as many as three witnesses. P.W.1 is the informant. P.W.2 & P.W.3 are independent witnesses. Prosecution has exhibited some documents which are appended at the footnote of the judgment. On the other hand, defence has neither examined any witnesses nor exhibited any documents on its behalf.

06. All the points are jointly taken together for consideration. The independent witnesses (**P.W.2 & P.W.3**) expressed their total ignorance about this case. P.W.2 admitted his signature on the seizure list vide Ext.P-2¹/PW2. The informant (**P.W.1**) deposed that he had scribed the FIR but had not seen the alleged occurrence. He proved the FIR vide Ext.P-1/PW.1 and admitted his signature on it vide Ext.P-1¹/PW1. He stated that nothing has been seized in his presence but

he admitted his signature on the seizure list vide Ext.P-2/PW1. During his cross examination he stated that he could not recall the contents of the FIR. At this stage L/d APP filed a close memo and it is accepted in the interest of justice.

None of the prosecution witness supported the present case. The informant (P.W.1) has not whispered anything about the alleged occurrence and there is no other incriminating material available against the accused persons. In this scenario, none of the alleged offences is proved against the accused persons and they deserved to be acquitted.

07. In the result, this Court holds that the accused persons are found not guilty of the offences punishable U/s.294/323/506/34 of I.P.C. Accordingly, they are acquitted there from U/s.248(1) of Cr.P.C. They be set at liberty forthwith. Previous bail bonds to remain in force till six months from today for the purpose of section 437(A) of Cr.P.C.

The seized iron pipe be destroyed after expiry of four months of period of limitation for appeal, if no appeal is preferred or if appeal is preferred the same shall be disposed of as per the direction of the Hon'ble Appellate Court. Enter upon as "insufficient evidence" for the statistical purpose.

This judgment is pronounced by me in the open court in absence of the accused persons being

represented U/s.317 of Cr.P.C for today i.e., on this, the 07th day of July, 2026 under my signature and seal of this Court.

S.D.J.M., Nuapada

Typed to my dictation and corrected by me.

S.D.J.M.,Nuapada.

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE
P.W.1	Upendra Singh	Informant
P.W.2	Hemnath Jagat	Independent Witness
P.W.3	Giridhari Rout	Independent Witness
B. Defence Witness, if any:		
RANK	NAME	NATURE OF EVIDENCE
-NIL-	-NIL-	-NIL-
C. Court Witnesses, if any:		
RANK	NAME	NATURE OF EVIDENCE
-NIL-	-NIL-	-NIL-
LIST OF PROSECUTION/DEFENCE/COURT/EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1.	Ext.P-1/PW.1	FIR
2.	Ext.P-1 ¹ /PW.1	Signature of PW.1 on FIR
3.	Ext.P-2/PW.1	Signature of PW.1 on Seizure List
4.	Ext.P-2 ¹ /PW.2	Signature of PW.2 on Seizure List
B. Defence Exhibits, if any		

Sl. No	Exhibit Number	Description
1.	-NIL-	-NIL-
C. Court Exhibits, if any		
Sl. No.	Exhibit Number	Description
1.	-NIL-	-NIL-
D. Material Object:		
Sl. No.	Material Object	Description
1.	-NIL-	-NIL-

S.D.J.M., Nuapada.