

FORM – A

**IN THE COURT OF
THE JUDICIAL MAGISTRATE FIRST CLASS:
PIPILI.**

P r e s e n t :

Smt. Swarnaprava Swain, LL.M.;
J.M.F.C., Pipili (Code : OD00781).

Dated, Pipili the 5th day of August, 2026

[G.R. Case No.-188 of 2014]

T. R. No. 374 of 2017

(Status of the accused persons : On bail)

(Arising out of Pipili P.S. Case No.117, dated-04.04.2014)
(under Sections- 341/ 294/ 323/ 506/ 34 of IPC)

Complainant	<i>STATE OF ODISHA</i>
REPRESENTED BY	Ld. A.P.Ps., Pipili.
ACCUSED PERSONS	1. Md. Jahangir , aged about 55 years, S/o. Md. Mahimmud. 2. Md. Daudalam , aged about 30 years, S/o. Md. Makasud 3. Md. Mahimmud , (abated) All are of village- Danogohir, P.S. Pipili, District- Puri
REPRESENTED BY	Adv. B.P. Bairiganjan & Associate

FORM – B

Date of Offence	04.04.2014
Date of F.I.R.	04.04.2014
Date of Charge Sheet	
Date of framing of charge	25.04.2019
Date of Commencement of evidence.	06.01.2020

Date on which Judgment is reserved	05.08.2026
Date of the Judgment	05.08.2026
Date of the Sentencing Order, if any	--

ACCUSED PERSONS 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.
A1.	Md. Jahangir	Not arrested	25.04.19	U/s.- 341/294/323/ 506/ 34 of IPC.	Acquitted	Nil	Nil
A2.	Md. Daudalam	Not arrested	25.04.19	-do-	Acquitted	Nil	Nil

J U D G M E N T

1. The above named accused persons stand charged for commission of offences punishable under Sections- 341/ 294/ 323/ 506/ 34 of Indian Penal Code (*herein after referred in short as I.P.C. for the purpose of brevity only*).

2. The gist of the Prosecution case is that, the informant Mahammad Samiulha appeared before the police of Pipili P.S. and presented a written report stating therein

that on 04.04.2014, while he was proceeding to his house, accused Md. Jahangir abused him in obscene languages by uttering the words “Tusala Bedha Chhua Magiha” and threatened to kill him. In the meantime Md. Mahimmud, armed with bhujali and Md. Daud Alam, by pointing bhujali on his neck assaulted him by giving 2-3 slaps and kick blows. They also threatened to kill him if they found him again at the said place. Out of fear, the informant fled away from the spot, where upon the accused persons chased behind him.

2.1. Basing on the above information, the I.I.C of Pipili P.S. registered a case vide Pipili P.S. Case No. 117, dated-04.04.2014 u/s.341/ 294/ 323/ 506/ 34 of IPC. During course of investigation, the investigating officer (*hereinafter referred to as I.O. in short*) had examined the complainant and other witnesses, visited the spot, arrested the accused persons and released bail as per the direction of Sessions Court, Puri. After completion of investigation, the I.O submitted Final Form vide Charge Sheet No.92, dated-31.05.2014 against the accused persons for the commission

of the offence punishable u/s. 341/ 294/ 323/ 506/ 34 of IPC. Hence, this case.

3. The plea of the defence is of complete denial and of false implication.

4 ***The points fixed for determination of the instant case are :-***

Whether on dated 04.04.2014 at village Danagohiri, all the accused persons, in furtherance of their common intention :-

- (i) *Wrongfully restrained the informant?*
- (ii) *Abused the informant in obscene languages, in or near a public place, causing annoyance to him and also to others present?*
- (iii) *Voluntarily caused hurt to the informant?*
- (iv) *Criminally intimidated the informant by threatening with dire consequences, which caused alarm in his mind?*

5. To prove the offences against the accused persons, the Prosecution has examined as many as three witnesses. Out of which P.W.1 is the informant, P.W.3 is the son of informant and P.W.2 is the independent witness. He has marked one document on its behalf.

