IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 240 of 2006

[*Against the Judgment of conviction and Order of sentence dated 07.02.2006, passed by learned 1st Additional Sessions Judge-cum-Special Judge, Gumla in G.R. No. 139 of 1996*].

Lalan Prasad Singh, S/o Sri Deo Muni Singh, Resident of Village – D.S.P. Road, Gumla, P.S. – Gumla, District - Gumla.

... ... **Appellant**

Versus

1. The State of Jharkhand
2. Narayan Munda, S/o Hiru Munda, R/o Village – Sipringa Bartoli, P.O. + P.S. – Raidih, District – Gumla.

... ... **Respondents**

.....

For the Appellant : Mr. Kumar Harsh, Advocate.
For the State : Mr. Sardhu Mahto, A.P.P.

.....

P R E S E N T
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
JUDGMENT

C.A.V. on 25.08.2026 Pronounced on 17.09.2026

1. Heard Mr. Kumar Harsh, learned counsel for the appellant as well as Mr. Sardhu Mahto, learned A.P.P. for the State. It is reported that respondent no. 2 has died, as such notice could not be served upon him.

2. The instant criminal appeal is directed against the judgment of conviction and order of sentence dated 07.02.2006 passed by learned 1st Additional Sessions Judge-cum-Special Judge, Gumla in G.R. No. 139 of 1996, whereby and whereunder the sole appellant has been held guilty for the offence under Section 3 (1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act and sentenced to

undergo R.I. of one year along with fine of Rs. 500/- with default stipulation.

FACTUAL MATRIX

3. The factual matrix giving rise to this appeal is that a complaint has been filed by the complainant namely, Narayan Munda in the court of District & Sessions Judge-cum-Special Court, SC/ST (Prevention of Atrocities) Act, Gumla alleging therein that the complainant is a poor landless Scheduled Tribe belonging to Munda caste and living separately from his father. Government has settled different plots of Gairmazarua land in the name of his father admeasuring around 3.98 acres of land of Khata No. 246 in different plots. Government has also settled 1.75 acres of land in the same Khata at Plot No. 1812 in the name of complainant. It has been alleged that in the year 1990, when the complainant along with his father went to the Halka Karmachari (appellant) with old revenue receipts and requested him to issue revenue receipt, then the accused made a demand of Rs. 1,000/-. Thereafter, on showing inability to pay such illegal demand, the accused refused to issue revenue receipt and told to pay the amount, otherwise the land would be returned back. Being aggrieved, the complainant made a complaint to the Circle Officer, Raidih, who instead of making enquiry directed the

accused to make a party ready in the village in whose favour of the settlement might be done.

It is further alleged that being aggrieved by their respective activities the complainant made a written report to L.R.D.C., Gumla, on the basis of which Misc. Case No. 08/1993 was registered. The L.R.D.C. court has issued several reminders, but the accused had submitted wrong report with intention to get the complainant and his family members dispossessed from the land.

It has further been alleged that on 13.09.1995 at 2:00 p.m., the complainant along with his father went to Panchayat Bhawan, Tudurma and requested for issuance of rent receipt and one Sahab (authority) has even told to issue the rent receipt, upon the assertion of the complainant, the accused started hurling abuses and also abused by his caste name.

4. The aforesaid complaint was sent to the Raidih P.S. to institute the case and for investigation. On the basis of above, FIR being Raidih P.S. Case No. 11/1996 was was registered against the accused for the offence under Section 3(iv), (v), (vi), (ix) and (x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act. After completion of investigation, Final Report was submitted in favour of the appellant. It has been come upon investigation that the land on

which the complainant is claiming his settlement over the land was settled in favour of one Silvester Oraon, Pollus Oraon etc. vide Settlement No. 14/1960-61, which is mentioned in Khatian / record of rights at page no. 207 and 209 and Malgujari receipts have been issued till 1993-94. A campaign was launched in the year 1989 in which name of the complainant was registered for settlement and few of his settled lands come within the area of forest land and therefore, the rent receipts were not issued. DCLR, Gumla has stated in Letter No. 634(ii) dated 13.07.1996 that if any revenue receipt was issued by mistake, the Halka Karamchari can stop issuance of receipt and will inform him.

5. Thereafter, a protest petition was filed in the court of Additional District & Sessions Judge-cum-Special Judge, Gumla with an allegation that despite the efforts of the complainant / informant, the police did not take his statement, since the complainant were not able to fulfill the demand of the I.O. and therefore, Final Form was submitted. The protest petition of the complainant was allowed vide order dated 17.12.1996. Thereafter, cognizance was taken, however, the provisions of law, under which the cognizance has been taken and the accused has been summoned has not been mentioned.

