

TRHC010005702025

2026:THC:613



**HIGH COURT OF TRIPURA
AGARTALA**

Crl. A(J) 33 of 2025

Sri Rajkumar Murasing
son of Santikumar Murasing
village- North Taibandal, P.S. Melagarh,
District- Sepahijala, Tripura

.....**Convict-Appellant**

Versus

The State of Tripura

(Notice to be served through the learned Public Prosecutor, High Court of Tripura, Agartala, West Tripura)

.....**Respondent**

For the Appellant(s) : Mr. Partha Sarathi Roy, Legal Aid Counsel

For the Respondent(s) : Mr. Raju Datta, P.P.

Date of hearing & delivery
of Judgment & order : 14.05.2026

Whether fit for reporting : No

**HON'BLE JUSTICE DR. T. AMARNATH GOUD
J U D G M E N T & O R D E R (O R A L)**

[1] Heard Mr. P.S. Roy, learned Legal Aid Counsel appearing for the appellant. Also heard Mr. Raju Datta, learned P.P. representing the State.

[2] This present appeal is filed under Section 374 (2) of the Code of Criminal procedure against the conviction on trial held by the learned Sessions Judge, Sepahijala District, Sonamura in case No. S.T. (Type-1) 38 of 2022 convicting the appellant under Section 307 of IPC. By the impugned order

dated 14.02.2025 passed in case No. S.T (Type-1) 38 of 2022, the appellant has been sentenced under Section 307 of the Indian Penal Code to Suffer imprisonment for 5(five) years and also to pay a fine of Rs.5,000/- (five thousand) and in default to pay fine, to suffer further simple imprisonment for 5(five) months.

[3] The prosecution story in brief is that, on 13.04.2022 at about 1815 hours, the complainant brother namely Biswamohan Murasingh and his daughter went at Taibandal PHC for medical treatment and while the complainant brother and his daughter were in front of one attending medical officer and consulting with the doctor, at that time, FIR named accused person namely Rajkumar Murasing suddenly entered into the Taibandal PHC outdoor chamber with a dao in his hand and attacked the complainant brother by dao with an intention to kill him over the issue of previous enmity. Resulting which, the complainant brother has received a serious cut injury on his head and arm. The attending medical officer of Taibandal PHC gave the first aid to the victim immediately and referred him to Gomati District hospital for better treatment. On the basis of the above fact, a case was registered and on the basis of a written complain of the complainant, Melagarh Police Station registered a case vide case No.2022/MLG/028 dated 17.04.2022 under section 326/307 of I.P.C and endorsed the case to the Partha Deb, S.I. of police Melagarh Police station for investigation.

[4] The case was committed to the Court of learned Sessions Judge, Sepahijala Judicial District, Sonamura and the learned Session Judge, Sepahijala Judicial District, Sonamura framed charge under Section 326/307 of the Indian penal Code against the present convict appellant. The convict - appellant pleaded not guilty and hence trial commenced. The prosecution side examined as many as 8 (eight) witnesses but the convict appellant did not examine any defence witness and his case was denial of the allegation and the charges brought against him. The convict appellant was examined under Section 313 of the Code of Criminal Procedure, 1973 and he pleaded not guilty denying the charge brought against him.

[5] Learned trial Court below upon hearing both the sides and on perusal of the material evidence on record, has decided the case by its judgment and order dated 14.02.2025 passed in Case No. S.T.(Type-1) 38 of 2022 in the following manner:

“ ORDER

Hence, in the result, I do hereby sentence the convict Rajkumar Murasing for commission of offence punishable under section 307 of IPC to suffer simple imprisonment for 5 (five) years and also to pay a fine of Rs. 5000/- (five thousand) i.d. to undergo further simple imprisonment for 5(five) months.

The fine money if realized, shall be paid to the victim.

The period of detention undergone by the convict during the period of investigation and trial will be set off from the period of imprisonment.

Issue conviction warrant accordingly.

The case stands disposed of accordingly on contest.

