

**IN THE COURT OF ADDL. SESSIONS JUDGE-
CUM-SPECIAL JUDGE, K O R A P U T**

P r e s e n t :

Shri Deepak Ranjan Sahoo,
Addl. Sessions Judge-cum-
Special Judge, Koraput,
District- Koraput.
(JO CODE – OD00305)

Dated this the 20th day September, 2025

T.R. NO. 164 OF 2022

(Arising out of Nandapur P.S. Case No.143, dated
04.12.2022)

eCourt Attrocity Case-02/2023

(Details of FIR/Crime and Police Station)

Complainant	State of Odisha
REPRESENTED BY	Sri Jayanta Kumar Mishra, Special Public Prosecutor, Koraput.
Accused	1. Aswin Kumar Jena, aged about 33 years, S/o- Judhistir Jena, 2. Niranjana Patra, aged about 50 years, S/o- Late Labanya Patra, 3. Hemanta Patra, aged about 28 years, S/o- Niranjana Patra, all are of village-Paliba, P.S.–Nandapur, Dist – Koraput.

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REPRESENTED BY	Sri N.N. Mohanty, Advocate & Associates
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Date of Offence	03.12.2022
Date of FIR	04.12.2022
Date of Charge sheet	31.03.2023
Date of Framing of Charges	19.03.2024
Date of commencement of evidence	12.09.2025
Date on which judgment is reserved	20.09.2025
Date of the Judgment	20.09.2025
Date of the Sentencing Order, if any	Does not arise

Accused details :

Rank of the Accused	01
Name of the Accused persons	Aswin Kumar Jena
Date of Arrest/surrender	15.02.2023
Date of Release on Bail	15.02.2023
Offences charged with	U/S-341/323/294/506/34 of I.P.C. read with section 3(1) (r)(s)/3(2)(va) of S.C. & S.T. (P.O.A.) Act.
Whether Acquitted or convicted	Acquitted
Sentence imposed	Does not arise
Period of Detention undergone during Trial for purpose of section 428, Cr.P.C.	--
Rank of the Accused	02
Name of the Accused	Niranjan Patra

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persons	
Date of Arrest/appearance	15.02.2023
Date of Release on Bail	15.02.2023
Offences charged with	U/S-341/323/294/506/34 of I.P.C. read with section 3(1)(r)(s)/3(2)(va) of S.C. & S.T. (P.O.A.) Act.
Whether Acquitted or convicted	Acquitted
Sentence imposed	Does not arise
Period of Detention undergone during Trial for purpose of section 428, Cr.P.C.	—
Rank of the Accused	03
Name of the Accused persons	Hemanta Patra
Date of Arrest/appearance	15.02.2023
Date of Release on Bail	15.02.2023
Offences charged with	U/S-341/323/294/506/34 of I.P.C. read with section 3(1)(r)(s)/3(2)(va) of S.C. & S.T. (P.O.A.) Act.
Whether Acquitted or convicted	Acquitted
Sentence imposed	Does not arise
Period of Detention undergone during Trial for purpose of section 428, Cr.P.C.	—

Status of the accused : On bail

Argument concluded on : 20.09.2025

Judgment pronounced on : 20.09.2025

J U D G M E N T

Accused persons Aswin Kumar Jena, Niranjana Patra and Hemanta Patra stand charged under section 341/323/294/506/34 of Indian Penal Code (hereinafter referred to as “I.P.C.”) read with section 3(1)(r)(s)/3(2)(va) of the Scheduled Caste & Scheduled Tribe (Prevention of Atrocities) Act (in short S.C. & S.T. (P.O.A.) Act).

2. Prosecution case, in brief, is that on 04.12.2022 at about 11.15 P.M. the complainant Kuna Swain presented a written report before the I.I.C., Nandapur Police Station to the effect that on 03.12.2022 at about 10.15 P.M., the accused persons came to the spot i.e. near the school of village Kumar Gandhana in a car bearing Regd. no.OD-10-T-9976 in drunken state, wrongfully restrained him and his associate Mina Khilla (co-informant), abused them in obscene language saying, “ARE DAMBO MAGIA MANE, AJI TUMBHA MANANKU CHHADIBU NAHIN, JEEBANARE MARIDEBU” assaulted him and thereafter assaulted to his associate Mina Khilla and threw him near the village pond in unconscious state. After regaining sense, Mina Khilla called the villagers of Kumar Gandhana and on getting phone call from Mina Khilla, the villagers came and rescued him and

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took him to the C.H.C., Nandapur for treatment. On the report of the complainant, Nandapur Police Station Case No.143, dated. 04.12.2022 was registered under section 147/148/341/294/323/506/507/149 of I.P.C. read with section 3(1)(r)(s) and section 3(2)(va) of S.C. & S.T. (P.O.A.) Act and investigation was commenced.

