

FORM-A**IN THE COURT OF SUB-DIVISIONAL JUDICIAL MAGISTRATE;
BONAI, DISTRICT-SUNDARGARH**

Present: Shri Abhinandan Nanda, BBA, LLB (HONS),
S.D.J.M., Bonai

JO CODE: OD00678

[Dated this 18th July 2026]

G.R. Case No.993 of 2022

TR. No.370 of 2026

Regd. No.722/2023

(Bonai PS Case No.239 Dated: 22.12.2022 U/s.498A/323/294/506/342/34
of IPC,1860 r/w 4 DP Act,1961)

COMPLAINANT	STATE OF ODISHA
REPRESENTED BY	Sri Tahasildar Patra, Ld.APP, Bonai.
ACCUSED PERSONS	1) Deepak Sahoo, aged about 39 years, S/o- Late Basanta Sahoo, 2)Kadali Sahoo, aged about 53 years, W/o- Late Basanta Sahoo, 3)Lipak Sahoo, aged about 31 years, S/o- Late Basanta Sahoo, 4)Sarajini Sahoo, aged about 33 years, W/o- Lipak Sahoo, All of them are R/o- Ghagaramunda, PS-Parjanga, Dist-Dhenkanal, State-Odisha 5)Bholanath Sahu, aged about 43 years, S/o- Late Pranabandhu Sahoo, R/o-Balani, PS- Barkot, Dist- Deogarh
REPRESENTED BY	Sri M. R. Pati & Associates, Ld. Advocates, Bonai

FORM-B

Date of Offence	21.12.2022 and earlier
Date of FIR	22.12.2022
Date of Charge sheet	16.05.2023
Date of Framing of Charges	13.07.2026
Date of Commencement of evidence	13.07.2026
Date on which judgment is reserved	18.07.2026
Date of the Judgment	18.07.2026
Date of the Sentencing Order, if any	NA
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 Trail for purpose of section 428, Cr.P.C.
1	Deepak Sahoo	Appeared on 22.06.2026	22.06.2026	U/s.498A/323/294/506/342/34 of IPC,1860 r/w 4 DP Act,1961	Acquitted	NA	NA
2	Kadali Sahoo	-Do-	-Do-	-Do-	-Do-	-Do-	-Do-
3	Lipak Sahoo	-Do-	-Do-	-Do-	-Do-	-Do-	-Do-
4	Sarajini Sahoo	-Do-	-Do-	-Do-	-Do-	-Do-	-Do-
5	Bholanath Sahu	-Do-	-Do-	-Do-	-Do-	-Do-	-Do-

JUDGMENT

The above named accused persons stand charged U/s.498A/323/294/506/342/34 of IPC,1860 r/w 4 DP Act,1961 for commission of offences of subjecting the informant to cruelty being her husband and in-laws, voluntarily causing hurt, abusing in obscene languages, threatening the informant of killing her and wrongfully confining the informant, in furtherance of their common intention besides demanding dowry.

2. BRIEF FACTS

(a) The factual matrix forming the backdrop of the prosecution's case as reported by the informant namely Bedamati Sahu of Vill-Deogaon, PS-Bonai, Dist-Sundargarh on 22.12.2022 may be stated in a nutshell as that her marriage was solemnized

with the accused namely Deepak Sahu, S/o-Basant Sahu of vill-Ghagaramunda, PS-Mahabirgarh, Dist-Dhenkanal in the year 2020 as per their customs and Vedic rituals. After two years of her marriage, the accused persons started torturing her both physically and mentally over demand of further dowry. On 21.12.2022, at about 06.00 PM, her husband Deepak Sahu throttled her neck while her mother-in-law assaulted her by means of fist blow on her nose and abused her in obscene languages. The accused persons threatened her to leave their house or else she will be killed. Then they confined her inside a dark room. Then the informant called her father over phone who came and rescued her from Ghagaramunda. After she came to her house, she reported the matter at PS.

(b) On receipt of the written report of the informant, the then Inspector-In-Charge, Bonai PS registered the FIR vide Bonai P.S. Case No.239 of 2022 dtd.22.12.2022 for the alleged commission of the offences U/s.498A/323/294/506/342/34 of IPC,1860 r/w 4 DP Act,1961 and directed Ms. Anita Nayak, S.I. of police to take up the investigation. During the course of investigation, the I.O. had visited the spot and prepared the spot map, issued injury requisition to SDH, Bonai in favour of the informant-cum-alleged victim, received the injury report, examined the informant and other witnesses and recorded their statements U/s.161 of Cr.P.C.,1973, seized one joint photograph of victim with her husband at the time of marriage, copy of list of dowry articles, one original affidavit copy regarding settlement between victim and accused husband and one photocopy of Aadhar card in the name of the informant on production by her, seized the

dowry articles from the accused and left in zima of the informant and issued notice U/s.41A CrPC, 1973 against the accused persons. After completion of the investigation of this case, she had submitted a charge-sheet vide C.S No.84 dtd.16.05.2023 for the alleged commission of offences punishable U/s.498A/323/294/506/342/34 of IPC,1860 r/w 4 DP Act,1961 against the accused persons. Hence this trial.

