

**IN THE HIGH COURT OF MANIPUR
AT IMPHAL**

Crl.A. No. 23 of 2025

Krishna Bhandari, aged about 32 years, S/o Karna Bhandari
of Ramrei Khullen Village, P.S.- Litan, Ukhrul District,
Manipur, presently lodged at Manipur Central Jail, Sajiwa,
Imphal East District, Manipur.

.....Appellant

-Versus-

The State of Manipur represented by the Commissioner
(Home), Govt. of Manipur, Old Secretariat Complex,
Babupra, P.O. & P.S. – Imphal, District Imphal West,
Manipur- 795001.

..... Respondent

BEFORE

**HON'BLE THE CHIEF JUSTICE MR. M. SUNDAR
HON'BLE MR. JUSTICE A.GUNESHWAR SHARMA**

For the Appellant	Mr. A. Gautam Sharma, Advocate
For the Respondent	Mr. RK Umakanta, Senior Advocate and State Public Prosecutor, instructed by Mr. W. Niranjit, Deputy Government Advocate
Date of Hearing	11.05.2026
Date of Judgment and Order	11.05.2026

JUDGMENT AND ORDER
(ORAL)

(M. Sundar, CJ)

[1] The following abbreviations/short forms are used in this
order :

Sl. No.	Abbreviation/Short Form	Full Form/Expansion
1.	impugned judgment	27.09.2018 judgment and order in S.T. Case No. 8 of 2017 on the file of the Court of Sessions Judge, Ukhurul
2.	said Sessions Court	the court which made the impugned judgment i.e., the Court of Sessions Judge, Ukhurul
3.	IPC	Indian Penal Code (Act No. 45 of 1860)
4.	Cr.P.C.	Code of Criminal Procedure, 1973 (Act No. 2 of 1974)
5.	BNSS	Bharatiya Nagarik Suraksha Sanhita, 2023 (Act No. 46 of 2023)

[2] Captioned criminal appeal is directed against a judgment and order dated 27th September, 2018 in S.T. Case No. 8 of 2017 on the file of the Court of Sessions Judge, Ukhurul. This '27.09.2018 judgment and order' is being referred to as 'impugned judgment' and the Court which made the impugned judgment i.e., the 'Court of Sessions Judge, Ukhurul' is being referred to as 'said Sessions Court' both for the sake of convenience and clarity.

[3] In the hearing today, Mr. A. Gautam Sharma, learned counsel on record for the sole appellant and Mr. RK Umakanta, learned senior advocate and State Public Prosecutor appearing on behalf of Mr. W. Niranjit Singh, learned State Counsel for the sole respondent are before this Court (physical court).

[4] The main criminal appeal was taken up with the consent of learned counsel on both sides.

[5] Short facts, shorn off elaboration i.e., factual matrix in a nutshell containing facts imperative for appreciating this order are that

the impugned judgment is one of conviction, convicting the appellant to rigorous imprisonment for life and fine of fifty thousand rupees to be realized from his wages of rigorous imprisonment and paid to the complainant; that it is to be noted that this sentence/punishment has been awarded to the appellant for an alleged offence under Section 300 IPC punishable under Section 302 IPC; that the alleged occurrence was on 10.08.2013; that the impugned order proceeds on the basis that the appellant pleaded guilty when the charge was read out and explained to the appellant and asked whether he pleads guilty of the offence charged or claims to be tried; that the captioned appeal has been presented in this Court on 27.10.2025.

[6] As regards the impugned judgment, it records that the charge (charge for an offence punishable under Section 302 of IPC) for the alleged offence of assaulting the victim (to be noted victim is stepmother of appellant) with the intention of causing death by using a *dao* with bamboo handle, appellant pleaded guilty but in the same breath the impugned judgment has also recorded that the appellant pleaded for having the case tried in accordance with law.

[7] As regards sentence, the impugned judgment records that the appellant sought to consider vide Section 304 part II of IPC whereas the Prosecutor sought awarding sentence vide Section 302 of IPC but there is no discussion about sentencing in the impugned judgment.

[8] This Court had the benefit of perusing copies of the charge and the plea of the accused. A scanned reproduction of this part of the

record as placed before this Court by the learned Prosecutor is as follows:

IN THE COURT OF SESSIONS JUDGE: UKHRUL
S.T. Case No. 8 of 2017
Ref: FIR Case No. 13/8/2013-LITAN P5
u/s 302/511/34 IPC

The State of Manipur

----- Complainant

-vs-

Krishna Bhandari, aged about 21 years, S/o Karna Bahadur of Koubru Leikha, A/P Ramrei Khullen Village, P.S. Liton, Ukhrul District, Manipur.

----- Accused

CHARGE WITH ONE HEAD
Form no. 32
(Under Section 211/212/213 of the CrPC)

(1)(a) I, Shri Nagrem Rajnikanta Singh, Sessions Judge, Ukhrul, hereby charge you, Krishna Bhandari (21), S/o Karna Bahadur of Koubru Leikha, A/P Ramrei Khullen Village, Ukhrul District, Manipur.

(b) That you on the 10th day of August, 2013, at about 12.00 p.m., assaulted Smt. Isota Jesse Banari, aged about 30 years, with intention of causing her death, by using a Dao of 3 feet in length with a bamboo handle at the garden near her house at the country side of Ramrei Khullen Village, Liton P5, Ukhrul District, causing her death and thereby committed an offence punishable under section 302 of the IPC and within the cognizance of this Court.

(c) I, hereby direct you to be tried by this Court on the said charge.

