IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (D.B.) No.03 of 2021

(Arising out of judgment of conviction dated 07.01.2019 and order of sentence dated 09.01.2019 passed by learned Principal Sessions Judge, Simdega, in Sessions Trial No.132 of 2014)

Pintu Verma, son of Late Suresh Verma, resident of Rametoli, Saldega, P.O., P.S. & District Simdega. **... ... ... Appellant**

Versus

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

PRESENT : SRI ANANDA SEN, J.
: SRI PRADEEP KUMAR SRIVASTAVA, J.

For the Appellant : Mr. Nipun Bakshi, Advocate,
Mr. Shubham Sinha, Advocate

For the State : Mr. Saket Kumar, A.P.P.

J U D G M E N T

By Court, :
26th October, 2026

This Criminal Appeal has been preferred on behalf of the appellant, being aggrieved by the judgment of conviction dated 07.01.2019 and order of sentence dated 09.01.2019 passed by the learned Principal Sessions Judge, Simdega, in Sessions Trial No.132 of 2014, whereby the appellant was convicted for offences alleged to have been committed under Sections 302, 382 and 411 IPC. He was sentenced to undergo life imprisonment under Section 302 IPC, with a fine of Rs.10,000/- and, in default of payment of the fine, to further undergo six months' rigorous imprisonment. He was also sentenced to undergo rigorous imprisonment for 07 years, under Section 382 IPC, with fine of Rs.5,000/- and in default of payment of fine, to further undergo three months' rigorous

imprisonment. He was also sentenced to undergo rigorous imprisonment for three years, with a fine of Rs.5,000/-, under Section 411 IPC, and in default of payment of fine, to further undergo rigorous imprisonment for three months. All these sentences were ordered to run concurrently.

2. We have heard learned counsel representing the appellant and learned A.P.P. representing the State, at length, and have gone through the materials available on record.

3. Learned counsel representing the appellant submitted that the impugned judgment of conviction and order of sentence are liable to be set aside, as the Trial Court has failed to take into consideration that the prosecution has miserably failed to establish the guilt of the appellant. He further submitted that the appellant was made a scapegoat solely on the basis of the confessional statement of Jagnarayan Singh. He also submitted that most of the prosecution witnesses either declared hostile or did not support the seizure. He thus implored this Court to acquit the appellant of the charges.

4. Learned A.P.P. representing the State, opposed the aforesaid prayer and submitted that the appellant had rightly been convicted in this case, as the Police had recovered SIM card from the rented house of the appellant and he also confessed his guilt before the Police; thus the impugned judgment of conviction and order of sentence do not call for any interference.

5. The case of the prosecution on the basis of *fardbeyan*

given on 18.03.2014 at 07:00 A.M., by the informant – *Deepak Khesh Oraon*, is that he was on duty at the Police Station, Simdega. When he came out to Jhulan Singh Chowk, for having a morning tea, he came to know that a person's dead body is lying at the bus stand, upon which he reached over there and found a person's dead body lying on the cement seating area of the passenger shelter, with blood oozing out from the face and head of that person. He sent information about that incident to the Police Station. Shortly thereafter, Officer-In-Charge and the Police officials of the Police Station arrived there, before whom he gave his statements. The deceased's voter card was found near the dead body, bearing the name "*Lalan Singh*, son of *Manager Singh*". The deceased's head was found to be pressed towards the left side and was soaked in blood. Several people in the vicinity have seen the dead body and he was convinced that last night an unknown perpetrator most probably murdered the deceased – *Lalan Singh*, at the bus stand.

6. On the basis of the aforesaid *fardbeyan*, F.I.R. being Simdega P.S. Case No.44/14, was registered under Section 302 IPC. Later on, Sections 379 and 411 IPC were added in the said F.I.R. vide order dated 25.04.2014, and after investigation, charge-sheet was submitted against Pintu Verma (appellant herein) and one Jagnarayan Singh @ Chandan Singh, under Sections 302, 382 and 411 IPC. Thereafter, cognizance was taken and the case was committed to the Court of Sessions, where case was registered as Sessions Trial No.132 of 2014 and

the Court framed charges under Sections 302/32, 382/34 and 411/34 IPC, and proceeded for trial.