6. On 10.04.2000, before charge, four prosecution witnesses were examined and considering the evidences on record, an order was passed on the discharge petition that materials available on record were insufficient to frame any charge against the accused.

7. Thereafter, a Cr. Misc. Case No. 3652/2000 was filed by the complainant / informant challenging the discharge of the appellant / accused and the Hon'ble High Court vide order dated 15.01.2001 has been pleased to set aside the order of discharge and remanded the matter back to the court of C.J.M., Gumla for passing appropriate order in accordance with law.

8. Thereafter, cognizance was taken by the learned C.J.M., Gumla against the accused / appellant under Section 3(1) (iv), (v), (vi), (ix) & (x) of the SC/ST (Prevention of Atrocities) Act and processes were issued against him and further, the case was committed to the court of Special Judge for trial and disposal. On 21.07.2005, charges were framed against the accused under Section 3(1)(v) and 3(1)(x) of the SC/ST (Prevention of Atrocities) Act.

9. The trial court, after scrutinizing the evidence available on record, held the appellant guilty for the offence under Section 3(1)(x) of the Scheduled Caste

and Scheduled Tribe (Prevention of Atrocities) Act and sentenced as stated above.

10. Learned counsel for the appellant has vehemently argued that the learned trial court has miserably failed to properly appreciate the defence evidence Exhibit-A i.e. Letter dated 12.03.1996 contained in Memo No. 248 (ii) issued by B.D.O., Raidih & Exhibit-B i.e. Certified copy of Final Report of G.R. No. 139/1996. It is a classic case of malicious prosecution as would be evident from the version of the prosecution itself that when the accused being the Halka Karamchari refused to issue rent receipt in favour of the complainant, a complaint has been made taking advantage of being a member of Scheduled Tribe. It is submitted that there is no document on record to suggest that sanction was taken under Section 197 of the Cr.P.C. against the appellant, who was discharging his official duty in the capacity of Halka Karamchari and therefore, the prosecution has also failed to prosecute the appellant with the permission of the Government, which itself violates the mandate of Cr.P.C.

11. It is further submitted that none of the ingredients of Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is attracted in this case. As such, the learned trial court has committed

serious error of law in convicting the appellant. Therefore, conviction and sentence of the appellant is liable to be set aside and this appeal may be allowed.

12. Per contra, learned APP appearing for the State has defended the impugned judgment on merits and has submitted that the prosecution has proved its case beyond all reasonable doubt. Learned trial court has very meticulously examined the evidence adduced by the prosecution as well as defence. There is no illegality or infirmity in the impugned judgment of conviction and order of sentence of the appellant and there is no merit in this appeal, which is fit to be dismissed.

13. I have gone through the record the case along with impugned judgment in the light of contentions raised on behalf of both side.

14. The only point for consideration of this appeal is, as to whether the impugned judgment of conviction and sentence suffers from any serious error or law calling for any interference in this appeal or not?

15. Before adjudicating the above point, it is pertinent to apprise with the testimony of the witnesses examined during trial.

16. **P.W.-1 Kamal Singh** has deposed in his evidence that in the year 1993 in the month of August, he went to the Panchayat Bhawan, Tudurma with Narayan

Munda (complainant) (P.W.-4) for getting issuance of revenue receipt, but Lalan Prasad demanded Rs. 1,000/- then Narayan Munda showed his inability to pay the same, as he was a very poor man. In the year 1995, in the month of 'Kunwar', this witness along with Narayan Munda (P.W.-4), Ratia Munda (P.W.-3) and Robot Oraon (P.W.-2) again visited to Karamchari Lalan Prasad at Panchayat Bhawan and Narayan Munda asked Lalan Prasad for issuance of rent receipt, upon which, Lalan Prasad said that he made complaint against him and came to him for revenue receipts and abusing in filthy words and threatened that he would get him dispossessed of the land.

In his cross-examination, this witness admits that he is the nephew of the complainant and in between 1993 to 1995, he had never gone for obtaining revenue receipts.

He has denied the suggestion of false implication of appellant due to non-issuance of forged rent receipt.

17. **P.W.-2 Robot Oraon.** This witness is the neighbour of the complainant, who deposed in the same line as stated by P.W.-1. But in para-4 of his deposition, this witness has stated that an altercation has been took place from both side and they had not reported about this incident anywhere.

