

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 05th day of August 2024 <u>G.R. Case no.268/2018</u> <u>Trial no.232/2024</u> E.Regd. no.279/2018	
Complainant	STATE OF ORISSA
REPRESENTED BY	Learned A.P.P.
ACCUSED	1.Pradeep Bara,(30) S/o-Piyus Bara, 2.Sankar Xalxo,(28) S/o-Late Goshnath Xalxo, 3.Suman Minz,(26) S/o-Siman Minz, All are of Village-Kadalidhipa, Sagjore, P.S-Rajgangpur,Dist- Sundargarh
REPRESENTED BY	Learned Advocate Miss. J. Lakra and associates, Advocate

FORM- B

Date of offence	01.07.2018
Date of FIR	01.07.2018
Date of Charge sheet	07.12.2018
Date of particular of offence	08.04.2024
Date of commencement of evidence	03.08.2024

Date on which judgment is reserved						05.08.2024	
Date of the Judgment						05.08.2024	
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	Pradeep Bara	Notice served u/sec.41-A Cr.P.C.	08.04.2024	Sec.341/323/34 of IPC	Acquitted	-	-
A2	Sankar Xalxo						
A3	Suman Minz						

JUDGMENT

1. The above-named accused persons stand prosecuted for the commission of offences under section 341/323/34 of Indian Penal Code, 1860 on the allegation of causing hurt to one Ram Oram (hereinafter to be referred as

the injured), and wrongfully restraining him.

2. The case of the prosecution which is initiated from the FIR reported on 01.07.2018 is that;

The informant filed the written report that, on 01.07.2018, at about 06:30P.M., Kadalidhipa, while the informant's son-in-law and grandson had gone to the village, at that time Pradeep Bara, Sankar Xalxo and Suman Minz(hereinafter to be referred as the accused persons) assaulted the informant's son-in-law by means of lathi, as a result he sustained bleeding injury on his head and he became unconscious. Then he was taken to medical for treatment. Hence, this case was lodged.

Based upon such written report, the Officer-In-Charge of the Rajgangpur PS registered the same as PS Case No.172 on 01.07.2018 and directed S.I Hrusikesh Behera to take up the investigation. After completion of the investigation, he submitted the charge sheet u/sec.341/323/34 of IPC against the accused persons to face the trial.

3. The pleas of the accused persons are 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 30.06.2018, at 06.30 P.M., at Kadalidhipa, the accused persons in furtherance of their common intention, wrongfully restrained the informant's son-in-law from proceeding in a direction in which he had right to proceed?*
- ii. *Whether on the alleged date, time and place, the accused persons, in furtherance of their common intention, caused hurt to the informant's son-in-law?*

5. In order to substantiate its case, prosecution has examined four witnesses, among which P.W.1 is the informant, P.W.2 is the injured and P.W.3, P.W.4 are the independent witnesses and declined to examine other witnesses for the best reason known. One document 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. 341/323/34 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 have not testified anything against the accused persons with regard to the alleged incident. So, P.W.1 being the informant of this case has not corroborated the F.I.R, and P.W.3 and P.W.4 have 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 persons to incriminate them 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 are not guilty for the commission of offence punishable u/sec.341/323/34 of IPC and they acquitted therefrom as per the provision of section 255 (1) of Cr.P.C. The accused persons be set at liberty and the sureties be discharged from their bail bond so far as this case is concerned.

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

“Enter this case as a mistake of fact”.

Sd/-

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 05th day of August 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	Sukro Oram	Informant
P.W.2	Ramu Oram	Injured
P.W.3	Filman Bara	Independent witness
P.W.4	Sirrus Bara	Independent 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/P.W.1	FIR
B. Defence Exhibits, if any		
NIL		

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

Sd/-

J.M.F.C.,Rajgangur