7. To prove the prosecution case, the prosecution has examined 14 witnesses, depositions of whom are as hereunder:-

7.1. P.W.-1 namely Sumitra Devi, is the mother-in-law of the deceased – Lalan Singh. She deposed that one day prior to the incident, the deceased came to her house and on the date of incident, he left her house to go to his own house. He also had his bag with him. He was murdered at the Simdega Bus Stand, and the news of his death was given by her to her elder son-in-law, who was at Rourkela. She went to the Police Station and saw the corpse and there was also a bag near the said corpse. His mobile was not with him.

7.2. P.W.-2 namely Jeet Mohan Gope, P.W.-8 namely Suresh Gope and P.W.-10 namely Santosh Kumar Singh, are the seizure list witnesses, who deposed to have appended their signature on the seizure lists, which were duly exhibited.

P.W.-2 in his cross-examination, deposed that the Police had not recovered any article in front of him, and he appended his signature on the seizure lists, at the Police Station.

P.W.-8 deposed that he does not have any knowledge about the incident. He deposed that the Police official summoned him from shop to the Police Station and asked him to sign the seizure list, so he signed the same, without reading

it.

P.W.-10 also deposed that nothing was recovered in front of him and he appended his signature on the direction of the Police.

P.W.-8 and P.W.-10 have deposed that the Police had not recorded their statements. Both of them had ultimately been declared hostile by the prosecution.

7.3. P.W.-3 namely Balkeshwar Sahu and P.W.-4 namely Mahipal Mahto, have deposed that they don't know anything about the incident and they have ultimately been declared hostile by the prosecution.

7.4. P.W.-5 namely Deepak Khesh Oraon, is the informant of this case. He deposed that the signature appended by him on his *fardbeyan*, was duly exhibited. His depositions in his examination-in-chief, in relation to going to Jhulan Singh Chowk, for having a morning tea, finding a dead body in the Bus Stand, informing about the same to the official of Police Station and discovering the name of the deceased, are akin to the statements given by him in his *fardbeyan*. He deposed that at that time, he did not remember the name of deceased.

In his cross-examination, he deposed that he does not know who committed the incident.

7.5. P.W.-6 namely Rajesh Kumar Singh and P.W.-7 namely Fani Bhushan Saha, are the inquest witnesses. They deposed to have seen a person's dead body at the Simdega Bus Stand. They appended their signature on the *Panchnama*

(Inquest Report) prepared by the Police, which were duly exhibited.

P.W.-7 in his cross-examination deposed that he did not recognize as to whose body it was.

7.6. P.W.-9 namely Dr. Manoj Pratap Dungdung, is the Medical Officer, who had conducted post-mortem of the deceased. Findings given by him during the said medical examination, are as follows:-

> *"General Examination :-*
> *Body was average built, Nutrition-good. Rigor Mortis present in all four limbs. Body not decomposed.*
> *External Injuries :-*
> *(i) Lacerated wound 2/3 c.m. skin deep present on the left side of the forehead, just above the lateral angle of left eye.*
> *(ii) Depressed fracture of left lateral aspect of frontal bone and parietal bone.*
> *(iii) There was oozing of blood seen from the both nasel aprature.*
> *Internal Injuries :-*
> *(i) On opening the skull there was collection of fluid mixed blood seen under the fractured part of left fronto parietal bone.*
> *(ii) Lungs and liver appeared to be pale.*
> *(iii) Right chamber of heart containing blood.*
> *(iv) Spleen congested*
> *(v) Small intestine contain semi digested food*
> *(vi) Urinary bladder empty.*
> *Time since death – Within 24 hours of P.M. Examination*
> *Object used – Hard, heavy and blunt object.*
> *Cause of death :- Brain haemorrhage and shock*

leading to cardio respiratory failure."

He deposed that the post-mortem report is in his pen and signature, which was duly exhibited.

7.7. P.W.-11 namely Anil Kumar, who is the cousin brother of the deceased, is a hearsay witness, as he deposed that he got information about the incident from phone, upon which he arrived to the Hospital and saw the dead body of the deceased.