18. **P.W.-3 Ratia Oraon.** This witness has deposed that earlier he has gone before Karamchari for issuance of rent receipt with Narayan, Kamal and Robat, but rent receipt was not issued and again with the above person has revisited before Karamchari, then Karamchari has abused him.

19. **P.W.-4 Narayan Munda** is the complainant / informant of this case. He has deposed in his evidence that he belonged to Munda community and went to Tudurma Panchayat Bhawan in the August, 1993 with Robot Oraon, Ratiya Oraon and Kamal Singh for issuance of revenue receipt and met with Karamchari Lalan Prasad (accused / appellant) at that time, Lalan Prasad demanded Rs. 1,000/-, upon which, he has shown his inability to pay the same, then accused Lalan Singh has thrown the receipts and fee on the ground and thereafter, this witness returned to his house. After 2-3 weeks, he has complained to Circle Officer, at that time accused was present there, then Circle Officer directed the accused Lalan Singh to prepare enquiry report about the land of this witness. Due to fear of this, he has given an application before D.C.LR.

Thereafter, on 13.09.1995, this witness again went to Panchayat Bhawan for issuance of revenue receipt. On that day also, he was accompanied with

Robot Oraon, Ratia Oraon and Kamal Singh. When this witness requested from accused Lalan Singh for issuance of revenue receipt, then accused got annoyed and abused him in filthy language.

In his cross-examination, at para-12, he admits that in between 1993-1995, he had never gone for issuance of revenue receipt. Since a case with regard to this land was pending, therefore, he has not gone for issuance of revenue receipt.

He has denied the suggestion that it is not true that his land settlement was fake and issuance of its receipt had stopped since long, because the fake documents were found and due to this, he has falsely implicated the appellant.

20. Before imparting my verdict, it is necessary to mention the relevant provisions of law i.e. Section 3 (1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act, 1989, which reads as under:-

> ***3. Punishments for offences of atrocities.—***
>
> *(1)Whoever, not being a member of a Scheduled Caste or a Scheduled Tribe—*
>
> *(x) intentionally insults or intimates with intent to humiliate a member of a Scheduled Caste or a Scheduled Tribe in any place within public view.*

shall be punishable with imprisonment for a term which shall not be less than six months but which may extend to five years and with fine.

21. From discussion of evidence of above witnesses coupled with statutory provisions of law, it appears that initially a complaint petition was filed by the complainant and on the basis of complaint, F.I.R. was registered. After completion of Investigation, final form was submitted in favour of the appellant. Thereafter, a protest petition was filed, in which cognizance was taken. It is pertinent to mention here that after taking cognizance, discharge petition was filed by the appellant herein before the Special Court, which was allowed, but the complainant / informant challenged the said order before the Hon'ble High Court, wherein it was found that without commitment of the case, discharge petition was entertained which was absolutely illegal and was set aside. Thereafter, the case proceeded further. The accused was explained the charge, which he denied and claimed to be tried. Ther is major contradiction in between his deposition and the complaint petition. In his complaint petition, the complainant / informant has stated that when he had gone before accused on 13.09.1995, he was accompanied with his father, while in his deposition,

he has stated that when he had gone before Halka Karamchari (accused/appellant), he was accompanied with Narayan Munda, Ratia Oraon and Robot Oraon. From perusal of evidence of witnesses, both oral as well as documentary evidence available on record, it is crystal clear that the very genesis of occurrence was non-issuance of rent receipt in favour of complainant / informant, who belonged to SC/ST community. It is quite obvious that the rent receipt was not issued by the present appellant, who was working as Halka Karamchari due to order by the superior authority as the very settlement of land in favour of the complainant / informant was made by mistake and the appellant was duty bound to obey the order of his superior officer. In the above background, the complainant / informant has misused the provisions of SC/ST (Prevention of Atrocities) Act with ulterior motive to drag the appellant in this case. The allegations covering the provisions of Section 3 (1) (x) of Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is absolutely not applicable in the facts and circumstances of the case. It appears that learned trial court has committed serious error of law while appreciating the evidence of witnesses in the light of surrounding circumstances of this case. Accordingly, conviction and sentence of the appellant

for the offence under Section 3(1)(x) of the Scheduled Caste and Scheduled Tribe (Prevention of Atrocities) Act is hereby set aside. The appellant is acquitted from the charges levelled against him.

22. Accordingly, this appeal is **allowed**.

23. The appellant is on bail. As such, he is discharged from the liability of bail bond and sureties are also discharged.

24. Pending I.A., if any, stand disposed of.

25. Let a copy of this judgment along with trial court record be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated, the 17th September, 2026.
Sunil /**N.A.F.R.**
Uploaded on 18/09/2026