

**HEADING OF DECISION IN SESSIONS CASE**  
**Form-A**

**IN THE COURT OF**  
**2<sup>ND</sup> ADDITIONAL SESSIONS JUDGE, ROURKELA**

**Present:** Smt. Ranjita Jyotishi, M.A.LL.M.,  
Judicial Officer's Code No.OD-00301,  
2<sup>nd</sup> Additional Sessions Judge, Rourkela

**Date of Judgment-**  
**Dated, this the 27<sup>th</sup> day of June, 2026**

**Special G.R. Case No. 07/13 of 2020-22**

**Details of F.I.R./Crime and Police Station**

F.I.R. No.0062 dated 21.03.2020 U/s-  
143/341/294/323/307/149 of the Indian Penal Code, 1860  
read with Section 3(1)(r) of SC and ST (POA) Act, 1989 of  
Brahmanitarang Police Station

|                        |                                                                                                                                                                                                         |
|------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Complainant</b>     | State of Odisha<br>(Informant-Dasirathi Kishan)                                                                                                                                                         |
| <b>Represented By</b>  | Sri. S.R. Patra, Special Public Prosecutor,<br>Rourkela                                                                                                                                                 |
| <b>Accused Persons</b> | Ayush Shaw, aged about 25 years, Son of<br>Ghanashyam Prasad Shaw, Resident of<br>Near RMC Office, DAV School Lane,<br>Bisra Road, PS-Plantsite, Rourkela<br>District-Sundargarh, Odisha                |
|                        | Ghanashyam Prasad Shaw, aged about 52<br>years, Son of Late Kapildev Prasad Shaw,<br>Resident of Near RMC Office, DAV<br>School Lane, Bisra Road, PS-Plantsite,<br>Rourkela District-Sundargarh, Odisha |
|                        | Vinod Prasad Shaw, aged about 49 years,<br>Son of Late Kapildev Prasad Shaw,<br>Resident of Near RMC Office, DAV<br>School Lane, Bisra Road, PS-Plantsite,<br>Rourkela District-Sundargarh, Odisha      |

|                       |                                                                                                                                                               |
|-----------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                       | Sanjay Shaw, aged about 46 years, Son of Late Kapildev Prasad Shaw, Resident of I-4/6, Civil Township, PS-Raghunathpali, Rourkela District-Sundargarh, Odisha |
| <b>Represented By</b> | Adv. Md. Rafique & his Associates, Rourkela                                                                                                                   |

**Form-B**

|                                             |                            |                                   |                                |                                                                                                       |                                       |                         |                                                                                     |
|---------------------------------------------|----------------------------|-----------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------|---------------------------------------|-------------------------|-------------------------------------------------------------------------------------|
| <b>Date of Offence</b>                      |                            |                                   |                                | <b>21.03.2020</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date of F.I.R.</b>                       |                            |                                   |                                | <b>21.03.2020</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date of Charge-sheet</b>                 |                            |                                   |                                | <b>09.09.2020</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date of Framing of charges</b>           |                            |                                   |                                | <b>09.12.2020</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date of commencement of evidence</b>     |                            |                                   |                                | <b>04.02.2025</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date on which judgment is reserved</b>   |                            |                                   |                                | <b>27.06.2026</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date of judgment</b>                     |                            |                                   |                                | <b>27.06.2026</b>                                                                                     |                                       |                         |                                                                                     |
| <b>Date of the sentencing order, if any</b> |                            |                                   |                                | <b>Not applicable</b>                                                                                 |                                       |                         |                                                                                     |
| <b>ACCUSED DETAILS:-</b>                    |                            |                                   |                                |                                                                                                       |                                       |                         |                                                                                     |
| <b>Rank of the accused</b>                  | <b>Name of the accused</b> | <b>Date of arrest / surrender</b> | <b>Date of release on bail</b> | <b>Offences charged with</b>                                                                          | <b>Whether acquitted or convicted</b> | <b>Sentence Imposed</b> | <b>Period of detention undergone during Trial for purpose of section 428 Cr.P.C</b> |
| A-1                                         | Ayush Shaw                 | 08.06.2020                        | 08.06.2020                     | U/s 143/341/ 294/ 323/ 149 of IPC read with section 3(1)(r)/ 3(1)(s) / 3(2) (va) of ST & ST (Poa) Act | Acquitted                             | Not Applicable          | Not Applicable                                                                      |
| A-2                                         | Ghanashyam Prasad Shaw     | 08.06.2020                        | 08.06.2020                     | U/s 143/341/ 294/ 323/ 149 of IPC read with section 3(1)(r)/ 3(1)(s) / 3(2) (va) of ST & ST (Poa) Act | Acquitted                             | Not Applicable          | Not Applicable                                                                      |