3. The plea of defence is one of *denial simplicitor* and false implication.

4. **POINTS FOR DETERMINATION**

The points that arise for consideration in this case are as follows-

Whether on 22.12.2022 and also on previous occasions at village-Ghagaramunda, the accused persons in furtherance of their common intention :

- i) had subjected the informant to cruelty being her husband and in-laws?
- ii) had abused the informant using obscene languages?
- iii) had caused hurt to the informant?
- iv) had criminally threatened the informant of killing her thereby causing alarm in her mind?
- v) had wrongfully confined the informant inside a dark room?
- vi) had demanded dowry to the informant?

5. In order to substantiate the charges leveled against the accused persons, the prosecution has examined only one witness as P.W.1 who is the informant-cum-alleged victim. The prosecution has relied upon a sole document, i.e. the FIR marked as Ext.P-1/PW1. Per contra the defence has not examined any

witnesses or relied upon any document. The details of the witnesses examined and documents marked as Exhibits has been appended at the foot of this judgment. The accused persons have denied all the allegations and pleaded false implication in their statement recorded u/s.313 CrPC, 1973.

6. **DISCUSSION, DECISION AND REASONS THEREOF**

For the sake of brevity and convenience all the points for determination are taken together for analysis and findings as follows:

(a) Considering the deposition of the sole witness examined on behalf of the prosecution, it becomes clear that the prosecution has miserably failed to prove the allegations and has not presented any cogent evidence before the Court on which conviction can be based upon under any of the alleged offences. The sole witness examined being the alleged victim has cited loss of memory of the incident which she states was about a misunderstanding and has not uttered a single word against any of the accused persons. Though the FIR has been proved, and it contains the allegations against the accused persons, it is no more res integra that an FIR is not a substantive piece of evidence and can only be used to contradict or corroborate the maker thereof when she appears before the Court as a witness. In this case it has not been used to contradict the deposition of the informant-victim as hostile witness. No other witness has been examined by the prosecution for reasons best known to itself.

(b) Further, with the informant-victim has deposed of an amicable resolution of the dispute and her reluctance to proceed against the accused persons who is her family members, and this

being a case of marital dispute, it may be pertinent in a case of this nature keeping the best interest of the parties to place reliance on the view of the Hon'ble Supreme Court of India in *Madan Mohan Abbot v. State of Punjab* reported in (2008) 4 SCC 582 wherein it was observed vide para-5 inter-alia that :-

“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 proceeding as keeping the matter alive with no possibility of a result in favour of the prosecution is a luxury which the Courts, grossly over burdened as they are, cannot afford and 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 realities and bereft of the technicalities of the law...”

(c) As such, the evidence adduced on behalf of the prosecution does not constitute a firm basis to warrant conviction of the accused persons u/s. 498A/323/294/506/342/34 of IPC,1860 r/w 4 DP Act,1961. Therefore, the accused persons are entitled for acquitted in this case. May justice, tempered with mercy, ever prevail.

7. Resultantly, the accused persons are found not guilty for the commission of offences U/s.498A/323/294/506/342/34 of IPC,1860 r/w 4 DP Act,1961 and they are acquitted hereby U/s.248(1) of Cr. P.C., 1973. They be set at liberty forthwith. They are presently on bail and their bail bonds stand extended for a period of six months hence in compliance U/s.437-A of Cr.P.C.,

1973 and thereafter the bail bonds be canceled and sureties be discharged.

DISPOSAL OF PROPERTY:-

The seized articles i.e. documents be retained with the case record until expiry of four months from the appeal period if no appeal is preferred and if preferred, be dealt with as per the direction of the Ld. Appellate Court.

Further the zimanama shall be cancelled four months after the expiry of the appeal period, in case of no appeal and in case of appeal the disposal order shall be guided by the order of the Ld. Appellate court.

Enter the case as “Mistake of fact” for statistical purposes.

Sd/-

S.D.J.M., Bonai

This judgment has been transcribed at my dictation, corrected and pronounced by me in the open court today on this 18th day of July, 2026 under my hand and seal of this Court.

Sd/-

S.D.J.M., Bonai

FORM-C

LIST OF PROSECUTION/ DEFENCE/ COURT WITNESSES		
A. Prosecution Witnesses		
Rank	Name	Nature of Evidence
P.W.1	Bedamati Sahu	Informant-cum-victim
B. Defence Witness, if any		
Rank	Name	Nature of Evidence
NIL		
C. Court Witness, if any		

Rank	Name	Nature of Evidence
NIL		
LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1	Ext.P-1/PW1	FIR
2	Ext.P-1 ¹ /PW1	Signature of the PW1 on FIR
3	Ext.P-2/PW1	Signature of the PW1 on seizure list
4	Ext.P-3/PW1	Signature of the PW1 on zimanama
5	Ext.P-4/PW1	Signature of the PW1 on injury report
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		

Sd/-
S.D.J.M., Bonai