The seized material, if any, of this case be disposed of after expiry of appeal period as per law. Inform Court Inspector, Police Court, Sonamura, Sepahijala District and the IO through the concerned PS accordingly.....”

[6] Aggrieved by the impugned order dated 14.02.2025 passed by the learned trial Court in Case No. S.T.(Type-1) 38 of 2022, the appellant has preferred the instant appeal seeking the following reliefs:

“ i) Admit this appeal

ii) Call for the records

iii) Issue notice upon the Respondent,

AND

iv) After hearing the parties be pleased enough to set aside the impugned Judgment of conviction and sentence dated 14/02/2025 passed by the Ld. Session Judge, Sepahijala Judicial District. Sonamura in case No:- Sessions Trial (Type-1) 38 of 2022 and the convict Appellant may be set at liberty.

AND

v) In the mean time, the conviction and sentence as aforesaid may be stayed till disposal of this appeal.....”

[7] Mr. P.S. Roy, learned Legal Aid Counsel appearing for the appellant contends that the learned trial Court below ought to have held that the

alleged presence of the convict appellant at the alleged place of occurrence, alleged participation of the appellant in the commission of the alleged offence is absolutely doubtful and on the basis of such evidence, the appellant could not be legally convicted for the alleged offence. He further contends that the learned trial Court below relied on the improved versions of all the prosecution witnesses illegally and on the basis of such improved version, the appellant was convicted and sentenced only on surmise and conjecture. It is also contended that there were some contradictions in the evidences. He, therefore, urges this Court to set aside the impugned order dated 14.02.2025 passed by the learned trial Court in Case No. S.T.(Type-1) 38 of 2022.

[8] Per contra, Mr. Raju Datta, learned Public Prosecutor appearing for the State opposes the submissions made on behalf of the appellant and submits before this Court that the observation made by the learned trial Court below needs no interference as the same has been made after proper examination of all the evidences on record. He, therefore, urges this Court to dismiss the present appeal.

[9] Heard learned counsel for the respective parties. Perused the material evidence on record.

[10] Upon overall analysis of the evidences more particularly, the evidence of P.W.7 i.e. the attending doctor of the victim Biswamohan Murasingh who is the eye-witness, this Court observes that the victim was attacked by the accused appellant. Evidence of the victim alongwith other prosecution witnesses supported the evidence of P.W.7 relating to injury sustained by the victim. It was deposed by the prosecution witnesses that the accused attacked the victim on his head, right hand and as per the injury report, injuries were found on his head, shoulder and thumb of the right hand which corroborates the evidence of victim himself.

[11] However, in the present case, the evidence on record reveals that there was only one injury caused over the head of the victim and no repeated

blows were inflicted upon the vital part of the body. Apart from the said one serious injury over the head, one injury over the right shoulder and another on the thumb of right hand of the victim were found as per the injury report.

[12] It further appears that the accused has no criminal antecedents and the occurrence appears to be the first offence committed by him since learned P.P. has not brought any previous criminal record against the convict. Having regard to the totality of the circumstances, this Court is of the opinion that the ends of justice would be adequately met by reducing the sentence to the period already undergone imprisonment which is stated to be more than one year.

[13] Consequently, considering the manner of assault, absence of repeated blows over the vital part of the body and the fact that the accused is a first-time offender are mitigating circumstances warranting a lenient approach in the matter of sentence. Thus, while maintaining the conviction under Section 307 IPC, the sentence of simple imprisonment for five years with default stipulations as imposed by the learned trial Court below by the impugned order dated 14.02.2025 passed in Case No. S.T.(Type-1) 38 of 2022, stands modified to the period already undergone imprisonment by the accused.

[14] In view of the above, the present appeal is allowed and the same is hereby disposed of. Hence, the convict-appellant shall be released if not required in any other matters.

[15] As a sequel, miscellaneous application(s), pending if any, shall also stand closed.

DR. T. AMARNATH GOUD, J

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