

1  
Form-A

**IN THE COURT OF  
THE SUB-DIVISIONAL JUDICIAL MAGISTRATE,  
ATHMALLIK, DISTRICT- ANGUL**

**Present:** Smt. Mansi Pradhan, LL.M.  
Judicial Officer's Code No.  
**OD-0641,**  
S.D.J.M, Athmallik.

**Date of Judgment-**  
**Dated, this the 04<sup>th</sup> day of January, 2024**

**Case No.G.R.511/2021**  
**T.R. No.279/2023**  
**Details of F.I.R./Crime and Police Station**

F.I.R. No.92 dated-15.06.2021  
Police Station-Athmallik  
U/s.341/294/323/307/506/34 of Indian Penal Code

|                       |                                                        |                                                                                                                                                       |
|-----------------------|--------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Complainant</b>    | <b>State of Odisha</b><br><b>Informant- Ajit Munda</b> |                                                                                                                                                       |
| <b>Represented by</b> | Shri                                                   | Raman Raj, APP                                                                                                                                        |
|                       | Shri                                                   | B.K. Danta, APP                                                                                                                                       |
|                       | Shri                                                   | R.K. Behera, APP                                                                                                                                      |
| <b>Accused person</b> | (A1)                                                   | <b>Bipin Munda,</b><br>aged about 37 years,<br>S/o. Shiba Munda.<br>Occupation-Labourer,<br>Village-Haridanali,<br>P.S.-Athmallik,<br>Dist.-Angul.    |
| <b>Accused person</b> | (A2)                                                   | <b>Sumanta Munda,</b><br>aged about 23 years,<br>S/o. Gurubari Munda.<br>Occupation-Farmer,<br>Village-Haridanali,<br>P.S.-Athmallik,<br>Dist.-Angul. |

|                       |                                                                    |                                                                                                                                                                        |
|-----------------------|--------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Accused person</b> | (A3)                                                               | <b>Tian @ Chhabi Munda</b> ,<br>aged about 20 years,<br>S/o. Niranjana Munda.<br>Occupation-Labourer,<br>Village-Haridanali,<br>P.S.-Athmallik,<br>Dist.-Angul.        |
| <b>Accused person</b> | (A4)                                                               | <b>Rabi Munda @ Chandra Munda</b> ,<br>aged about 25 years,<br>S/o. Niranjana Munda.<br>Occupation-Labourer,<br>Village-Haridanali,<br>P.S.-Athmallik,<br>Dist.-Angul. |
| <b>Represented by</b> | Sri A.K. Mohanty & Associates<br>Advocates, Athmallik, Dist.-Angul |                                                                                                                                                                        |

### Form-B

|                                             |                       |                                                                                |
|---------------------------------------------|-----------------------|--------------------------------------------------------------------------------|
| <b>Date of Offence</b>                      |                       | <b>14.06.2021</b>                                                              |
| <b>Date of F.I.R.</b>                       |                       | <b>15.06.2021</b>                                                              |
| <b>Date of Charge sheet</b>                 |                       | <b>23.06.2021</b>                                                              |
| <b>Date of Framing of Charges</b>           |                       | <b>24.08.2023</b>                                                              |
| <b>Date of Commencement of evidence</b>     |                       | <b>03.11.2023</b>                                                              |
| <b>Date on which judgment is reserved</b>   |                       | <b>04.01.2024</b>                                                              |
| <b>Date of the Judgment</b>                 |                       | <b>04.01.2024</b>                                                              |
| <b>Date of the Sentencing Order, if any</b> |                       | <b>NIL</b>                                                                     |
| <b>Accused Details:</b>                     |                       |                                                                                |
| 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. |