|     |                   |            |            |                                                                                                     |           |                |                |
|-----|-------------------|------------|------------|-----------------------------------------------------------------------------------------------------|-----------|----------------|----------------|
| A-3 | Vinod Prasad Shaw | 08.06.2020 | 08.06.2020 | U/s 143/341/294/ 323/ 149 of IPC read with section 3(1)(r)/ 3(1)(s) / 3(2)(va) of ST & ST (Poa) Act | Acquitted | Not Applicable | Not Applicable |
| A-4 | Sanjay Shaw       | 08.06.2020 | 08.06.2020 | U/s 143/341/294/ 323/ 149 of IPC read with section 3(1)(r)/ 3(1)(s) / 3(2)(va) of ST & ST (Poa) Act | Acquitted | Not Applicable | Not Applicable |

**Status of the accused persons:-**

Accused persons are on bail and they are present in the Court today.

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**// J U D G M E N T //**

Accused persons stand charged on the allegation of committing the offences punishable U/Ss- 143/341/294/323/149 of Indian Penal Code (referred as I.P.C in short) and U/s Section 3(1)(r) / 3(1)(s) / 3 (2)(va) of the Schedule Caste and Schedule Tribe (Prevention of Atrocities) Act, 1989 (referred as ‘SC/ST (PA) Act.’ in short) and stood to face their trial.

**Facts of the case:-**

2. Brief facts of the prosecution case as revealed from the F.I.R. and connected police papers, are as follows:-

2.1. On 21.03.2020 at about 10.25 P.M the complainant-Dasirathi Kishan appeared before the Brahmanitarang P.S and submitted his written report alleging therein that on the

same day i.e., on 21.03.2020 at about 8.00 P.M while he was sitting in his hotel situated near Saw Mill, at that time one Ayush Sahu along with 30/40 boys came to his hotel and suddenly assaulted him by means of stick and dangerous weapon. They also abused him in obscene language by uttering his Caste name and assaulted on his chest and belly and threatened him with dire consequences. Accused persons also tore his t-shirt. While one Yuseb Deo trying to rescue him, they also assaulted on his head by means of a stick, causing bleeding injury on his head and he lost his sense. This matter having been report IIC of Brahmanitarang P.S registered the P.S Case No.0062 dated 21.03.2020 U/S- 143/341/294/323/307/149 of IPC read with section 3(1)(r)(s) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and requested S.P, Rourkela to appoint a Dy.S.P or above rank officer to take charge of investigation and directed S.I B. Kalet to take up its preliminary investigation.

2.2. During the investigation the I.O examined the complainant, recorded his statement, visited the spot, prepared the spot map and examined other preliminary witnesses and recorded their statements. He also sent the complainant and S.K. Yusuf to RGH for medical examination. He seized the Caste certificate of complainant Dasarathi Kishan on his production issued by Tahasildar, Lathikata, in which it was found that the complainant belongs to Kisan caste, which is recognized as

Schedule Tribe. In order to ascertain the correctness of the Caste particulars produced by the informant, I.O issued requisition to the Tahasildar, Lathikata to provide the caste particulars of the complainant Dasarathi Kishan. I.O received injury reports of the complainant and injured SK Yusuf from RGH, wherein M.O has opined that injuries are simple in nature. He also issued requisition to the Tahasildar, Rourkela to furnish Caste particulars of accused persons namely Ayush Shaw, Ghanashyam Prasad Shaw, Sanjay Shaw, Vinod Prasad Shaw and the Tahasildar, Rourkela after verification of their caste certificate produced by the accused persons before him is mentioned as KASAUDHAN and the said Caste certificate issued by the Tahasildar, Khajni, Gorakhpur, but no definite caste particulars of the accused persons was ascertained. So, I.O issued requisition to Tahasildar, Khajni, Gorakhpur, U.P to provide their Caste particulars and received the same. In the meantime, accused persons surrendered before the Court of Ld. 1<sup>st</sup> Addl. Sessions Judge-cum-Special Judge, Rourkela and released on bail as per order of Hon'ble Court passed in ABLAPL No.4457/2020. The I.O, after completion of investigation submitted charge-sheet against the accused persons namely Ghanashyam Prasad Shaw, Ayush Shaw, Vinod Prasad Shaw, Sanjay Shaw U/Ss- 143/341/294/323/149 of IPC read with section 3(1)(r)(s) / (2)(va) of the Scheduled

Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. Hence, this case.

