2026:JHHC:26178

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.19 of 2019

[Against the Judgment of conviction dated 19.09.2018 and Order of sentence dated 25.09.2018, passed by the learned Additional Sessions Judge – II, West Singhbhum at Chaibasa, in Sessions Trial No.138 of 2017, arising out of Sonua P.S. Case No.13 of 2017 (G.R. No.73 of 2017)]

Bantosh Kumar Pan aged about 43 years, son of Late Prafulla Pan, resident of Village – Bhalurugi, P.O & P.S. - Sonua, District – West Singhbhum, Chaibasa (Jharkhand).
..... Appellant

Versus

The State of Jharkhand **..... Respondent**

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mrs. Vineeta Sharma, Advocate
For the State : Mr. Suraj Deo Munda, A.P.P

Order No.09/ Dated: 31st August, 2026

1. Heard Mrs. Vineeta Sharma, learned counsel for the appellant and Mr. Suraj Deo Munda, learned counsel for the State.

2. The present appeal is directed against the Judgment of conviction dated 19.09.2018 and order of sentence dated 25.09.2018, passed by the learned Additional Sessions Judge – II, West Singhbhum at Chaibasa, in Sessions Trial No.138 of 2017, arising out of Sonua P.S. Case No.13 of 2017, corresponding to G.R No.73 of 2017, whereby the appellant has been convicted for the offence under Section 307 of the Indian Penal Code (in short IPC) and has been sentenced to undergo rigorous imprisonment for seven years with fine of Rs.20,000/- (Twenty thousand) and in

default thereof, he has been sentenced to further undergo Simple Imprisonment for a period of six months.

3. The prosecution story, in brief, is based on the *fardbeyan* of the informant -cum- sole victim, Khirod Tanti (P.W.-2), stating therein that on 15-03-2017 at about 5.30 p.m while he was leaving his house and going towards the village in the meantime, at some distance of his house, his uncle Bantosh Pan came from his back side and inflicted blow with '*Dab*' on his head with intent to kill him as a result he sustained injury on his head and profuse bleeding started from there. He fell down on the ground. Thereafter, he was immediately brought to Sonua Hospital by the villagers but due to critical condition, he was referred to Sadar Hospital, Chaibasa. Further, he was referred to M.G.M. Hospital, Jamshedpur for better treatment. The reason/ motive behind the occurrence was his father was *Chawkidar* at Sonua Police Station, who died during his service period, then his uncle Bantosh Pan wanted to get service on place of his father, but his mother Sarsawati Tanti joined service on place of his father. Thereafter, his uncle threatened to kill them therefore, due to previous enmity he inflicted blow on his head as a result he sustained severe injury.

On the basis of above *fardbeyan*, Sonua P.S Case No.13 of 2017 was registered against the accused, under Sections 341/ 323/ 324/ 307 IPC. The police, after completing the investigation, has submitted the charge-

sheet under Sections 341/ 323/ 324/ 307 IPC. The charge has been framed against the accused under Sections 341/ 323/ 307 IPC on 16.12.2017 and the case has been committed to the court of Sessions to which the appellant has pleaded innocence and claimed to be tried and accordingly, the trial has commenced.

4. To substantiate the charges, the prosecution has examined altogether 08 witnesses and their depositions, in short, are as follows :-

5. **P.W.-1, Gopal Bhattacharya,** is a hearsay witness. He has deposed for the first time in the court. He has not been examined by the police.

6. **P.W.-2, Khirod Tanti,** is the informant -cum- victim himself. He has clearly stated in his cross-examination that he is direct beneficiary, if the accused goes to the jail. He disputes the seizure of the alleged weapon in Para – 10 of the cross-examination. He has also stated that he is performing duty in place of his mother and there is a dispute regarding the job of *Chowkidari* with the present accused-appellant.

7. **P.W.-3, Sunil Kumar Das,** is a labourer and he has been declared hostile.

8. **P.W.-4, Ravi Kumar Das,** is also a hearsay witness. He has stated that he has taken the victim to the police station where he has been made to sign in a plain paper.

9. **P.W.-5, Dr. Jayshree Kiran Pardhia,** is the doctor who has examined the victim. He has accepted that there is

interpolation in the injury report and it does not bear the seal of the hospital. The reason/ fact for disclosing the time of injury has also not been disclosed.

10. **P.W.-6, Seema Tanti,** is the wife of the victim who claimed herself to be an eye witness of the incident. She has admitted that there is a property dispute between the parties and they are the direct beneficiary. She has also stated that her husband i.e. the victim has been taken to the police station by P.W.-4.

11. **P.W.-7, Kali Charan Das,** is a labourer and he has been declared hostile.

12. **P.W.-8, Karunakar Tiwary,** is the Investigating Officer of the case. In his cross-examination, he has stated that :-

(i) the victim himself has come to the police station and this statement gets falsified by the statement given by P.Ws.-4 & 6, as they have stated that one Ravi has taken the victim to the police station.

(ii) the I.O has also stated that he has taken the victim to the hospital, but he has not taken his *fardbeyan*. The *fardbeyan* of the victim has been taken by another police personnel in the M.G.M Hospital, Jamshedpur. He has also stated that the victim is doing job in place of his mother.

13. On consideration of the above materials on record, the trial Court has found the accused-appellant guilty for the offence under Section 307 IPC and sentenced him, as

stated above.

14. Being aggrieved by the aforesaid judgment of conviction, the appellant has preferred the present appeal.

15. Having heard learned counsel for the parties and from perusal of the record, it appears that :-

(A) there is a property dispute between the parties and further regarding the job of *chowkidari* also and these are may be the reasons for false implication of the appellant in the present case.

(B) the injury report itself is doubtful. The age of the injury has been disclosed by the doctor is without any basis.

(C) there is interpolation in the injury report and further there is no seal of the hospital on it. The police has taken the victim to the primary health center, but the injured has been treated at the MGM Hospital, Jamshedpur and nothing has been brought on record so far as treatment of the injured in the MGM Hospital, Jamshedpur, is concerned.

16. Thus, this Court finds that the evidence produced by the prosecution is neither reliable nor sufficient for conviction of the appellant under Section 307 IPC. Accordingly, the Judgment of conviction dated 19.09.2018 and order of sentence dated 25.09.2018, passed by the learned Additional Sessions Judge – II, West Singhbhum at

Chaibasa, in Sessions Trial No.138 of 2017, arising out of Sonua P.S. Case No.13 of 2017, corresponding to G.R No.73 of 2017 is, hereby, quashed and set aside.

17. In the result, the appeal stands allowed and accordingly disposed of.

18. The appellant is on bail, hence, he is discharged from the liability of bail bond.

19. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

(Rajesh Kumar, J.)

Jharkhand High Court, Ranchi
Dated, the 31st August, 2026
Ravi-Chandan/- **NAFR**
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