5.1. On the other hand, no evidence was adduced from the defence side.

6. Heard the argument at length of both the learned counsel for the defense and Ld. APP and also carefully scrutinized all the materials available in the case record. For better appreciation of evidence all the points for determinations are taken together to prove the essential ingredients of sections 341/ 294/ 323/ 506/ 34 of IPC to bring home the accused persons guilty under the aforesaid sections.

7. On cogent perusal of the evidence as adduced on behalf of the prosecution, P.W.1 who is the informant has stated that he knows all the accused persons. The occurrence took place on one day in the year 2014 at about 2:00 p.m in the mid-day near his house at village Danagohiri. On the alleged date and time while he had been to his old house to look after it, accused, Mohammad Mahimur, Mohammad Jahangir, Mohammad Maksud and Daud Alam protested him as to why he had been to his old house and when he replied that, as he has house, he shall

come to look after it and on his reply, all of them, chased him to assault. Thereafter, in order to rescue himself, he returned to his house. Thereafter, he lodged the FIR at Pipili P.S. This is the said FIR marked as Ext-1 and Ext-1/1 is his signature thereon. He was examined by the Police in connection with this case. During cross-examination he has deposed that one of his villager had scribed the FIR and he had written the FIR as per his instruction. He has not gone through the FIR, nor can he say whether any endorsement was made regarding the contents of the FIR being read over and explained to him. He admitted that suggestion that prior to the present occurrence, the accused persons have filed a suit for partition and injunction and in the said suit, injunction order is also passed. He denied the suggestion that he has neither mentioned in the FIR nor stated to the Police that while he had been to his old house to look after it, accused, Mohammad Mahimur, Mohammad Jahangir, Mohammad Maksud and Daud Alam protested him as to why he had been to his old house and when he replied to them that, as he has house, he shall come to look after it and

on his reply, all of them, chased him to assault. His house, in which he is residing is at a distance from the alleged spot as the distance between the Court building and the main road. In between his house and the alleged spot, other two families are also residing in their houses. He denied the suggestion that as the accused persons have filed a suit against him, he has foisted a false case against them and that he is deposing false hood today and that no such occurrence took place. Md Sanaulla is his nephew and Sk Ayur is his grand son.

P.W.2 has stated nothing about the alleged occurrence.

P.W.3, the son of informant has stated that he knows both the accused persons, standing in the dock. One accused namely Md. Mahimud is died. Around 10-15 years ago the occurrence took place in our village. Later both his father and elder-father passed away. They are living peacefully in their village. During cross-examination he has deposed that during live of his father and elder-father the matter was

settled between them. One counter case was disposed of. He has no allegation against the accused.

8. So far as the offence u/s.341 of IPC is concerned the Ld. APP has to prove wrongfully restrained to the informant by the accused persons. Here in this present case, in the F.I.R., the informant stated about the wrongful restraint but during her trial it is ascertained that none of the prosecution witnesses including the informant has deposed regarding any wrongful restrain by the accused persons upon the informant. P.W.2, the independent witness has not stated anything about the alleged occurrence. Though the prosecution has declared the said witness as hostile and cross-examined him as per Sec.154 of Cr.P.C. but nothing has been elicited from his mouth in order to prove the case of prosecution. Furthermore, P.W.4 the son of informant has stated that the informant is now dead and during his live, the matter was settled between both the parties. Now they are living peacefully in their village. Hence, there is no material evidence exists in this case against the present accused persons.

9. So far as the offence u/s. 294 of IPC is concerned, the prosecution has to prove the obscene languages in or near a public place to the informant and thereby causing annoyance to the him and also to others present. Here in this present case, though the informant has alleged in the FIR that the accused persons uttered some obscene words saying “Sala Bedha Chhua Magiha” but on perusal of his evidence, it is seen that nowhere in his statement he has stated that the accused persons abused him. Though in the FIR the informant has mentioned the exact obscene language uttered by the accused persons, but he has not stated by use of such obscene language by the accused persons, any annoyance was caused to him. However, the matter has been settled between both the parties. Now they are living peacefully in their village. Hence, there is no material evidence exists in this case against the present accused persons.

