



**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLA No.280 of 2008**

(In the matter of an application under Section 374(2) of the Criminal Procedure Code, 1973)

***Rabi Pradhan*** ..... ***Appellant***  
***-Versus-***  
***State of Orissa*** ..... ***Respondent***

For the Appellant : Mr. Mahesh Das, *Amicus Curiae*

For the Respondent : Mr. Ashok Kumar Apat, AGA

**CORAM:**

**THE HONOURABLE SHRI JUSTICE SIBO SANKAR MISHRA**

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Date of Hearing: 10.02.2026 : Date of Judgment: 19.02.2026

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***S.S. Mishra, J.*** The sole appellant has assailed the judgment of conviction and order of sentence dated 26.04.2008 passed by the learned Sessions Judge-cum-Special Judge, Puri in S.T. Case No.415 of 2006, whereby the appellant has been convicted for the offence punishable under Sections 323/427 of the IPC and sentenced to pay a fine of Rs.500/- for the offence under Section 323 of the IPC, in default, to undergo S.I. for one month and to pay a fine of Rs.400/-, in default, to undergo S.I. for one month more for the offence under



Section 427 of the IPC. Out of the compensation amount realized, an amount of Rs.1500/- be paid to P.W.8 Purna Chandra Bhoi as compensation.

2. Heard Mr. Mahesh Das, learned Amicus Curiae, appearing for the appellant and Mr. Ashok Kumar Apat, the learned Additional Government Advocate appearing for the State.

3. The prosecution case in terse and brief is that on 24.12.2004 at about 6 a.m., while Purna Chandra Bhoi (P.W.8), a member belonging to Scheduled Caste was irrigating the paddy field of one Maga Pradhan located in Revenue Mouza Girala, all the accused persons being armed with casuarina log (Jhaun katha gotali), came and abused him taking the name of his caste and asking him the reasons of his working there and assaulted him with an intention to cause his death. It is also alleged that accused Rabi dealt a blow with a Katha gotali aiming at the head of the informant, but as the informant moved away, the blow fell on his left hand for which he sustained a swelling injury and pain. Thereafter, the accused persons said to have snatched away the “gara” and torch light and also damaged the water pump in the field and drained out the water from



the field, cutting the ridge and also threatened to set fire to the house of the informant. Hence, the F.I.R.

4. The accused persons pleaded not guilty of the charges and have taken the plea of false implication. On their stance of denial and claim of trial, they are put to trial after framing of charges.

5. The prosecution has examined nine witnesses in support of its case. Out of the witnesses, Purna Chandra Bhoi, the informant and injured of this case has been examined as P.W.8, one Ramesh Chandra Pradhan, son of the owner of the land in question has been examined as P.W.5, one Jogendra Pradhan, the owner of the pump set has been examined as P.W.4, the scribe of the F.I.R. Kailash Chandra Pradhan has been examined as P.W.3, one Hazari Mallik, a seizure witness has been examined as P.W.2, Somanath Behera another seizure witness has been examined as P.W.6 and the rest of the witnesses were official witnesses of whom P.W.1 was the doctor, who examined P.W.8 the injured, P.W.7 was the A.S.I. of Police, who had conducted the preliminary enquiry on the direction of the O.I.C. and handed over the charge of the investigation to P.W.9, Pramod Ranjan Mohanty, the I.O., who submitted the charge sheet.



6. The reasoning recorded by the learned trial Court to convict the appellant are largely reflecting in paragraphs- 10, 11 and 12. For ready reference, paragraphs- 10, 11 & 12 are reproduced herein below:

*“10. Now coming to the charge U/s 307 I.P.C. it goes without saying to sustain such a charge Prosecution has to prove that the accused intending the death of the victim did an act and if by such his act he would have caused the death of the victim he would have been guilty of charge of murder. Of course without also intending the death if the accused cause any injury to an injured which he knows likely to cause the death of the person or the same in ordinary course of nature likely to cause the death of the injured or did not act imminently so dangerous which would have in all human probability to the knowledge of the accused would have caused the death of the injured, but the injured did not die of the same, the accused can also be held liable for a charge of attempt to murder. Intention and knowledge definitely being a state of mind, it is very difficult to lead direct evidence on the same but from the attending circumstances the same are generally inferred. No doubt in such inference injury is not always material but the same plays a vital role when on account of overt act of the accused any injury is caused to decipher the intention. Besides this the situs of the injury and also the weapon used are also material. So looking into the aforesaid it is now to be seen whether in this case the act of the accd. persons i.e. overt act caused by the accused persons can be said to made out a charge U/s 307 I.P.C.*