7.8. P.W.-12 namely Arun Kumar Mahtha, was the second Investigating Officer (I.O.) of this case. He was handed over the charge by P.W.-13. He inspected the place of incident and recorded the statement of witnesses and obtained CDR of mobile of the deceased and post-mortem report. He deposed that after going through the CDR, it was found that SIM No.9608153505 was running in the mobile of deceased, having same IMEI number, and the holder's name is Jagnarayan Singh. Thereafter a mobile set with SIM were recovered from the possession of Jagnarayan Singh, who stated that due to low price of mobile, he purchased the same from Pintu Verma (appellant) and in this regard, he also made confessional statement and thereafter he got arrested. Thereafter, acting on information provided by Jagnarayan, he conducted a raid on the rented residence of this appellant and at that time the appellant was caught inside the house, and a search of his room led to recovery of the deceased's mobile SIM card and a blood-stained wooden plank. They also recovered theft articles relating to Simdega P.S. Case No.39/14. The appellant was also confessed

before the I.O.

In his cross-examination, he deposed that blood-stained wooden plank is not currently in the Court.

7.9. P.W.-13 namely Dhurandhar Rai, was the first I.O. of this case. He sent the dead body to Sadar Hospital, Simdega, for postmortem and also obtained inquest report. He deposed to have proved search-cum-seizure lists, which were duly exhibited.

In his cross-examination, he deposed that nothing was recovered by him from the place of occurrence.

7.10. P.W.-14 namely Panchlal Ram, deposed that he had proved documentary evidence and material evidence, which were duly exhibited.

In his cross-examination, he deposed that the materials produced by him before the Court were not recovered in his presence. He also deposed that he did not bring blood-stained wooden plank with him. He deposed that Mobile, which was duly exhibited, was produced before the Court, however the same was in a torn envelope.

8. Several documentary evidences and material exhibits were also produced, which are as follows:-

Documentary evidences:-

Ext.-1	Signature of Jeet Mohan Gope on seizure list-I
Ext.-1/1	Signature of Jeet Mohan Gope on seizure list-II
Ext.-1/2	Signature of Suresh Gope on search-cum-seizure list
Ext.-1/3	Signature of Santosh on search-

	cum-seizure list
Ext.-1/4 & Ext.-1/5	Search-cum-seizure list
Ext.-2	Signature of Deepak Khesh on fardbeyan
Ext.-2/1	Endorsement on fardbeyan
Ext.-3	Signature of Rajesh Singh on Inquest Report (Carbon copy)
Ext.-3/1	Signature of Fani Bhushan Saha on Inquest Report
Ext.-4	Post-mortem report
Ext.-5	Formal F.I.R.
Ext.6	Petition of Officer-in-charge for sending material exhibits in Court.
Ext.7	SFSL Report No.421/14 dated 12.02.2015
Ext.-7/1	SFSL Report No.421/14 dated 20.03.2015

Material exhibits :-

Ext.-I	Micromax mobile with SIM
Ext.-II	Two SIM in the envelop of PND

9. The appellant in his statement under Section 313 Cr.P.C., had denied the allegation and denied his involvement.

10. The Trial Court, after hearing both the parties, vide its judgment of conviction and order of sentence, convicted the appellant and sentenced him under Sections 302, 382 and 411 IPC, as more fully delineated in the opening paragraph of this judgment, which have been challenged in this Criminal Appeal. However, co-accused namely Jagnarayan Singh @ Chandan Singh, was acquitted by giving benefit of doubt.

11. A holistic perusal of the F.I.R. along with the evidences elicited by the prosecution, leaves no iota of doubt that the case sought to be made against the appellant is that he

had committed murder of the deceased – Lalan Singh, whose dead body was found at Simdega Bus Stand; on the basis of confessional statement made by one Jagnarayan Singh, and also on the basis of recovery of articles i.e. mobile phone, SIM card and blood stained wooden plank, being made from the possession of Jagnarayan Singh and from the rented house of the appellant.