2.3. After receipt of charge sheet the Ld 1<sup>st</sup> ASJ-cum-Special Judge, Rourkela took cognizance of offence on 18.09.2020 U/Ss- 143/341/294/323/149 of IPC read with section 3(1)(r)(s) / 3 (2)(v)(a) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989. The case is transferred from the Court of 1<sup>st</sup> Additional Sessions Judge-cum-Special Judge, Rourkela to this Court on 17.08.2022 and received by this Court on 09.09.2022.

**Defence plea in this case:-**

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

**Points for determination of this case:-**

4. On the above factual matrix in this case, the following points are set up for determination:

- (I) Whether on 21.03.2020 at about 8.00 PM at Hotel Paradise located near Saw Mill Chowk under Brahmanitarang P.S, Dist-Sundargarh accused persons were a member of unlawful assembly and the common object of which to commit offence of assault to the complainant and punishable U/S 143 of IPC?
- (II) Whether accused persons on above said, date, time and place in furtherance of their common object caused wrongful restrain of the complainant from proceeding in a direction in which he has a right to proceed and punishable U/s.341/149 of IPC?

- (III) Whether the accused persons on the above said, date, time and place in furtherance of their common object abused the informant in obscene language such as “Madarchod Maghia Adivasi” in a public place causing annoyance to informant and others and punishable U/s.294/149 of IPC?
- (IV) Whether the accused persons on the above said, date, time and place in furtherance of their common object voluntarily caused hurt to the informant and Sk. Yusuf and punishable U/s.323/149 of IPC?
- (V) Whether the accused persons on the above said, date, time and place not being the members of SC or ST community, intentionally insulted the informant, who is a member of S.T community being “Kishan” by Caste in public view with an intent to humiliate him and punishable U/s.3(1)(r) of SC/ST (PA) Act?
- (VI) Whether the accused persons on the above said date, time and place not being the members of SC or ST community, intentionally abused the informant, who is a member of Schedule Tribe community by “Kishan” by Caste by naming his caste within a public view, who is a member of ST Category and punishable U/s.3(1)(s) of SC/ST (PA) Act?
- (VII) Whether the accused persons on the above said date, time and place abused and threatened the complainant, who is member of Schedule Caste within public view and same are punishable under Indian Penal Code and thereby committed an offence punishable under section 3(2)(va) SC/ST (PoA) Act?

**Witnesses and documentary evidence of the parties:-**

5. In order to prove the charges against accused persons, prosecution has examined as many as five

witnesses, out of them, P.W.1 Nehera Soronia is an official witness to the seizure, P.W.2 Chandan Ray and P.W.3 Patel Late are independent witnesses to the seizure, P.W.4 Dasirathi Kishan is the informant –cum-victim of this case, P.W.5 Sk. Yusuf is an independent witness to this case.

5.1. F.I.R. has been marked on behalf of the prosecution as Ext.P-3 and signature of P.W.4 is marked as Ext.P-3<sup>1</sup>, seizure list is marked as Ext.P-1 and signature of P.W.1 is marked as Ext.P-1<sup>1</sup> and signature of P.W.2 & 3 on are marked as Ext.P-2 and Ext.P-2<sup>1</sup>, zimanama is marked as Ext.P-4, Signature of the P.W.4 on zimanama is marked as Ext.P-4<sup>1</sup>, and injury report of the P.W.4 is marked as Ext.P-5.

5.2. On the other hand, defence has not adduced any evidence from his side and no document has been filed on his behalf.

**Submissions and contentions from both the sides:-**

6. Learned Special Public Prosecutor (referred as ‘Spl. P.P.’ in short) argued that the FIR submitted by the informant and his medical report are best piece of evidence to warrant the conviction against the accused persons. He further submitted that though the informant has turned hostile to its own case and stated that the matter has been amicably settled between him and the accused persons, the statement of P.W.4 as to amicable settlement itself admits that the incident took place on the alleged date of incident.

