

FORM-A

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

**Present: SMT. TRUPTI DAS,
J.M.F.C. ASKA
Code No.OD00955**

Dated this the 03rd day of August, 2026

**GR. 2028 of 2024
Trial No.250/2026
e-court filing number: GR 685/2026
CNR NO.: ODGM0E-001508-2026**

Arising out of Aska PS Case No.736 DTD.12.11.2024
u/s. 85/296/115(2)/351(2) of the BNS.

COMPLAINANT:	State Of Odisha
REPRESENTED BY:	Learned A.P.P. J.M.F.C(T), Aska, Ganjam
ACCUSED PERSON:	Babul Yadav(47), S/o-Sairam Yadav, R/o-Sahaspur, PS-Aska, Dist-Ganjam.
REPRESENTED BY:	Ld. Advocate Sri PM Nahak and Associates, Aska, Ganjam.

FORM-B

Date Of Offence	--
Date of F.I.R.	12.11.2024
Date of Charge sheet/ Sanction P.R.	29.12.2024
Date of Framing of charges	24.06.2026
Date of Commencement of Evidence	31.07.2026
The date on which Judgment is reserved	--
Date of Judgment	03.08.2026
Date of 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 PURPOSE OF SECTION 468, B.N.S.S
A1	Babul Yadav	Served Notice U/s. 35(3) BNS	24.06.2026	U/S.85/296/ 115(2)/351(2) of the BNS.	ACQUITTED	N/A	N/A

J U D G M E N T

1. The above-named accused stands charged for the offence punishable under section 85/296/115(2)/351(2) of the Bharatiya Nyayika Sanhita (hereinafter referred to as the “B.N.S.”).
2. The case of the prosecution, in brief, is that the accused assaulted the complainant and her daughter. The accused also abused the complainant and her daughter in obscene language and threatened them to kill in life, if they disclosed this matter to police. Hence, the complainant reported the matter to PS for necessary legal action. Following the filing of F.I.R., the I.O. investigated this case and submitted the charge sheet vide C.S. no. 769 dt. 29.12.2024 against the accused, on which the cognizance of the offence under section 85/296/115(2)/351(2) of the B.N.S., was taken. Hence this case.

3. The defence plea is of complete denial and false accusation.

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

Whether the accused;

- i. Had being the husband of the complainant subjected her physical and mental cruelty and thereby committed the offence punishable under section 85 of the B.N.S.?
- ii. Had abused the complainant and her daughter in obscene language annoying in a public place and thereby committed the offence punishable under section 296 of the B.N.S.?
- iii. Had voluntarily caused hurt to the complainant and her daughter with the intention or knowledge that they were likely to cause hurt to them and thereby committed the offence punishable under section 115(2) of the B.N.S.?
- iv. Had intentionally criminally intimidated the complainant and her daughter with dire consequences and thereby committed the offence punishable under section 351(2) of the I.P.C.?
- v. Acquittal or conviction if any?

5. All of the points are being analyzed and determined simultaneously to prevent the repetition of evidence and the overloading of court records. The burden of proving these points rests with the prosecution following section 102 of the Indian Evidence Act, 1872 (hereinafter referred to as the "I.E.A."). The prosecution must prove the guilt of the accused beyond all reasonable doubt because of the "presumption of innocence", which is a fundamental principle of criminal law.

6. To prove its case the prosecution examined two witnesses in this case. PW1 is the informant and PW2 is the victim in this case.

PW1 has deposed that she does not want to proceed in this case as the matter has been amicably settled outside the court. On being asked she well proved the FIR. In her cross examination PW1 has deposed that, he has not been examined by the police in this case.

PW2 who is the victim in this case has deposed that now she does not want to proceed further in this case as the matter is amicably settled outside the Court. In her cross examination PW2 has deposed that, he has not been examined by the police in this case.

7. The defence has not examined any witness on its behalf, so the defence evidence has stood closed.
8. During the argument, learned defence counsel argued that the accused persons are innocent and

there was no strong evidence available against them to prove the guilty, so they should be acquitted. On the other side, the learned APP submitted that the prosecution has categorically proved the case so they should be punished.

9. Based on the evidence duly approved by prosecution and upon perusal of the case record, it is clear that the matter has now being amicably settled between the parties and taking in view of what had been observed in **Madan Mohan Abbot Vs State of Punjab 2008(2) SCC(Cri)464**; where in the Hon'ble Apex Court has observed that:

“.... It is perhaps advisable that in disputes where the question involved is purely personal, the court should ordinarily accept the terms of compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution is luxury which the courts, grossly overburdened as they are, cannot afford and that the times so saved can be utilized in deciding more effective and meaningful litigation. This is a common-sense approach to the matter based on the ground of realities and bereft of the technicalities of the law.” This court is an opinion that since the matter has already been resolved between the parties this court does not find it fruitful to probe into the guilt of the accused unnecessarily.

Moreover, the evidence, adduce by the prosecution is insufficient to prove the allegations against the accused beyond all reasonable doubt.

10. Consequently, the accused is held not guilty 85/296/115(2)/351(2) of the B.N.S and accordingly, he stands acquitted there from under section 271(1) of B.N.S.S.

11. Let the accused be set at liberty forthwith and be discharged from his bail bond but his bail bond shall continue for six months as per section 481 of the B.N.S.

12. No order as to seizure as nothing has been seized in this case.

Enter this case as Mistake of Fact.

**Judicial Magistrate First Class
Aska**

This judgment is typed to my dictation and corrected by me and pronounced in the open court on the 03rd day of August 2025 under my hand and seal of the Court.

**Judicial Magistrate First Class
Aska**

FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. PROSECUTION WITNESSES:		
RANK	NAME	NATURE OF EVIDENCE
P.W.1	Sajani Yadab	Informant
P.W.2	Mamuni Yadab	Victim
B. DEFENCE WITNESSES, 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 NO.	DESCRIPTION
1	P1/PW1	FIR
B. DEFENCE EXHIBITS, IF ANY		
SL. NO.	EXHIBIT NO.	DESCRIPTION
NIL	NIL	NIL
C. COURT EXHIBITS, IF ANY		
SL. NO.	EXHIBIT NO.	DESCRIPTION
NIL	NIL	NIL
D. MATERIAL OBJECTS:		
SL. NO.	EXHIBIT NO.	DESCRIPTION
NIL	NIL	NIL

Judicial Magistrate First Class
Aska