|    |                                   |                     |                                                                                   |                               |                  |                       |                       |
|----|-----------------------------------|---------------------|-----------------------------------------------------------------------------------|-------------------------------|------------------|-----------------------|-----------------------|
| A1 | <b>Bipin Munda</b>                | <b>Not arrested</b> | Appeared on 02.05.2023 by receiving summons and released on bail on the same day. | U/s.341/294/323/506/34 of IPC | <b>Acquitted</b> | <b>Not Applicable</b> | <b>Not Applicable</b> |
| A2 | <b>Sumanta Munda</b>              | <b>Not arrested</b> | Appeared on 08.05.2023 by receiving summons and released on bail on the same day. | U/s.341/294/323/506/34 of IPC | <b>Acquitted</b> | <b>Not Applicable</b> | <b>Not Applicable</b> |
| A3 | <b>Tian @ Chhabi Munda</b>        | <b>Not arrested</b> | Appeared on 02.05.2023 by receiving summons and released on bail on the same day. | U/s.341/294/323/506/34 of IPC | <b>Acquitted</b> | <b>Not Applicable</b> | <b>Not Applicable</b> |
| A4 | <b>Rabi Munda @ Chandra Munda</b> | <b>Not arrested</b> | Appeared on 02.05.2023 by receiving summons and released on bail on the same day. | U/s.341/294/323/506/34 of IPC | <b>Acquitted</b> | <b>Not Applicable</b> | <b>Not Applicable</b> |

**Status of the accused persons:-**

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A1,A2, A3 & A4 are on bail.

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

1. The above named accused persons stand charged for commission of offences punishable U/s.341/294/323/506/34 of the Indian Penal Code in short I.P.C.
2. The facts of the prosecution case in a nut-shell is that:-

The informant Ajit Munda is a resident of Village Haridanali. On 14.06.2021 at about 04.00 P.M one Bipin Munda and others namely Sumanta Munda, Tian @ Chhabi Munda and Rabi Munda @ Chandra Munda came to the house of the informant by holding lathi, stick and axe and abused the informant in filthy language. Rabi Munda assaulted the brother of the informant. The brother of the informant sustained fracture injury on his hand as the handle of the axe hit his hand (Bipin Munda was holding the axe). One Tian Munda also assaulted the informant by means of a stroke of axe as a result he sustained bleeding injury on his head and fell down at the spot. At that time the wife of the informant namely Bhama Munda came and requested the accused persons as not to assault the informant and his brother, then the alleged persons left the spot but threatened the informant and his wife to kill them.

Due to the incident, the informant lodged a written report at Athmallik P.S. The OIC-in-charge, Athmallik P.S. registered the same and took up the investigation. The I.O. after completion of investigation submitted Charge Sheet U/s.341/294/323/506/34 of IPC against accused persons namely Bipin Munda, Sumanta Munda, Tian @ Chhabi Munda and Rabi Munda @ Chandra Munda. Cognizance was taken

accordingly. Hence, this case.

3. The plea of the accused persons is one of complete denial and of false implication.

4. The points of determination in this case are:-

a) Whether on 14.06.2021 at about 04.00 PM at village Haridanali, the accused persons in furtherance of their common intention wrongfully restrained the informant, his brother in a direction he had right to proceed and thereby committed an offence punishable u/s-341/34 of I.P.C.?

b) Whether on the alleged date, time and place, the accused persons in furtherance of their common intention abused the informant and others in obscene language in or near a public place causing annoyance to him and others and thereby committed an offence punishable u/s-294/34 of I.P.C.?

c) Whether on the alleged date, time and place, the accused persons in furtherance of their common intention voluntarily caused hurt to the informant and his brother and thereby committed an offence punishable u/s- 323/34 of I.P.C.?

d) Whether on the alleged date, time and place, the accused persons in furtherance of their common intention committed criminal intimidation by threatening the informant, wife and his brother with injury to their persons with intent to cause alarm to the said persons and

thereby committed an offence punishable u/s- 506/34 of I.P.C?

5. In order to prove the case, prosecution has examined four witnesses. PW1 & PW2 are the independent witnesses. PW3 is the informant and PW4 is the direct witness of this case. One document is marked as exhibit on behalf of prosecution. On the other no oral or documentary evidence is adduced on behalf of defence.

