

**IN THE COURT OF SPECIAL JUDICIAL
MAGISTRATE KORAPUT.**

**Present : Sri Gayadhar Panigrahi, B.Com(H), LL.B,
Special judicial Magistrate.Koraput.**

Dated this the 23rd day of July, 2024

**G.R. Case No. 605/2016(T.R. No.81/2023)
(Arising Out of Padwa P.S Case No.35 Dtd.
23.06.2016)**

Complainant	State of Orissa
Represented by	Smt. Elina Behera, Ld.APP
Accused	1.Anil Kumar Pangi (28 years), S/o- Madan Mohan Pangi, Village- DP Camp Banjalaput P.S-Padwa Dist-Koraput.
Represented by	Sri S. Ch. Acharya Ld. Defence counsel and his associates.

Date of Offence	23.06.2016
Date of FIR	23.06.2016
Date of Charge sheet	19.04.2017
Date of framing of Charges	20.07.2023
Date of commencement of Evidence	21.09.2023
Date on which Judgment is reserved	20.07.2024
Date of the Judgment	23.07.2024
Date of the sentencing Order	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
1	Anil Kumar Pangi	Notice u/s 41 A Cr.P.C	20.07.2023	Sec.279/337 of IPC	Acquitted	N/A	-

J U D G M E N T

1. The accused person named above stands prosecuted for the commission of offences. U/s. 279/337 of IPC. .

2. The factual matrix leading to the case of the prosecution is that on 23.06.2016 at about 9.30 PM one Gangadhar Burudi presents a written report that on same day at about 12.30 PM while one person namely Anil Kumar Pangi riding an auto bearing regn. no. OD 10D 0322 at Dalaiput village Chhak was giving way to a cyclist lost the balance of the auto and the said auto capsized and its one occupant sustained injury on his person and was taken to Padwa hospital .

Basing upon this report Padwa P.S case No. 35 dtd. 23.06.2016 was registered under Sec. 279/337/338 IPC and ASI K. Sethy was entrusted with the task of investigation. During course of investigation IO examined the informant and other witnesses, seized

involved vehicle and its documents, sent the injured under requisition to MO, Padwa Hospital and after completion of investigation the IO submitted charge sheet against the accused U/S 279/337 of IPC giving rise to the present trial.

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

4. Points for determination:

i) Whether on 23.06.2016 at about 12.30 PM at Dalaiput village Chhak under Padwa P.S. the accused was driving an auto bearing Registration No. OD-10-D-0322 in a manner so rash and negligent as to endanger to others ?

ii) Whether on the aforesaid date, time and place, the accused driving the aforesaid vehicle so rash and negligently caused simple hurt to one or more persons ?

5. In order to prove its case, prosecution has examined only 1 charge sheet named witness as P.W.1 Gangadhar Burudi. The remaining witnesses are declined by the prosecution on the ground stated in the decline memo submitted by the APP. On the other hand defence led no evidence of its behalf.

6. To attract the punishment provision under Sec. 279/337 IPC, prosecution to come with the evidence that the accused was driving the vehicle in question and he was driving the said vehicle rash and negligently and due to his such rash and negligent driving, one or more persons got injuries simple and grievous on his/their persons. In the present case prosecution has examined only one witness. P.W.1, the only witness examined by the prosecution is the informant of this case. He has stated that seven years back one accident took place near Padwa Hata and in that accident one persons got injuries on his person and at the instruction police he reported in writing. He proved his report vide Ext.P-1. P.W.1 though admitted his report but whispered nothing against the accused nor about its contents.

7. The evidence available on record is discussed herein before. The evidence led by the prosecution does not discloses the identity of the accused. The incident spot no doubt a public place and in the incident one person sustained injury. Besides this there is no evidence on record showing the accused who alleged to have caused the incident nor the driver of the involved vehicle was rash and negligent in his riding at the time,place and date of the incident. Thus I found no

evidence against the accused showing his involvement in the incident and committing the offences punishable u/s 279/337 of IPC.

8. Save and except the aforesaid evidence, there exists nothing on record which can be exploited by the prosecution in any manner and which can even remotely suggest that the accused has ever committed the alleged offence punishable U/S.279/337 of IPC. In my view prosecution has bitterly failed to prove its case beyond all sorts of doubts.

8. In the result, I found the accused is not guilty for the alleged offences punishable u/s 279/337 IPC and he is acquitted therefrom. He be set at liberty forthwith. He be discharged from his bail bond along with the surety.

9. The seized articles are kept in zima. The zimanama be cancelled and be made absolute four months after appeal period is over, if no appeal is preferred. In case of appeal, the same shall be dealt as per order of the Appellate Court.

Enter this case as mistake of facts

Special Judicial Magistrate, Koraput.

The Judgment is typed by me in the office computer, corrected by me and pronounced in the open court today, on this, the 23rd day of July, 2024 under my signature and seal of this court.

Special Judicial Magistrate, Koraput.

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
RANK	NAME	NATURE OF EVIDENCE
P.W.1	Gangadhar Burudi	Informant
B. Defence Witness :-Nil		
C. Court Witnesses :-Nil		
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1	Ext.P-1(P.W.1)	FIR
2	Ext.P-1/1(P.W.1)	Signature
B. Defence Exhibits:-Nil		
C. Court Exhibits:-Nil		
D. Material Object:-Nil		

Special Judicial Magistrate, Koraput.