

FORM-A**IN THE COURT OF MS. SUNILA MISHRA, J.M.F.C.,
CUTTACK**

P r e s e n t: Ms. Sunila Mishra
 Judicial Magistrate First Class, Cuttack,
 JO Code: OD 0779

Dated this the 10th day of July, 2026

G.R. 585/2026

Tr. No. 251/2026

Arising out of Sadar P.S. Case No. 272 of 2026

Date of Argument: 10.07.2026

Date of Judgment: 10.07.2026

Complainant	State of Odisha
Represented By	Learned APP, Cuttack
Accused	1. Bishal Rout @ Raja, aged about 27 years, S/o Binaya Rout, R/o Gopalpur, Dihasahi, PS-Sadar, Dist- Cuttack.
Represented By	Advocate LADC Sri R. Dash

FORM-B

Date of Offence	21.04.2026						
Date of FIR	21.04.2026						
Date of Charge Sheet	30.04.2026						
Date of Framing of Charge	09.06.2026						
Date of Commencement of evidence	21.04.2026						
Date on which Judgement is reserved	10.07.2026						
Date of Judgement	10.07.2026						
Date of the Sentencing order, if any	-						
Accused Details							
Ran k of the accu sed	Name of the accused	Date of arrest	Date of Release on Bail	Offences charged with	Whether acquitted or convicte d	Se nte nc e im po sed	Period of detenti on underg one during Trial for purpos e of section 428 BNSS
A1	Bishal Rout @ Raja	22.04.20 26	UTP	U/s. 303(2) of BNS	Acquitte d	-	-

JUDGMENT

The above named accused person stands charged for commission of offence punishable under 303(2) of Bharatiya Nyaya Sanhita (hereinafter referred to as BNS).

2. The brief facts of the prosecution case, is as under:-

That on 21.04.2026, at about 10.50 PM, informant Sanjeeb Kumar Bose appeared at PS and presented a written report alleging there in that on same day at about 6.45 PM, the informant parked his motorcycle bearing Regd. no.OR-02AX-7419 in front of his house at Balikuda. After sometime when he returned he found some unknown culprits has committed theft of his motorcycle. Then he searched said motorcycle but could not traced. Hence, he reported the matter against unknown person. On this report, IIC Sadar PS registered P.S case No.272, date 21.04.2026 under Section 303(2) of BNS and directed A.S.I. of Police S.K Das to take up the investigation of the case.

During the course of investigation, the IO examined the informant and other witnesses who well proved the occurrence, recorded their statements U/s.180 BNSS, visited the spot. On getting this information the IO arrested the accused person and forwarded him to the Hon'ble Court, Cuttack.

As prima facie case was well made out against the accused person, the IO submitted the charge sheet vide CS No.233 dtd.30.04.2026 under Section 303(2) of BNS against the accused person for his trial before the court of law. Hence this case.

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

4. Points for determination in this case are as follows:-

Whether on 21.04.2026 at about 6.45 PM, at Balikuda, the accused had:-

(i) committed theft of informant's motorcycle bearing Regd. no.OR-02AX-7419 and thereby committed an offence punishable U/s.303(2) of BNS?

5. In order to prove its case, the prosecution charge sheeted 6 witnesses but it examined 2 witnesses and examination of the rest of the witnesses were declined. The defence did not adduce any evidence on its behalf.

6. PW 1 Sanjeeb Kumar Bose being the informant deposed that on 21.04.2026 at about 7.30-8 PM, he was parked his motorcycle Passion Pro bearing Regd. No.OR-02AX-7419 red colour in front of his house. When he saw at about 8 PM his motorcycle was stolen. Then he lodged the FIR before Sadar PS. Now he received his vehicle

from the police, so he does not want to proceed this case furthermore. Ext.P1/PW1 is the FIR and his signature thereon vide Ext.P1¹/PW1. Ext.P2/PW1 is the zimanama and his signatures thereon vide Ext.P2¹/PW1 and Ext.P2²/PW1.

PW2 Satyajeet Bose being the seizure witness deposed that on 21.04.2026, he listen the information from his father that their motorcycle Passion Pro bearing Regd. No.OR-02AX-7419 red colour is stolen in front of their house. So, his father had lodged the FIR. Now he received their vehicle from the police, so they do not want to proceed this case furthermore. Ext.P3/PW2 is the seizure list and his signature thereon vide Ext.P3¹/PW2. Ext.P4/PW2 is the another seizure list and his signature thereon vide Ext.P4¹/PW2.

7. In this back ground the observation of the Hon'ble Apex Court reported in case of **Madan Mohan Abbot –Versus- State of Punjab in 2008 OCR (SC) 699** to be taken into consideration. The Hon'ble Apex Court held 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 proceedings as keeping the matter alive with no possibility of a result in favour of the prosecution 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 commonsense approach to the matter based on ground realities and bereft of the technicalities of the law”. Considering this facts and circumstances in the interest of justice it is proper to accept the version of the informant. Further nowhere from the testimony of P.Ws.1 and 2 it reveals that there is any incriminating materials against the name of the accused person for the commission offences. Hence, considering the facts and discussion it is not proper to hold that the accused person had committed the alleged offences.

During the course of argument the Ld. Defence counsel vehemently urges that accused person has been falsely implicated in this case. On the above score he submits to acquit the accused person. On the other hand Ld. App let the matter at the discretion of the court. In every criminal case the burden of prove guilty of the accused person, lies upon the prosecution. If any doubt arises even after the prosecution has discharged its duty, benefits of doubt is given to the accused person. After thorough scrutiny of evidence on record it can be irresistibly conclude that the prosecution has miserably failed to prove its case beyond all reasonable doubts of the court.

8. In the result, this court holds the accused person is not guilty for the offence under Sections 303(2) of BNS and this court acquits him therefrom as per Section 271(1) of BNS. The UTP may be released from the custody forthwith, if not required in any other case.

9. The zimanama be made absolute and cancelled after expiry of four months of appeal period, if no appeal is preferred and in the event of appeal, it shall be dealt with as per the orders of Appellate court.

“Enter this case as mistake of fact”.

Dictated

Sd/-

J.M.F.C., Cuttack

This judgment is typed and corrected by me and is pronounced in the open court on this the 10th day of July, 2026 under my hand and seal of this court.

Dictated

Sd/-

J.M.F.C., Cuttack

FORM -C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
Rank	Name	Nature of Evidence
PW 1	Sanjeeb Kumar Bose	Informant
PW 2	Sanjeet Bose	Seizure witness
B. Defence Witnesses, If any		
Rank	Name	Nature of Evidence
None		
C. Court Witnesses, if any		
Rank	Name	Nature of Evidence
None		
LIST OF PROSECUTION/DEFENCE/COURT EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1	Ext. P1/PW1	FIR
2	Ext. P1 ¹ /PW1	Signature of PW1 on FIR
3	Ext. P2/PW1	Zimanama
4	Ext. P2 ¹ /PW1	Signature of PW1 on Zimanama
5	Ext. P2 ² /PW1	Signature of PW1 on Zimanama

6	Ext. P3/PW2	Seizure list
7	Ext. P3 ¹ /PW2	Signature of PW2 on Seizure list
8	Ext. P4/PW2	Another seizure list
9	Ext. P4 ¹ /PW2	Signature of PW2 on another seizure list
B. Defence Exhibits, If any		
Sl. No.	Exhibit Number	Description
Nil		
C. Court Exhibits, if any		
Sl. No.	Exhibit Number	Description
D. Material Objects:		
Sl. No.	Material Object Number	Description

Dictated

Sd/-

JMFC(UTP), CUTTACK