IN THE HIGH COURT OF JHARKHAND AT RANCHI
**Criminal Appeal (D.B.) No.924 of 2017**
**------**
**(Arising out of judgment of conviction dated 28.11.2016 and order of sentence dated 29.11.2016 passed by learned Additional Sessions Judge-IV, Bokaro, in Sessions Trial Case No.118/10)**
**------**
Nandlal Manjhi, son of Late Sanu Manjhi, resident of Sijuatola, Simlatand, P.O. & P.S. Balidih, District Bokaro. **... ... ... Appellant**
Versus
The State of Jharkhand. **... ... ... Respondent**
**------**
**PRESENT : SRI ANANDA SEN, J.**
**: SRI PRADEEP KUMAR SRIVASTAVA, J.**
**------**
For the Appellant : Ms. Amrita Banerjee, Advocate
For the State : Mr. Vishwanath Roy, Spl. P.P.
**------**

J U D G M E N T

***By Court, :***
*28th September, 2026*

This Criminal Appeal is preferred on behalf of the appellant being aggrieved by the judgment of conviction dated 28.11.2016 and order of sentence dated 29.11.2016 passed by learned Additional Sessions Judge-IV, Bokaro, in Sessions Trial Case No.118/10, whereby and wherein the appellant had been convicted for offence under Section 302 IPC. He was sentenced to undergo rigorous imprisonment for life, with a fine of Rs.1,000/-, and in default of payment of fine amount, to further undergo rigorous imprisonment of one month.

**2.** We have heard Ms. Amrita Banerjee, learned counsel representing the appellant and Mr. Vishwanath Roy, learned Spl. 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 at naught, as the appellant had falsely been implicated in this case, more so, most of the prosecution witnesses are hearsay and above all, the informant of this case, has turned hostile. She submits that only on the basis of conjectures and surmises the appellant is facing incarceration since long without any rhymes or reason, thus he deserves to be released from custody.

**4.** Learned A.P.P. representing the State, opposes the aforesaid prayer and submitted that the appellant had rightly been convicted in this case, as he had committed murder; and as the prosecution has proved its case beyond doubt, the impugned order does not call for any interference.

**5.** The case of the prosecution on the basis of *fardbeyan* of the informant – Monika Devi (daughter of the appellant – Nandlal Manjhi), is that on the fateful day, the informant, who is a married lady, and was living in the house of her father, as her husband – Baldev Soren, deserted her; while returning after doing labour work at 05:00 P.M., found her father (appellant herein) sitting sadly at the outer door of the house. The appellant on being asked by the informant as to why is he sitting outside, stated her that as her mother – Saraswati Devi (deceased), did not give him food when he asked for it, he killed her by sword and she is lying dead on cot inside. When the informant went inside, she saw her mother lying on the cot in the veranda of the house, with her neck slit and blood oozing out of her body, and the

informant started screaming and crying, upon which people of nearby vicinity gathered there and, in the meantime, the appellant fled away after getting chance. The informant also informed about the said incident to her maternal uncles and other relatives, upon which they came at night at the place of occurrence and without giving information to the Police, took the dead body of her mother, cremated it and went to their home.

**6.** On the basis of aforesaid *fardbeyan*, F.I.R. being Balidih P.S. Case No.107/09 was registered against four persons i.e. Nandlal Manjhi (appellant herein), Naro Manjhi, Bihari Manjhi and Dashrath Manjhi, under Sections 302, 201 and 34 IPC, and finally charge-sheet was submitted against this appellant and Dashrath Manjhi under Sections 302, 201 and 34 120 IPC, keeping investigation continue against rest of the accused persons. Thereafter, the case was committed to the Court of Sessions where Dashrath Manjhi absconded and his case was split up and thereafter charge was framed against this appellant under Section 302 IPC.

**7.** To prove the prosecution case, the prosecution has examined altogether 08 witnesses, depositions of whom are as hereunder :-

**7.1.** P.W.-1 namely Budhu Manjhi, deposed that the incident occurred one year back and Nandlal murdered his wife. He signed on the seizure list, which was marked as Ext.-1.

In his cross-examination, he stated that the incident did not happen in front of him and he only heard about the said

incident. He also stated that he had put his signature on a blank paper.

**7.2.** P.W.2 – Birbal Manjhi, P.W.4 – Radho Manjhi, P.W.6-Haradhan Manjhi, are the hearsay witnesses, as they have stated that they had only heard about the incident.

In their cross-examinations, they admitted that they do not have any personal knowledge about the incident.

**7.3.** P.W.-3 namely Ramlal Manjhi, was declared hostile.

**7.4.** P.W.-5 namely Balram Manjhi, is the seizure list witness, who deposed that blood-stained sword was recovered from the house of appellant. He proved his own signature and signature of Balram Manjhi, on the seizure list as Exts.2 & 2/1 respectively.