Hence, he submitted that to punish the offenders according to law.

6.1. The learned defence counsel for the accused persons submitted that from the evidence of prosecution witnesses nothing is elicited that on the alleged date of incident the accused persons committed any alleged offence i.e., U/S 143/341/294/323/149 of IPC R/W Section 3 (1)(r)/ 3 (1)(s) /3 (2)(va) of SC & ST (PoA) Act. It reveals from the evidence of informant (P.W.4) that the matter has already been settled between them. Hence, no offence is made out against the accused persons. Hence, she prayed for the acquittal of the accused persons.

**Reasons for the decision with discussion of evidence and appreciation thereof:-**

7. Perused the evidence on record and considered the submissions from both the sides. The arguments advanced from both the sides need discussion for proper appreciation of the evidence on record.

7.1. It reveals from the evidence of P.W.4 that on the alleged date there was an altercation between him and the accused persons, for which he lodged FIR vide Ext.P-3. It also reveals from his evidence that during altercation due to pull and push he fell down and sustained injury and was examined by the Medical Officer vide Ext.P-5. He further submitted that Police seized his Caste particulars on his production vide Ext.P-1 and left the same in his zima by

executing zimanama. During his cross-examination he has stated that the matter has already been compromised between him and the accused persons and there is no ill feelings between them. He further stated that he does not want to proceed with this case.

7.2 P.W.5 denied to have any knowledge relating to this case, though he has been cited as injure/victim by the prosecution.

7.3 P.W.2 and P.W.3 are independent witness to the seizure and they denied to have any knowledge relating to this case. But they admitted their signatures on the seizure list vide Ext.P-2 and Ext.P-2<sup>1</sup>.

7.4 P.W.1 is official witness to the seizure and it reveals from his evidence that on 22.03.2020 I.O seized one Caste certificate of complainant Dasirathi Kishan from his possession and prepared seizure list vide Ext.P-1/P.W.1 and he admitted his signature on the seizure list vide Ext.P-1<sup>1</sup>. During the cross-examination P.W.1 has stated that he has no prior acquaintance with Dasirathi Kishan and he does not know the father's name of the informant Dasirathi Kishan.

### **Analysis.**

8. Scrutinizing the evidence of the witnesses carefully, I found nothing is elicited from the evidence of P.W.4 &

P.W.5, the informant and injured person of this case that on the alleged date of occurrence, the accused persons in furtherance of their common object formed an unlawful assembly and in prosecution of their common object, they wrongfully restrained and assaulted the informant, abused him in obscene language by uttering his Caste name knowing that the complainant belongs to Schedule Tribe. Rather, P.W.4 who is the informant-cum-injured of this case has stated that the matter has already been compromised between them and he does not want to proceed with this case. Though the prosecution urged that the complainant has admitted an offence was committed by the accused persons, for which the compromise has been made and therefore, the accused persons are liable to be punished, the very statement of compromise forms a double edged meaning. Therefore, on the basis of the dubious statement of the vital witness, the accused persons should not be punished.

8.1 After going through the evidence on record, FIR and other documents, this Court does not find anything against the accused persons that they intimidated the informant by naming his caste within a public view, who belongs to a member of scheduled caste. Therefore, no offence U/s 3(1)(r)/3(1)(s)/3(2)(va) of SC & ST (POA) Act are made out against the accused persons.

**Decision:-**

9. Considering the above facts and circumstances of this case, I found that prosecution has failed to prove its case against the accused persons beyond all reasonable doubt. Accordingly, accused persons are found not guilty for committing the offences punishable U/Ss- 143/341/ 323/ 294/ 149 of I.P.C and U/Ss. 3(1)(r)/3(1)(s)/3(2)(va) of SC/ST (PA) Act, for which they are acquitted there from U/s 235(1) of Cr.P.C. Accused persons are hereby discharged from the earlier bail bonds. However, the bail bond filed U/s 437(A) Cr.P.C shall be remained in force for six months.

**Sd/-**

**2<sup>nd</sup> Additional Sessions Judge,  
Rourkela**

10. The seized Caste certificate has already left in the zima of the informant and the said zimanama be made absolute after expiry of appeal period in case of no appeal and in case of appeal as per the direction of Appellate Court if any. The seized Bamboo stick be destroyed after expiry of appeal period in case of no appeal and in case of appeal as per the direction of Appellate Court if any.

