

FORM-A

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS (COG. TAKING), KENDRAPARA. Present: Ms. Sasmita Sahoo, B.A, L.L.B J.M.F.C. (Cog. Taking), Kendrapara (JO CODE : OD-0761) Date of Judgment:12.08.2026 <u>GR. Case No. 1569 of 2021</u> (Trial No. 1076 of 2022) U.S.S. 341/294/506/427/353 of IPC (CNR No. ODKE02-001213-2021) (Arising out of Derabish P.S. case no. 141 dated 27.06.2021)	
Complainant	STATE OF ORISSA
REPRESENTED BY	Sri Sudhir Kumar Parida, Ld. A.P.P., Kendrapara.
Accused person	1. Gyana Ranjan Swain, aged about 53 years, S/o: Raghunath Swain, Vill-Adhanga Malikeswarpur, PS- Derabish, Dist-Kendrapara..... A1
REPRESENTED BY	Ld. Defence counsel Shanti Swarup Bhuyan, Advocate.

FORM-B

Date of offence	27.06.2021
Date of FIR	27.06.2021
Date of Charge sheet	31.07.2021
Date of Framing of Charge	27.02.2025
Date of commencement of evidence	24.01.2026

Date on which judgment is reserved					11.08.2026		
Date of the judgment					12.08.2026		
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 undergone during trial for purpose of section 428, Cr.P.C
01.	Gyana Ranjan Swain.	served notice U/s-41(a) of Cr.P.C	27.02.2025	U/s.s. 341/294/506/427/353 of IPC	Acquitted	N.A	N.A.

JUDGMENT

1. The above named accused persons being charged for committing the offences punishable **U/s.s. 341/294/506/427/353** of the Indian Penal Code, 1860.

2. The factual matrix of the prosecution case, in a nutshell is that:-

The informant namely Prasant Kumar Jena, S/o- Dhruba Charan Jena, R/o- Rayasar, PS- Patkura and Dist-Kendrapara lodged a written report before the I.I.C. of Derabish police

station to the effect that on 27.06.2021 at about 12:15 P.M while he was going to the medical for the treatment of animal, at that time the accused person stopped him and abused him with filthy languages. Then the accused person tried to assault him by means of a stick, but the stick came on contact with his motor cycle, for which his motor cycle was damaged. The accused person also snatched away Rs.2000/- from his pocket and threatened him with dire consequences.

Therefore, the complainant lodged an FIR against the accused persons to which Derabish P.S case no. 141/2021 dated 27.06.2021 was registered and the I.O took up the investigation of this case.

During course of investigation, I.O. visited the spot, examined the complainant and other witnesses and after completion of investigation, submitted charge sheet vide CS No-147/2021 against the accused person the above said offences against the accused person and he faced the trial there under.

3. The plea of the accused person is one of complete denial and that of false implication.
4. The points for determination in this case are as follows:
 - i. Whether on 27.06.2021 at about 12:15

P.M at Adhanga Malikeswarpur the above named accused person wrongfully restrained to the informant from proceeding in a direction in which he had a right to proceed and thereby committed an offence punishable U/s. 341 of IPC?

- ii. Whether on the aforesaid date, time and place, the above named accused person abused the informant in obscene languages in or near a public place causing annoyance to other and thereby committed an offence punishable U/s. 294 of IPC ?
- iii. Whether on the aforesaid date, time and place, the above named accused person had criminally intimidated the informant by threatening to him and caused alarm in his mind and thereby committed an offence punishable U/s.506 of IPC?
- iv. Whether on the aforesaid date, time and place, the above named accused person committed mischief thereby causing damage of the informant's motor cycle and thereby committed an offence punishable U/s.427 of IPC?
- v. Whether on the aforesaid date, time and place, the above named accused person assaulted or criminal force to deter public

servant (informant) from discharge of his duty and thereby committed an offence punishable U/s.353 of IPC?

5. In order to substantiate the case prosecution has examined five witnesses i.e., P.W.5 is the informant; P.W.1, P.W.2 and P.W.3 are the independent witnesses and P.W.4 is the seizure witness in this case. Furthermore, prosecution has exhibited FIR in support of its case. On the other hand defence has neither examined any witness nor exhibits any document on its behalf.