*11. In this case there is no materials that the accd. persons were intervened by any one on account of which they could not cause any serious injury on the injured. The injury sustained by injured are superficial in nature. The weapon used which was a pieces of wood has also not since been produced. In the aforesaid factual back drop I have no hesitation to hold that the prosecution has failed to establish the ingredients of Section 307 I.P.C., but as in this case the accused persons assaulted P.W.8 which necessarily resulted in the injuries sustained by the injured the same squarely attracts a charge U/s 323 I.P.C. So also as there being categorical evidence that the ridge of the field was cut and*



*admittedly P.W.8 and P.W.5 deposing the fact that the field belongs to them and there is no materials before this Court that the same was in the occupation of the accused persons though there may be a dispute with regard to the possession of the same and P.W.8 categorically deposes on account of such cutting of ridge a loss of Rs.1200 was sustained the same necessarily attracts an offence section U/s 427 I.P.C.*

*12. So far as the charge U/s 3(1)(x) of the Scheduled Caste Scheduled Tribe (P.A.) Act is concerned there is categorical evidence that injured Purna Chandra Bhoi belongs to Scheduled Caste as deposed by him, which is supported by his caste certificate and also the accused persons do not belongs to Scheduled Caste or Scheduled Tribe but there is absolutely no materials to show that the accused persons intentionally insulted or intimidated the injured P.W.8 in any public place or within the view of public with intention to humiliate him. Hence the said charge against the accd. persons has to fail.”*

7. Three accused persons stood charged for the offence under Sections 294/307/427/34 of the IPC read with Section 3 (1)(x) of the S.C. & S.T. (PoA) Act. Two of the co-accused persons faced the trial in S.T. Case No.254 of 2006 whereas the present appellant faced the trial in S.T. Case No.415 of 2006. All three accused persons have been convicted and sentenced as mentioned above. However, the present appellant alone has assailed the impugned judgment of conviction and order of sentence in this appeal.

8. In the present case, the prosecution has examined P.W.8 being the informant and injured. He deposed that on 24.12.2004 at about 6 to 6.30 a.m., when he was irrigating the lands of one Maga Pradhan



with a pump set, at that time, the accused persons being armed with Jhaun katha gotali started abusing him in obscene language. The present appellant attempted to deal a blow with kathagotali to his head. When he leaned aside, the blow fell on his left hand causing a swelling. He further deposed that the accused persons threatened to murder him and took away the torch light and one silver “gara”. He reported the matter to the owner and presented a written report at the Police Station. One Kailash Chandra Pradhan-P.W.3 scribed the F.I.R. on his dictation. His testimony stood corroborated with the evidence of P.W.8. He has stated that on the instruction of P.W.8- Purna Chandra Bhoi, he had scribed the F.I.R. and the F.I.R. is marked as Ext.3. However, he deposed that he knows nothing about the occurrence between the accused and Purna Chandra Bhoi. He has only written the F.I.R. on the basis of the instruction given by Purna Chandra Bhoi. P.W.4 although one of the claimed eye witness, but he has not supported the prosecution case whereas P.W.5 was one of the independent witnesses, who appears to be the post-occurrence witness has stated in his deposition that on hearing the information, when he arrived at the spot, the accused persons had already left the spot. He



deposed that he found swelling on the left hand of Purna Chandra Bhoi (P.W.8). The said witness has also stated that he had no personal knowledge regarding the actual occurrence, but after the occurrence was over, he heard it from Purna Chandra Bhoi (P.W.8). The said P.W.5 is son of the owner of the land in which the injured P.W.8 was working. P.W.6 was the seizure witness, who has supported the prosecution case. He has deposed that he has witnessed the seizure of the “gara” and also the seizure of certain documents, which was exhibited. P.W.1 was the doctor, who examined P.W.8- Purna Chandra Bhoi. He found the following injuries:

*“(i) Blunt injury with slight swelling over the upper portion of the left shoulder.*

*(ii) Tenderness on left chest wall having no external injury.”*

**9.** The doctor has opined that both the above injuries sustained by P.W.8 are simple in nature and might have been caused by hard and blunt object.

**10.** The learned trial Court has analysed the aforementioned evidence very meticulously and found that the evidence of P.W.8 stood directly corroborated with the evidence of the post-occurrence



witness-P.W.5, the scribe of the F.I.R.-P.W.3 and the testimony of the doctor- P.W.1 and arrived at the conclusion that the appellant is guilty of the offence punishable under Sections 323/427 of the IPC. The findings recorded by the learned trial Court are true and the right appreciation of the evidence, which is eminent from the passage reproduced in the preceding paragraphs.

**11.** I find no reason to interfere with the impugned Judgment of the learned trial Court, which indeed is the culmination of true appreciation of the evidence on record. Hence, the present appeal deserves no merit.

**12.** Accordingly, the CRLA is dismissed.

**13.** This Court records appreciation for the effective and meaningful assistance rendered by Mr. Mahesh Das, learned Amicus Curiae. He is entitled to the honourarium of Rs.7,500/- (Rupees seven thousand five hundred) to be paid.

***(S.S. Mishra)***  
***Judge***