**7.5.** P.W.-7 namely Banu Manjhi, stated that he had only heard about the incident and he also heard that the dead body was cremated.

**7.6.** P.W.-8 namely Monika Devi, who is the informant of this case, deposed that she was not present in the house at the time of incident and after returning from her work, she saw the dead body of her mother lying on the cot inside the house. Her father was in the house and thereafter fled away. She had no talk with her father and her father did not tell her as to how her mother died.

Ultimately, the informant was declared hostile by the prosecution.

**8.** Several documentary evidences and material evidences

were also produced, which are as follows:-

*List of exhibits*

| | |
|---|---|
| *Ext.-1* | *Signature of P.W.-1 on the seizure list* |
| *Ext.-2* | *Signature of P.W.-5 on the seizure list* |
| *Ext.-2/1* | Signature of Banu Manjhi on the seizure list |
| *Ext.-3* | *Signature on the fardbeyan* |
| *Ext.-4 & 4/1* | *Two FSL report No.704/10 dated 31.08.2010 and 01.10.2010* |
| *Ext.-5* | *Fardbeyan* |
| *Ext.-6* | *Formal F.I.R.* |
| *Ext.-7* | Seizure list regarding seized bones and ash |
| *Ext.-8* | *Seizure list regarding seized of blood stained sword* |
| *Ext.-9* | *Seizure list regarding seizure of blood stained soil.* |

**9.** The appellant in his statement under Section 313 Cr.P.C. had not pleaded guilty and also deposed that the informant was neither present at the time of occurrence nor had he told anything to the informant; and when she came and saw the dead body of deceased and the people started gathering there on hearing the scream, he fled away.

**10.** The Trial Court after hearing both the parties, on the basis of prosecution evidences as well as exhibited documents / materials available on record, found the appellant guilty and accordingly convicted him under Section 302 IPC, and sentenced him for life imprisonment.

**11.** The appellant in this Criminal Appeal is assailing the aforesaid judgment of conviction and order of sentence, under Section 302 IPC. The deceased is none, but the wife of the appellant. The appellant alleged to have committed murder of the deceased because of denial to give food to him and upon being asked by his daughter (informant), who arrived later from her

labour work, at the place of occurrence, he stated that he himself killed the deceased by a sword and her dead body is lying in a cot inside. Further, on making hue and cry by the informant, when the people of nearby vicinity gathered there, the appellant fled away. When the informant apprised the incident to her relatives, they came there at night, took the dead body and cremated it and thereafter went to their home.

**12.** Indisputably there is no direct eye witness to the incident and the case rests on circumstantial evidence. From depositions of the witnesses, we find that P.W.-1, P.W.-2, P.W.-4, P.W.-6 and P.W.-7 are hearsay witnesses. P.W.-3 and the informant herself who is P.W.-8, have turned hostile. P.W.-5 is the seizure list witness, of blood-stained sword which was recovered from the house of the appellant. The alleged blood stains on the sword was not sent for any FSL examination, thus stands uncorroborated in absence of any evidence.

**12.1.** Further, the prosecution has also failed to prove that the death of the deceased was homicidal, as the dead body could not be taken for a medical examination, as the dead body was already cremated by the relatives of the informant.

**12.2.** It is also imperative to note that the Investigating Officer has not been examined in this case. Thus, the place of occurrence and whether the stains were blood stains or not, could not be proved also. The non-examination of Investigating Officer gave a fatal blow on the case of the prosecution. Thus, we find that there is no corroborative evidence which could remotely

suggest that this appellant had any hand in commission of the murder of his wife.

**12.3.** 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 weak evidence, has also not been legally proved by the prosecution, as the informant turned hostile. Since chain of the circumstances has not been proved by the prosecution, the prosecution has miserably failed to prove its case beyond any doubt. Further, the other evidences are very weak in this case to implicate this appellant. Thus, I find merit in this Appeal.

**13.** Accordingly, this Criminal Appeal stands **allowed.** The impugned judgment of conviction dated 28.11.2016 and order of sentence dated 29.11.2016 passed by learned Additional Sessions Judge-IV, Bokaro, in Sessions Trial Case No.118/10, are hereby set aside. The appellant is acquitted from the charge; thus he is directed to be released from custody.

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

**15.** Trial Court Record be transmitted back to the Court concerned.

**(ANANDA SEN, J.)**

**(PRADEEP KUMAR SRIVASTAVA, J.)**

*HIGH COURT OF JHARKHAND, RANCHI*
Dated:- 28th September, 2026
*Prashant.* NAFR Uploaded on 06.10.2026