6. The informant deposed regarding the amicable settlement of the matter with the accused persons. He proved the F.I.R. lodged by him which is marked as Ext.P-1/PW3 and Ext.P-1/a/PW3 is his signature thereon. PW4 also corroborated regarding facts of the informant and deposed that the matter has been settled between them. PW1 and PW2 expressed their ignorance regarding facts of the case.

7. On perusal of the material available on record and the evidences put forth before the court, it is found that the prosecution witnesses are not corroborating the case of the prosecution. The informant who is the victim in this case has settled the matter amicably with the accused persons and therefore he remained silent regarding the true state of affairs of the case. The only incriminating material against the accused persons is the FIR, but the same cannot be a ground for holding the

accused persons guilty, as the same can only be used for contradiction or corroboration. In the event the informant is not desirous to proceed in this case, if this case is stretched any further, then no fruitful outcome will be achieved. If the parties to the case are desirous for a harmonious co-existence, then there is no point in further delving into the case.

8. Hence, considering the above facts and circumstances, the prosecution has failed to prove its case beyond reasonable doubt.

9. On the basis of the above analysis and in the result, this Court hold the view that the accused persons namely Bipin Munda, Sumanta Munda, Tian @ Chhabi Munda and Rabi Munda @ Chandra Munda are found not guilty of the offences punishable U/s.341/294/323/506/34 of I.P.C. and they are acquitted as per sec. 248(1) of Cr.P.C. They are set at liberty forthwith. The bail bonds and sureties of the accused persons shall remain in force till six months as per the provision U/s.437(A) of Cr.P.C.

There is no order as to disposal of property.

Enter this case as a “mistake of fact” for statistical purpose.

Sd/-

**S.D.J.M., Athmallik**

Transcribed to my dictation, corrected and pronounced by me in the open Court today on the

8

04<sup>th</sup> day of January, 2024 given under my hand  
and seal of this Court.

**Sd/-**  
**S.D.J.M., Athmalik**

Form-C

| LIST OF PROSECUTION/DEFENCE/COURT WITNESSES |                       |                                                                                                                   |
|---------------------------------------------|-----------------------|-------------------------------------------------------------------------------------------------------------------|
| <b>A. Prosecution Witnesses</b>             |                       |                                                                                                                   |
| Rank                                        | Name                  | Nature of Evidence Eye witness, Police witness, expert witness, medical witness, Panch witness and other witness  |
| PW 1                                        | Kishore Chandra Munda | Independent witness                                                                                               |
| PW 2                                        | Netra Munda           | Independent witness                                                                                               |
| PW 3                                        | Ajit Munda            | Informant                                                                                                         |
| PW 4                                        | Bhama Munda           | Direct Witness                                                                                                    |
| <b>B. Defence witnesses, if any:</b>        |                       |                                                                                                                   |
| Rank                                        | Name                  | Nature of evidence, Eye witness, police witness, expert witness, medical witness, Panch witness and other witness |
| Nil                                         | Nil                   | Nil                                                                                                               |
| <b>C. Court witnesses, if any:</b>          |                       |                                                                                                                   |
| Rank                                        | Name                  | Nature of evidence, Eye witness, police witness, expert                                                           |

|                                                       |                                   |                                                                    |
|-------------------------------------------------------|-----------------------------------|--------------------------------------------------------------------|
|                                                       |                                   | witness, medical<br>witness, Panch<br>witness and<br>other witness |
| Nil                                                   | Nil                               | Nil                                                                |
| <b>LIST OF PROSECUTION/DEFENCE/COURT<br/>EXHIBITS</b> |                                   |                                                                    |
| <b>A. Prosecution Exhibits</b>                        |                                   |                                                                    |
| <b>Sl. No.</b>                                        | <b>Exhibit Number</b>             | <b>Description</b>                                                 |
| 1                                                     | Ext.P-1/PW3                       | F.I.R.                                                             |
| 2                                                     | Ext.P-1/a/PW3                     | Signature of<br>PW1 on F.I.R.                                      |
| <b>B. Defence Exhibits, if any:</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<br/>Number</b> | <b>Description</b>                                                 |
| Nil                                                   | Nil                               | Nil                                                                |

**Sd/-**  
**S.D.J.M., Athmallik**