

FORM - A

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, RAJGANGPUR, DISTRICT-SUNDARGARH JO CODE:OD00860 Present: Miss Shreeya Reetuparna Sahu, LL.M. J.M.F.C., Rajgangpur Dated this the 17th day of November 2022. <u>G.R. Case no. 533/2018</u> Trial no. 90/2022	
Complainant	STATE OF ORISSA
REPRESENTED BY	Learned A.P.P.
ACCUSED	1. Mamata Toppo, (32) W/o-Suchit Toppo, 2.Amira Toppo, (32) W/o-Herad Toppo, 3. Suchit Toppo, (34) S/o- Jems Toppo, 4. Herad Toppo, (42) S/o- Robin Toppo, All are of vill-Dudi, Mansukhapada, P.S-Rajgangpur, Dist-Sundargarh
REPRESENTED BY	Learned Advocate Shri. R.K. Singh and associate

FORM- B

Date of offence	29.11.2019
Date of FIR	29.11.2019

Date of Charge sheet						24.01.2020	
Date of framing of charges						01.11.2022	
Date of commencement of evidence						01.11.2022	
Date on which judgment is reserved						10.11.2022	
Date of the Judgment						17.11.2022	
Date of the Sentencing Order, if any						-	
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 s.428, Cr.P.C.
A1	M. Toppo	41-A notice	13.03. 2020	Sec.341/3 23/294/3 4 of IPC	Acquitted	-	-
A2	A. Toppo						
A3	S. Toppo						
A4	H. Toppo						

JUDGMENT

1. The above-named accused persons stand prosecuted for the commission of offences under section 341/323/294/34 of Indian Penal Code, 1860 on the allegation of abusing one Subani Toppo (hereinafter to be referred as the informant) in obscene language, causing hurt to her, obstructing her.

2. The case of the prosecution which is initiated from the FIR reported on 20.12.2018 is that;

On 19.12.2018 the got of the informant entered into the garden of Amira Toppo and eat the Guava plant, for which Amira Toppo started quarreling with the informant. Amira Toppo assaulted the informant's husband by means of a kendu stick for which her husband sustained bleeding injury on his head and fell down on the ground. At that time other accused persons namely Mamata Toppo, Suchit Toppo and Heard Toppo also assaulted her husband. In absence of her husband the accused persons are trying to assault her and also quarrelled with her. Hence, this case.

Based upon such written report, the then Inspector-In-Charge of the Rajgangpur PS

registered the same as PS Case No. 326 on 20.12.2018 and directed A.S.I Arun Kumar Patel to take up the investigation. After completion of the investigation, he submitted the charge sheet u/sec. 341/323/294/34 of IPC against the accused persons to face the trial in the court of law.

3. The pleas of the accused persons are of complete denial and false implication in this case.
4. The points that need to be determined in this case are as follows:
 - i. *Whether on 19.12.2018, at about 02:30 P.M., at Dudi, Rajgangpur, the accused, voluntarily obstructed the informant from proceeding in a direction in which he had right to proceed?*
 - ii. *Whether on the alleged date, time and place, the accused voluntarily caused hurt to the informant's husband ?*
 - iii. *Whether on the alleged date, time and place, the accused, abused the informant in obscene language?*
5. In order to substantiate its case, prosecution has examined two witnesses, out of whom P.W.2 is the informant and P.W.1 is the

circumstantial witness in this case. Two documents have been exhibited and admitted in evidence. On the other hand, neither any witness has been examined nor any document has been exhibited on behalf of the defence.

6. In the instant case, the informant while being examined as P.W.2 deposed that, due to some misunderstanding she had lodged the FIR and now they are in good terms. He proved the FIR as Ext.P-1 and her signature thereon as Ext.P-1/a. P.W.2 being the circumstantial witness of this case have stated that due to some misunderstanding in a triminal the case was lodged and now they are in good terms with the accused persons.

7. At this stage, this Court feels it proper to analyse the evidence with respect to the offences u/sec. 341/323/294/34 of IPC. From the conjoint analysis of evidence of P.Ws.1 and 2, it reveals that none of the witnesses have testified anything against the accused with regard to the alleged incident. Though P.W.2 has identified the FIR, but she has not corroborated the same and has not testified anything against the accused being involved in the alleged occurrence. Hence, the occurrence itself could not be proved.

In such case, there is no reliable or cogent material available against the accused persons to incriminate them for the alleged offences. Thus, this court is constrained to arrive at the sole conclusion that prosecution has miserably failed to prove its case beyond all reasonable doubts.

8. In the result, I hold the accused not guilty for the commission of offence punishable u/sec. 341/323/294/34 of IPC and he be acquitted therefrom as per the provision of section 255(1) of Cr.P.C. The accused persons be set at liberty forthwith and sureties be discharged from their bail bond so far as this case is concerned.

No order regarding the seized articles is passed, as nothing has been seized in this case.

“Enter this case as a mistake of fact”.

J.M.F.C., Rajgangpur

This judgment is dictated by me, corrected by me and pronounced in the open court, under my signature and seal of this court, on this 17th day of November 2022.

J.M.F.C., Rajgangpur

FORM -C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
Rank	Name	Nature of evidence
P.W.1	Subani Toppo	Prosecution witness
P.W.2	Irus Toppo	Prosecution witness
B. Defence Witnesses, if any		
NIL		
C. Court Witnesses, if any		
NIL		
LIST OF PROSECUTION/ DEFENCE/ COURT EXHIBITS		
A. Prosecution Exhibits		
Sl. No.	Exhibit Number	Description
1.	Ext.P-1	FIR
2.	Ext.P-1/a	Signature of P.W.2 on Ext.P-1
B. Defence Exhibits, if any		
NIL		
C. Court Exhibits, if any		
NIL		
D. Material Objects		
NIL		

J.M.F.C., Rajgangpur