10. So far as the offence u/s. 323 of IPC is concerned, the prosecution has to prove whether the accused persons voluntarily caused hurt to the informant. Here in

this present case, in the F.I.R., the informant has stated about the assault upon him but during trial it is ascertained that the accused persons chased behind him to assault but he has not specifically deposed that the accused persons assaulted him, which creates doubt in the mind of prosecution that whether the accused persons assaulted the informant. However, the matter has been settled between both the parties. Now they are living peacefully in their village. Hence, there is no material evidence exists in this case against the present accused persons.

11. So far as the offence U/s.506 of IPC is concerned, prosecution has to prove that the threaten to the informant, causing alarm in his mind. Here in this present case, though the informant has alleged in the FIR that the accused persons threatened to kill him but during his evidence before the Court he has not stated anything about the threat so also he failed to depose that such threat create any alarm, fear in his mind. However, the matter has been settled between both the parties. Now they are living peacefully in their village. Hence, there is no material

evidence exists in this case against the present accused persons.

12. In the aforesaid context we may recapitulate a passage from the decision of the **Hon'ble Apex Court** in the case of **Madan Mohan Abbot Vrs. State of Punjab 2008**– We need to emphasize that it is perhaps advisable that in disputes where the question involved is of a purely personal nature, the court should ordinarily accept the terms of the compromise even in criminal proceedings as keeping the matter alive with no possibility of a result in favour of the Ld. Counsel for the complainant is a luxury which the courts, grossly overburdened as they are, cannot afford and that the time so saved can be utilized in deciding more effective and meaningful litigation. This is a common-sense approach to the matter based on ground of realities and bereft of the technicalities of the law.

13. Therefore, keeping in view of the above facts and circumstances of the case, non-support from any of the witnesses of the case, recent development of the compromise between the parties, insufficient evidence

against the accused persons to prove the alleged offence, this Court's opinion is that the Ld. Counsel for the informant has not successful to prove its case against the accused persons beyond all reasonable doubts. Hence, the accused persons are entitled for an acquittal.

14. From the above discussions, this Court holds that the Prosecution has not successful to establish the guilt of the accused persons beyond all reasonable doubts. As such, accused persons are found not guilty for commission of offences punishable under Sec. 341/ 294/ 323/ 506/ 34 of I.P.C. and they are acquitted therefrom U/s.-248(1) of Cr.P.C and be set at liberty forthwith and they be discharged from their respective bail-bonds under Sec. 437(A) of Cr.P.C. which remains in effect for six months.

15. No order for disposal of seized articles is passed as nothing was seized in this case.

Enter this case as 'mistake of fact' and for insufficient evidence.

J.M.F.C, Pipili.

The Judgment is typed to my dictation and corrected and pronounced by me in the open Court under my hand and seal of this Court, on this the **5th day of August, 2026.**

J.M.F.C, Pipili.

FORM – C

LIST OF PROSECUTION / DEFENCE / COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE
P.W.-1	Md. Samiulha	Informant
P.W.-2	Md. Sanaulha	Independent witness
P.W.-3	Md. Abdul Manan	Son of informant
B. Defence Witness, if any :		
RANK	NAME	NATURE OF EVIDENCE
D.W.	Nil	Nil
C. Court Witnesses, if any :		
RANK	NAME	NATURE OF EVIDENCE
C.W.	None	None
LIST OF PROSECUTION / DEFENCE / COURT EXHIBITS		
A. Prosecution Exhibits :		
Sl. No.	Exhibit Number	Description

1	Ext.1	F.I.R.
2	Ext.1/1	Signature of P.W.1 on F.I.R.
B. Defence Exhibits, if any :		
Sl. No.	Exhibit Number	Description
-	-	-
C. Court Exhibits, if any :		
Sl. No.	Exhibit Number	Description
—	Nil.	Nil.
D. Material Objects :		
Sl. No.	Exhibit Number	Description
—	Nil.	Nil.

J.M.F.C, Pipili.