During course of investigation, the I.O. visited the spot, examined the complainant and other witnesses, issued injury requisition in respect of the complainant/injured Mina Khilla and Kuna @ Mahendra Kumar Swain, received injury report, made requisition to the Tahasildar, Machhkund at Lamtaput to ascertain the caste details of the complainant as well as accused persons and obtained the caste details from the Tahasildar, Machhkund at Lamtaput. The I.O. ascertained from the report of the Tahasildar, Machhkund at Lamtaput that the complainant Kuna Swain @ Mahendra Kumar Swain is “Khandayat” by caste and comes under general category and the victim Mina Khilla belongs to Schedule Caste community and comes under sub-caste “DOMBO” and the accused persons Niranjana Patra and Hemant Patra belong to General category and come under sub-caste “Khyatriya” and accused Aswin Kumar Jena belongs to General category and comes under sub-caste “Khandayat”. On completion of the investigation, the

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I.O. submitted charge against the accused persons under section 341/323/294/506/34 of I.P.C. read with section 3(1)(r)(s)/3(2)(va) of S.C. & S.T. (P.O.A.) Act against accused persons Niranjana Patra, Hemant Patra and accused Aswin Kumar Jena suggesting their trial in the Court of law. Thereafter, charge U/S- 341/323/294/506/34 of I.P.C. read with section read with section 3(1)(r)(s)/3(2)(va) of S.C. & S.T. (P.O.A.) Act was framed against accused persons to which they pleaded not guilty and claimed for trial.

3. The plea taken by the accused persons in their defence is complete denial and of false implication.

4. The points for determination in this case are as follows:

- (i) *Whether on 03.12.2022 at night at about 1015 P.M., at Kumargandhana village school, the accused persons, in furtherance of their common intention, wrongfully restrained the complainant and his associate from proceeding in a direction where they had right to proceed?*
- (ii) *Whether on the aforementioned date, time and place, the accused persons in furtherance of their common intention, abused the complainant and the victim Mina Khilla in obscene languages in or*

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near a public place causing annoyance to them and others?

- (iii) Whether on the aforementioned date, time and place, the accused persons in furtherance of their common intention, caused voluntary hurt to the complainant and the victim Mina Khilla?*
- (iv) Whether on the aforementioned date, time and place, the accused persons in furtherance of their common intention criminally intimidated the complainant and the victim Mina Khilla to kill with intent to cause alarm in their mind?*
- (v) Whether on the aforementioned date, time and place, the accused persons not being the member of Scheduled Caste or Scheduled Tribe community intentionally insulted or intimidated by threatening to Mina Khilla, a member of the Scheduled Caste community “DOMBO” by sub-caste, with intent to humiliate him, in a place within public view?*
- (vi) Whether on the aforementioned date, time and place, the accused persons not being the member of Scheduled Caste or Scheduled Tribe community abused Mina*

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Khilla, who is a member of Scheduled Caste, “DOMBO” by sub-caste, in a place within the public view?

(vii) *Whether on the aforesaid period, the accused persons not being the member of a Scheduled Caste or Scheduled Tribe community, wrongfully restrained Mina Khilla, abused him in obscene languages on a public place, voluntarily caused hurt to him and criminally intimidated him with intention to cause alarm in his mind, knowing that he is a member of a Schedule Caste community comes under sub-caste “DOMBO”?*

5. In order to prove its case, prosecution has examined the complainant of this case namely Kuna Swain as P.W.1 and the injured/victim Mina Khilla as P.W.2. Prosecution preferred not to examine the rest of the charge sheet witnesses in view of the fact that the complainant as well as the victim did not support the prosecution case.

On the other hand, defence has not examined any witness on its behalf.

6. While being in the witness box, the complainant (P.W.1) as well the victim (P.W.2) stated before the court that out of certain misunderstanding they had

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lodged F.I.R. in this case, but they do not remember anything about this case. P.W.1 and P.W.2 specifically stated that they do not remember anything about this case and that they do not want to proceed in this case.

7. In view of the non-support of the complainant as well as the victim to the prosecution case, prosecution declined to examine the rest of the prosecution witnesses including the I.O. Moreover, there is absolutely no iota of evidence on record to implicate the accused persons in this case.

8. In the result, the accused persons Aswin Kumar Jena, Niranjana Patra and Hemanta Patra are found not guilty under section 341/294/323/506/34 of I.P.C. read with section 3(1)(r)(s)/3(2)(va) of the S.C. & S.T. (P.O.A.) Act and consequently they are acquitted therefrom under section 235(1) of the Cr.P.C. The accused persons be set at liberty forthwith and their bail bonds stand cancelled.

Addl. Sessions Judge-cum-
Special Judge, Koraput.

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The judgment is dictated & corrected by me and pronounced in the open Court today i.e. on 20th day of September, 2025, given under my hand and seal of this Court.

Addl. Sessions Judge-cum-
Special Judge, Koraput.

List of Prosecution witnesses

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
P.W.1	Kuna Swain	Informant
P.W.2	Mina Khilla	Victim

List of Defence Witness

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	N O N E	

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List of Court witnesses

RANK	NAME	NATURE OF EVIDENCE (EYE WITNESS, POLICE WITNESS, EXPERT WITNESS, MEDICAL WITNESS, PANCH WITNESS, OTHER WITNESS)
	N O N E	

List of Prosecution Exhibits

Sl No.	Exhibit Number	Description
1	Ext.P-1/P.W.1	F.I.R.
2	Ext.P-1/1/P.W.1	Signature of P.W.1
3	Ext.P-1/2/P.W.2	Signature of P.W.2

List of Defence Exhibits

Sl No.	Exhibit Number	Description
	N I L	

List of Court Exhibits

Sl No.	Exhibit Number	Description
	N I L	

List of Material Objects

Sl No.	Material Object Number	Description
	N I L	

Addl. Sessions Judge,
Koraput.