N. Rajnikanta Singh
Sign and Seal of the
Sessions Judge, Ukhrul

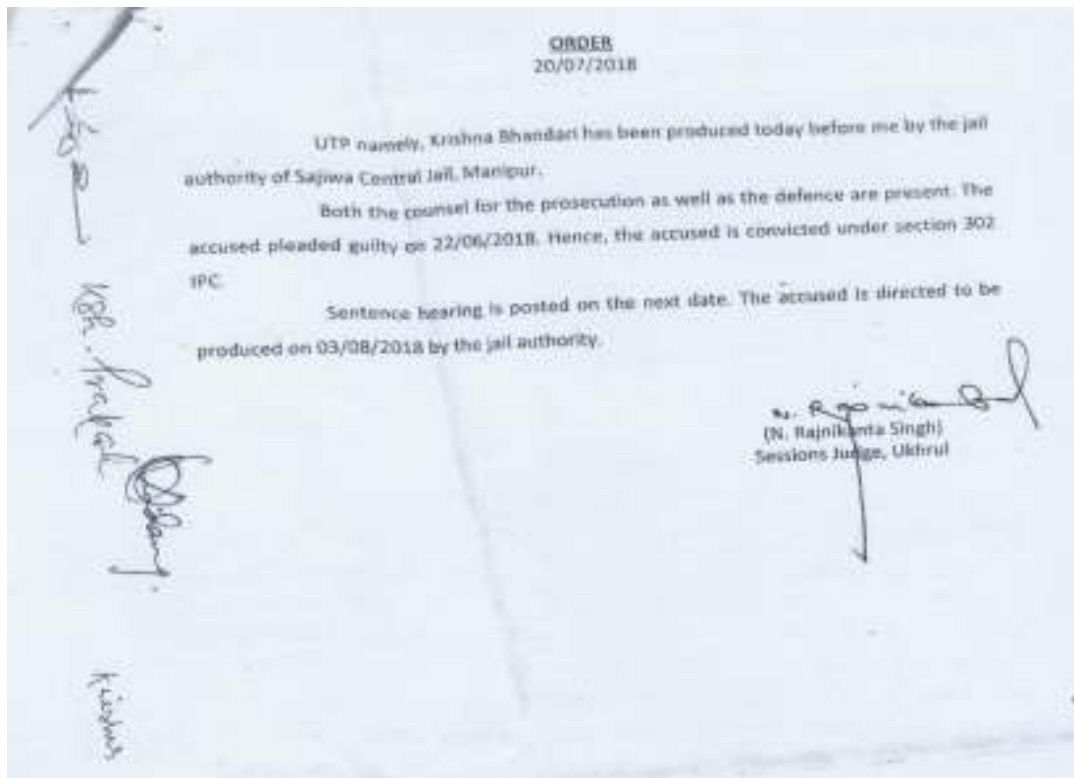
Q. No.1. Whether you plead guilty of the offence charged under section 302 IPC or claim to be tried according to Law?

Ans: *He said. Pleaded guilty of committing the offence. However, he wanted to be tried according to law.*

The Charge has been read out to the accused in the language understood by him in presence of his Counsel before the Open Court.

N. Rajnikanta Singh
Sign and Seal of the
Sessions Judge, Ukhrul

Krishna Bhandari



[9] A careful perusal of the question and answer recorded by the Sessions Court brings to light that it has been recorded that the appellant pleaded guilty but however, he wanted to be tried according to law.

[10] Faced with the above scenario, learned Prosecutor very fairly consented to have the captioned matter sent back to the said Sessions Court for trial. We record the submission of learned Public Prosecutor made at the Bar.

[11] Before concluding, this Court deems it appropriate to write that as already alluded to supra, as regards sentence, that it was a plea of sentence vide Section 304 Part II (para 2 of IPC) as opposed to the Prosecutor's plea for a sentence vide Section 302 IPC. Therefore, it is open to the Sessions Court to consider resorting *inter-alia* to sub-Section

(2) of Section 222 of Cr.P.C. but we hasten to add that this is the complete autonomy of the said Sessions Court.

[12] Before writing the operative portion, this Court deems it appropriate to write that the powers of appellate Court vide Section 386 of Cr.P.C. (427 of BNSS) is *inter-alia* to direct a retrial. In the case at hand, it may be trial *per se* rather than retrial but in the light of the fair position taken by learned Prosecutor, we deem it appropriate to send the matter back to said Sessions Court for trial/retrial afresh keeping in mind the observations made by this Court supra.

[13] The said Sessions Court, considering the facts and circumstances of the matter and also taking into account the manner in which appellant is circumstanced (remains incarcerated from 2013 for nearly 13 years now) is requested to take up the Sessions case as expeditiously as the official business of the said Sessions Court would permit conduct trial/retrial and conclude the matter as expeditiously as the official business of the said Sessions Court would permit. The order of conviction dated 20.07.2018 and the impugned judgment dated 27.09.2018 made by the said Sessions Court are set aside for the purpose of facilitating a trial afresh/retrial.

[14] In the light of the narrative, discussion and dispositive reasoning supra, in and vide instant consent order, captioned criminal appeal is disposed of setting aside the order of conviction dated 20.07.2018 and impugned judgment dated 27.09.2018 (obviously without expressing any view or opinion on the merits of the case) and

sending the matter back to said Sessions Court i.e., the Court of Sessions Judge, Ukhru for retrial/trial afresh which shall be considered and concluded at the earliest subject to the official business of the said Sessions Court keeping in mind the observations made supra. There shall be no order as to costs.

JUDGE

CHIEF JUSTICE

FR/NFR

Sushil

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