12. Indisputably there is no eye witness to the incident and the case solely rests on circumstantial evidence, neither there is any evidence which can remotely suggest the presence of this appellant at the place of incident.

13. In this case, we find that confessional statement of the appellant and recovery of two articles i.e. a SIM of the deceased and a blood-stained wooden plank are the only incriminating evidences against the appellant. Investigating Officer (P.W.-12), on the basis of confessional statement of co-accused Jagnarayan Singh, rushed to the rented house of this appellant, and recovered two articles i.e. a SIM of the deceased and a blood-stained wooden plank.

14. However, we find the seizure of blood stained-wooden plank from the rented house of the appellant as doubtful, for the following reasons :-

(i) the seizure list witnesses i.e. P.W.2, P.W.-8 and P.W.-10 as also the first Investigating Officer (P.W.-13), have deposed that nothing was recovered in front of them or from the place of

occurrence;

(ii) the alleged blood-stained wooden plank was not brought before the Court, which fact would be evident from the depositions of P.W.-12 and P.W.-14, wherein they have clearly deposed to have not brought the blood stained wooden plank, with them; and

(iii) the alleged wooden plank has not been corroborated by any material piece of evidence, as the same has not been exhibited.

15. The recovery was alleged to be affected from the rented premise of the appellant, but after going through the depositions of the prosecution witnesses, it would not be prudent to believe that the alleged articles were actually recovered from the possession of the appellant, particularly in view of the deposition of seizure list witnesses that the articles were not seized in their presence. Thus, charge against the appellant under Section 411 IPC cannot be sustained. Further, the mobile set recovered from co-accused Jagnarayan Singh, had been acquitted by the Trial Court.

16. Since, this is a case of circumstantial evidence; each and every circumstance needs to be proved beyond reasonable doubt. The extra judicial confession, which is a weak evidence, has also not been legally proved by the prosecution. Thus, charges under Sections 302 and 382 IPC cannot be sustained against the appellant only on the basis of recovery of alleged

SIM card.

17. It is well-settled that in a case based on circumstantial evidence, the prosecution is required to prove the incriminating circumstances by leading cogent and consistent evidence and an inference of guilt can be justified only when all the incriminating circumstances are found to be incompatible with innocence of the accused.

18. The Hon'ble Supreme Court in the case of **"*Gambhir v. State of Maharashtra*"** reported in ***(1982) 2 SCC 351***, had held as follows:-

> *"9. ……When a case rests upon the circumstantial evidence, such evidence must satisfy three tests: (1) the circumstances from which an inference of guilt is sought to be drawn, must be cogently and firmly established; (2) those circumstances should be of a definite tendency unerringly pointing towards guilt of the accused; (3) the circumstances, taken cumulatively, should form a chain so complete that there is no escape from the conclusion that within all human probability the crime was committed by the accused and none else. The circumstantial evidence in order to sustain conviction must be complete and incapable of explanation of any other hypothesis than that of the guilt of the accused. The circumstantial evidence should not only be consistent with the guilt of the accused but should be inconsistent with his innocence….."*

19. Having pondered over the aforesaid observations given by us and also in view of the aforesaid judgment of the

Hon'ble Supreme Court, we find that the facts narrated hereinabove create a serious doubt about the prosecution case and the involvement of the appellant in commission of crime; thus, by giving benefit of doubt to the appellant, we are of the opinion that the appellant deserves immunity from prosecution, as we find merit in this Criminal Appeal.

20. The impugned judgment of conviction dated 07.01.2019 and order of sentence dated 09.01.2019 passed by learned Principal Sessions Judge, Simdega, in Sessions Trial No.132 of 2014, are hereby set aside. The appellant is acquitted of the charge; thus, he is directed to be released from custody, if not wanted in any other case.

21. Accordingly, this Criminal Appeal stands **allowed**.

21.1. Pending interlocutory application, if any, stands **disposed of**.

22. Trial Court Records be transmitted back to the Court concerned.

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

HIGH COURT OF JHARKHAND, RANCHI
Dated:- 26th October, 2026
Prashant

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Uploaded on 06.11.2026