6. It is glaring from evidence of P.W.5 (Informant) that he knows the accused person in this case as his co-villager. The matter is amicable settled with the accused person outside the court by the intervention of the village gentries. He has no objection against the accused person and he does not want to proceed the case against him further. He has nothing knowledge about the fact. The case is compromised outside the court. Out of misunderstanding he had lodged the FIR. Ext.P-2/P.W.5 is the said FIR lodged by him and Ext.P-2¹/P.W.5 is his signature thereon. He had put his signature on the seizure list marked

as Ext.P-1¹/P.W.5. He had put his signature on the zimanama marked as Ext.P-3/P.W.5.

In cross-examination he deposed that he has not scribed the FIR. He could not say the name of the scribe. He could not remind about the fact. He has not been examined by the police. He does not remember the date of the FIR. He does not know the contents of the FIR. He has no objection against the accused person and he does not want to proceed the case further against the accused person. Due to compromise he is pooling well with the accused person.

P.W.4 has deposed that he knows that informant as well as the accused person in this case. He does not know anything about this case. He had put his signature on the seizure list marked as Ext.P-1/P.W.4. In cross examination he deposed that he has not been examined by the police. He has no knowledge about the said seizure list. He had put his signature on the plain form as per the instruction of the police. He could not say the contents of the said seizure list.

P.W.1, P.W.2 and P.W.3 were deposed that they know the informant as well as the accused person in this case as their co-villagers. They do not know anything about the fact. In cross examination they deposed that they have

not been examined by the police.

7. From the above discussion it is clear that there is absolutely no incriminating evidence forthcoming against the accused person. There is not an iota of evidence against him. Moreover, the informant in this case deposed that the matter is amiable settled with the accused person outside the court by the intervention of the village gentries. He has no objection against the accused person and he does not want to proceed the case against him further. In the instant case as stated herein before, I am of considered view that prosecution has miserably failed to prove the allegation leveled against the accused person **U/s.s. 341/294/506/427/353 of IPC** beyond all reasonable doubt.

8. In the result, I hold the accused person not found guilty for committing offences punishable **U/s.s. 341/294/506/427/353 of IPC** and being acquitted **U/s. 255(1) of Cr.P.C. 1973**. They be set at liberty and be discharged from their bail bond, if any. But in view of section **437(A) of Cr.P.C** the bail bond shall remain in force for a period of six months as provided under the above mentioned section.

9. Enter this case as mistake of fact for statistical purpose.
10. The seized articles, be retained by the zimadar and the zimanama be canceled after four months of expiry of appeal periods, if no appeal is preferred and if appeal or else is preferred the same shall be dealt with as per orders of Hon'ble appellate court..

Sd/-

J.M.F.C. (Cog. taking), Kendrapara.

This judgment is prepared in the official laptop, corrected by me and pronounced in the open court on this the **12th day of August, 2026** under my hand and seal of the court.

Sd/-

J.M.F.C. (Cog. taking), Kendrapara.

FORM-C

LIST OF PROSECUTION/ DEFENCE / COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE
P.W.1	Srikant Parida.	Independent witness.
P.W.2	Gagan Bihari Barik.	Independent witness.
P.W.3	Harekrushna Parida.	Independent witness.

P.W.4	Chandrasekhar Behera.	Seizure witness.
P.W.5	Prasant Kumar Jena.	Informant.
Defence Witness, if any		
NIL		
Court Witnesses, if any		
NIL		
LIST OF PROSECUTION EXHIBITS		
Prosecution Exhibits		
Sl. No.	Exhibits No.	Description
1.	Ext.P-1/P.W.4	Signature of P.W.4 on seizure list.
2.	Ext.P-2/P.W.5	FIR.
3.	Ext.P-2 ¹ /P.W.5	Signature of P.W.5 on FIR.
4.	Ext.P-1 ¹ /P.W.5	Signature of P.W.5 on seizure list.
5.	Ext.P-3/P.W.5	Signature of P.W.5 on zimanama.
Defence Exhibits, if any		
NIL		
Court Exhibits, if any		
NIL		
Material Objects		
NIL		

Sd/-

J.M.F.C. (Cog. taking), Kendrapara.