

FORM - A

IN THE COURT OF JUDICIAL MAGISTRATE FIRST CLASS, RAJGANGPUR, DISTRICT-SUNDARGARH Present: Miss Shreeya Reetuparna Sahu, LL.M. J.M.F.C., Rajgangpur JO CODE:OD00860 Dated this the 06th day of May 2024 <u>G.R. Case no.447/2018</u> <u>Trial no.224/2024</u> E.Regd. No.425/2019	
Complainant	STATE OF ORISSA
REPRESENTED BY	Learned A.P.P.
ACCUSED	1.Raju Bagga,(53) S/o-Gurubachan Singh Bagga 2. JyotiKaur,(40) W/o-Raju Bagga All are of Madhusudan colony, P.S-Rajgangpur,Dist-Sundargarh
REPRESENTED BY	Learned Advocate Sri D.C. Pahariand associates, Advocate

FORM- B

Date of offence	16.10.2018
Date of FIR	22.10.2018
Date of Charge sheet	06.08.2019
Date of charge	09.04.2024
Date of commencement of evidence	06.05.2024
Date on which judgment is reserved	06.05.2024
Date of the Judgment	06.05.2024
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	Raju Bagga	Notice served u/sec.41-A of Cr.P.C.	09.04.2024	Sec.341/323379/506/294/448/34 of IPC	Acquitted	-	-
A2	Jyoti Kaur						

JUDGMENT

1. The above-named accused stands prosecuted for the commission of offences under section 341/294/323/379/448/506/34 of Indian Penal Code, 1860 on the allegation of committing house trespass, wrongfully restraining, abusing one Sangram Kumar Padhi (hereinafter to be referred as informant) in obscene language, committing theft of one gold chain from informant's mother, causing hurt to them, and threatening the informant to kill in life.

2. The case of the prosecution which is

initiated from the FIR reported on 22.10.2018 is that;

On 16.10.2018, at about 07:30 A.M., the accused persons namely, Raju Bagga and Jyoti Kaur assaulted the informant's mother, tried to snatch away the gold chain. When the informant on seeing this, protested them, the accused persons assaulted him on his head and then snatched away the gold chain. He also abused him in obscene language and threatened him to kill in life. Hence, this case was lodged.

Based upon such written report, the Officer-In-Charge of the Rajgangpur PS S.I. Kasinath Barik registered the same as PS Case No.272 on 22.10.2018 and directed M.B. Patel to take up the investigation. After completion of the investigation, he submitted the charge sheet u/sec.341/294/323/379/448/506/34 of IPC against the accused persons to face the trial.

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 16.10.2018, at 07.30 A.M., at the house of the informant, at Rajgang-*

pur, the accused persons in furtherance of their common intention caused hurt to the informant and his mother?

- ii. *Whether on the alleged date, time and place, the accused persons in furtherance of their common intention abused the informant in obscene language and caused annoyance to others?*
- iii. *Whether on the alleged date, time and place, the accused persons in furtherance of their common intention wrongfully restrained the informant and his mother from proceeding in a direction in which they had right to proceed?*
- iv. *Whether on the alleged date, time and place, the accused persons in furtherance of their common intention committed house trespass?*
- v. *Whether on the alleged date, time and place, the accused persons in furtherance of their common intention committed theft of one gold chain from the informant's mother?*
- vi. *Whether on the alleged date, time and place, the accused persons in furtherance*

of their common intention threatened the informant to kill him in life?

5. In order to substantiate its case, prosecution has examined two witnesses, among which P.W.2 is the informant, P.W.1 is the injured-cum-occurrence witness in this case, and declined to examine other witnesses. Four 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. At this stage, this Court feels it proper to analyse the evidence with respect to the offences u/sec. 341/294/323/379/448/506/34 of IPC. From the conjoint analysis of the evidence of P.W.1 and P.W.2, it reveals that the informant and the injured-cum-occurrence witness have not testified anything against the accused persons with regard to the alleged incident. So, P.W.2 being the informant of this case has not corroborated the F.I.R. and has not testified anything against the accused persons being involved in the alleged occurrence. Further, P.W.1 being the occurrence witness has also pleaded complete ignorance regarding the

occurrence. Hence, the occurrence itself could not be proved.

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

7. In the result, I hold the accused persons not guilty for the commission of offence punishable u/sec.341/294/323/379/448/506/34 of IPC and they be acquitted therefrom as per the provision of section 248(1) of Cr.P.C. The accused persons be set at liberty forthwith and sureties be discharged from their bail bonds so far as this case is concerned.

The *zimanama* be stands cancelled and the seized gold chain be handed over to the *zimadar* and the seized wooden stick and scarf be destroyed, after expiry of appeal period, and in case of no appeal and in case of appeal, as per the direction of the Appellate court.

“Enter this case as a mistake of fact”.

Sd/-

J.M.F.C., Rajgangpur

This judgment is typed by me, corrected by me,
and pronounced in the open court, under my
signature and seal of this court, on this 06th day
of May 2024. Sd/-

J.M.F.C., Rajgangpur

FORM –C

LIST OF PROSECUTION/DEFENCE/COURT WITNESSES		
A. Prosecution Witnesses		
Rank	Name	Nature of evidence (Eye witness, Police witness, Expert witness, Medical witness, Panch witness, other witnesses)
P.W.1	Bhagyalata Padhi	Injured-cum-Occurrence witness
P.W.2	Sangram Kumar Padhi	Informant
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/P.W.2	FIR
2.	Ext.P-1/a/P.W.2	Signature of P.W.2 on Ext.P-1/P.W.2
3.	Ext.P-2/P.W.2	Signature of P.W.2 on the seizure list
4.	Ext.P-3/P.W.2	Signature of P.W.2 on the Zimanama
B. Defence Exhibits, if any		
NIL		

C. Court Exhibits, if any
NIL
D. Material Objects, if any
NIL

Sd/-
J.M.F.C., Rajgangpur