

FORM-A**IN THE COURT OF N.G.N.-CUM-J.M.F.C., TANGI**

Present:

**Sri Subodh Kumar Sethy, B.Sc. LL.B.,
N.G.N.-CUM-J.M.F.C.,Tangi.
J.O. Code – OD – 00911**

Date of Judgment :01.07.2025

**G.R. Case No.563/2022
Trial Number 170 of 2023**

P.S. Case No. :595/dated.19.10.2022

Name of Police Station :Tangi P.S.

Offence :U/s.294/323/506 of I.P.C.

Complainant	State of Odisha
Represented By	Sri N. Das, APP, Tangi
Accused	Dukhiram @ Dukhish Muduli, aged about 42 years, S/o-Antha Muduli Village-Brahamandi, P.S.-Tangi, Dist.-Khurda.
Represented By accused persons	Sri A.K. Das & Associates, Advocates, Tangi

FORM-B

Date of Offence	19.10.2022
Date of FIR	19.10.2022
Date of Charge Sheet	11.11.2022
Date of Framing of Charges	22.02.2023
Date of commencement of evidence	23.06.2025
Date on which judgment is reserved	30.06.2025
Date of the Judgment	01.07.2025
Date of the 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 428 of Cr.P.C.
A1	Dukhiram @ Dukhish Muduli	Not arrested, Notice served U/S.41-A CrPC	22.02.23	U/s. 294/323/506 of IPC	Acquitted	-	-

J U D G M E N T

1. The accused named above stands prosecuted for the offences punishable U/s. 294/323/506 of Indian Penal Code, 1860 (in short IPC).

2. The case of the prosecution in nutshell runs as follows:-

On 19.10.2022 the informant namely Rashmita Muduli wife of Ananda Muduli of village Brahamandi lodged a written before Tangi police station stating therein that at about 8.30 A.M. while he was taking bath near tube well at that time the present accused passed comments at her but she remained silent. Then he again abused in obscene languages by saying that 'He Bedha Tate Ekagharia Karajaichi Tu Ghodagehi Gadhoibaku Kana Asichu'. Then she calmly replied that it is Govt. tube well and it is meant for general public. Hearing it, the accused ran towards her and dragged her saree and caught hold her and tried to commit rape on her. Hearing her shout when her husband arrived there, the

accused decamped from the spot. Seeing her tearing saree her husband covered her in an another saree brought from bucket. Then finding no alternative they intimated the matter to Sarapanch of their village but he advised us to report the matter at police station.

Basing upon the written report of the informant, the then IIC of Tangi P.S. registered Tangi P.S. Case No. 959 dated 19.10.2022 and directed Sujata Palei, S.I. of police to take up investigation of the case. On completion of investigation, the Investigating Officer has submitted charge-sheet U/s. 294/323/506 of IPC against the present accused persons. Hence, this case of the prosecution. Following to this Cognizance taken.

3. The Defence plea is of one of complete denial and of false implication.

4. Thus, the points for determination in this case are as follows:-Whether on 19.10.2022 at about 8.30 A.M. near the tube well at village Brahamandi the accused:

i) abused the informant by uttering obscene words in or near a public place causing annoyance to him and others?

ii) voluntarily caused hurt to the informant?

iii) threatened to kill the informant?

5. In order to prove its case prosecution has examined three witnesses. P.W.1 is the informant. P.W.2 is the

husband of the informant and P.W.3 is the son of the informant. Prosecution has relied upon document F.I.R. marked as i.e. Ext.P1/PW.1. On the other hand, defence has examined none.

6. With regard to the points of determination, P.W.1, who is the informant of this case, has stated that due to some misunderstanding she lodged this case. Now the case has been amicably settled between them. She does not want to proceed further in this case. P.W.1 proved the F.I.R. as Ext.P1/P.W.1 and her signature on the FIR marked vide Ext.P1¹/P.W.1. During her cross-examination she deposed that now they are pulling well on with each other and matter has been amicably settled among them outside the Court. She does not want to proceed further in this case. She has no objection if the case will be disposed of basing on her deposition. P.W.2 and P.W.3 who are the husband and son of the informant respectively deposed in the same manner as that of informant (P.W.1).

7. The defence counsel for the accused argued that prosecution has failed to prove the case against the accused. Hence, he may be acquitted. On the other hand, ld. APP argued that, this case may be decided as per the law.

8. Law is well settled that FIR is not a substantive piece of evidence and no conviction can lie only on the basis of FIR without having any corroboration from the maker thereof.

In the present case, even if the FIR disclosed about the alleged offences committed by the accused on the alleged date of occurrence, but prosecution utterly failed to bring home the accusations against the accused beyond reasonable doubt.

It would be in the fitness of the things to rely upon a decision of ***Satish Mehra Vs. Delhi Administration [1996 (3) Crimes 85 (SC)]***, it has been held by the Hon'ble Supreme Court that *“when a judge is certain that there is no prospect of the case ending in conviction, valuable time of the court should not be wasted for holding a trial only for purpose of formally completing procedure to pronounce conclusion on a future date. If the case ends there it gains a lot of time of the court and saves much human efforts and cost. If the materials produced by the accused even at that early stage would clinch the issue, why should the court shut it out saying that such documents need be produced only after wasting a lot more time in the name of trial proceedings”*.

After perusal of the evidence on record, amicable settlement entered into by the informant and the accused and considering the foregoing discussion, my considered opinion, it is in the interest of the republic to finish any short of litigation. Hence, as the informant (P.W.1) wants to compromise this matter with the accused, the process of law should not bind them to do so.

9. Regard being had to the facts and circumstances of the case, evidence adduced by the witnesses aforementioned analysis, absolute nil evidence on the record and amicable

settlement arrived at between the parties, it could be unmistakably concluded that prosecution has not been able to adduce sufficient evidence to bring home the prosecuted against the accused for the offences U/s.294/323/506 of IPC and he is acquitted therefrom U/s.255(1) of Cr. P.C.

He be set at liberty forthwith being discharged from his bail bond. His bail bonds shall remain in force till a period of 6 (six) months from the date of judgment in view of Section 437-A of Cr.P.C.

No order as to seizure of articles in this case is passed as there is no seizure in this case.

“Enter this case as a mistake of facts” for statistical purpose.

Pronounced the judgment in the open Court on the 1st day of July, 2025 under my signature and seal of the Court.

N.G.N.-CUM-J.M.F.C., Tangi
Dt.01.07.2025

Judgment has been recorded at my dictation and has been corrected by me.

N.G.N.-CUM-J.M.F.C., Tangi

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FORM-C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
P.W.1	Rashmita Muduli	Informant.
P.W.2	Ananda Muduli	Husband of the informant
P.W.3	Bishnu Muduli	Son of the informant.
B. Defence Witness, if any.		
RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
None		
C. Court Witness, if any.		
RANK	NAME	NATURE OF EVIDENCE (Eye Witness, Police Witness, Expert Witness, Medical Witness, Panch Witness, Other Witness)
None		
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		

A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1.	Ext.P1/P.W.1	FIR.
2.	Ext.P1 ¹ /P.W.1	Signature of the informant (P.W.1) on the FIR.
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.	Material Object Number	Description
Nil		

N.G.N.-CUM-J.M.F.C., Tangi