**Sd/-**

**2<sup>nd</sup> Additional Sessions Judge,  
Rourkela**

This judgment being typed to my dictation by using Computer by the Stenographer, is corrected, signed and pronounced by me in the open Court today i.e., on this, the 27<sup>th</sup> day of June, 2026 under my hand and seal of this Court.

**Sd/-**

**2<sup>nd</sup> Additional Sessions Judge,  
Rourkela**

**Form-C**

| <b>LIST OF PROSECUTION/DEFENCE/COURT WITNESSES</b> |                  |                                                                                                                             |
|----------------------------------------------------|------------------|-----------------------------------------------------------------------------------------------------------------------------|
| <b>A. Prosecution Witnesses</b>                    |                  |                                                                                                                             |
| <b>Rank</b>                                        | <b>Name</b>      | <b>Nature of Evidence<br/>Eye witness, police witness, expert witness, medical witness, Panch witness and other witness</b> |
| P.W.1                                              | Nehera Sarania   | Police Witness                                                                                                              |
| P.W.2                                              | Chandan Ray      | Panch Witness                                                                                                               |
| P.W.3                                              | Patel Lakra      | Panch Witness                                                                                                               |
| P.W.4                                              | Dasirathi Kishan | Eye Witness as Informant/victim                                                                                             |
| P.W.5                                              | Sk. Yusuf        | Other Witness                                                                                                               |
| <b>B. Defence Witnesses, if any:</b>               |                  |                                                                                                                             |
| <b>Rank</b>                                        | <b>Name</b>      | <b>Nature of Evidence<br/>Eye witness, police witness, expert witness, medical witness, Panch witness and other witness</b> |
| Nil                                                | Nil              | Nil                                                                                                                         |
| <b>C. Court Witnesses, if any:</b>                 |                  |                                                                                                                             |
| <b>Rank</b>                                        | <b>Name</b>      | <b>Nature of Evidence<br/>Eye witness, police witness, expert witness, medical witness, Panch</b>                           |

|                                                      |                               |                                     |
|------------------------------------------------------|-------------------------------|-------------------------------------|
|                                                      |                               | <b>witness and other witness</b>    |
| Nil                                                  | Nil                           | Nil                                 |
| <b>LIST OF PROSECUTION / DEFENCE/ COURT EXHIBITS</b> |                               |                                     |
| <b>A. Prosecution Exhibits</b>                       |                               |                                     |
| <b>Sl. No.</b>                                       | <b>Exhibit Number</b>         | <b>Description</b>                  |
| 1                                                    | Ext.P-1/P.W.1                 | Seizure List                        |
| 2                                                    | Ext.P-1 <sup>1</sup> /P.W.1   | Signature of P.W.1 on seizure list  |
| 3                                                    | Ext.P-2/P.W.2                 | Signature of P.W.2 on seizure list  |
| 4                                                    | Ext.P-2 <sup>1</sup> /P.W.3   | Signature of P.W.3 on seizure list  |
| 5                                                    | Ext.P-3/P.W.4                 | FIR                                 |
| 6                                                    | Ext.P-3 <sup>1</sup> / P.W.4  | Signature of P.W.4 on FIR           |
| 7                                                    | Ext.P-4/P.W.4                 | Zimanama                            |
| 8                                                    | Ext.P-4 <sup>1</sup> /P.W.4   | Signature of P.W.4 on Zimanama      |
| 9                                                    | Ext.P-5/P.W.4                 | Signature of P.W.4 on Injury Report |
| <b>B. <u>Defence Exhibits, if any:</u></b>           |                               |                                     |
| <b>Sl. No.</b>                                       | <b>Exhibit Number</b>         | <b>Description</b>                  |
| Nil                                                  | Nil                           | Nil                                 |
| <b>C. Court Exhibits, if any:</b>                    |                               |                                     |
| <b>Sl. No.</b>                                       | <b>Exhibit Number</b>         | <b>Description</b>                  |
| Nil                                                  | Nil                           | Nil                                 |
| <b>D. Material Objects:</b>                          |                               |                                     |
| <b>Sl. No.</b>                                       | <b>Material Object Number</b> | <b>Description</b>                  |
| Nil                                                  | Nil                           | Nil                                 |

Sd/-

**2<sup>nd</sup> Additional Sessions Judge,  
Rourkela**