IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 102 of 2017

Krishna Kant Joshi @ Krishan Kant Joshi, son of Sri Mohan Lal Sharma, resident of Ram Tekri Road, Jugsalai, P.O. & P.S.- Jugsalai, Town – Jamshedpur, District – East Singhbhum.

.... …. **Petitioner**

Versus

The State of Jharkhand .... **Opp. Party**

Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. B.M. Tripathi, Sr. Advocate
Mrs. Nutan Sharma, Advocate.
For the State : Mrs. Mahua Palit, A.P.P.

JUDGMENT

CAV On Dated- 24.07.2026 **Pronounced On - 10.09.2026**

1. Heard learned counsel for the parties.

2. The present criminal revision is directed against the judgment dated 20.12.2016 passed by learned Additional Sessions Judge-I, Seraikella-Kharswan in Criminal Appeal No. 129 of 2012, whereby and whereunder the appellate court has dismissed the appeal preferred by the petitioner and has affirmed the judgment of conviction and order of sentence dated 28.09.2012 passed by the learned Judicial Magistrate, 1st Class, Seraikella in G.R. No. 25 of 2006 (T.R. No. 625 of 2012), whereby the petitioner has been convicted for the offence under Section 414 of the I.P.C. and sentenced to undergo R.I. for a period of three years.

3. The factual matrix giving rise to this revision in the written report of informant, Sri Binod Kumar Chaturbedi, who is Sub-Inspector of Police, Adityapur P.S., is that on 09.01.2006, during course of evening patrolling, he has received a secret information at 10:20 P.M., that Truck bearing registration no. NL-07A-1000 has been loaded with stolen iron-ore, which has been loaded from Railway side being sent for sale. Thereafter, the Informant along with force of Tiger Mobile reached on the place of occurrence at about 11.00 P.M. at Chunabhata and found that one truck coming from opposite direction and on suspicion this truck was stopped, meanwhile, two persons from both gate jumped and fled away. One person found hiding inside the cabin, apprehended by the informant and was searched in presence of two independent witnesses. It was found that Truck was loaded with stolen iron-ore. The papers of iron-ore was asked from the apprehended person, he did not produce any paper regarding the iron-ore and told that person who fled away are the driver of truck and further stated that the papers are at Jamshedpur and will be produced later. The informant further alleged that the iron ore was a theft material and carrying without valid paper which is near about 20 tones. The seizure list was prepared in presence of independent witnesses at the place of occurrence.

4. On the basis of aforesaid written report of informant, Adityapur P.S. Case No. 6 of 2006 was registered for the offence under Section 414 of I.P.C. against three accused persons including the petitioner.

5. After investigation, charge sheet was submitted against the petitioner and another co-accused Radha Mohan Singh, the driver of the truck, for the offence under Section 414 of the I.P.C. vide Charge sheet no. 24/2006 dated 28.02.2006. Thereafter, the trial court took cognizance for the offence under Sections 414/34 of the I.P.C. against the petitioner and another co-accused person. On 26.04.2006, charges were framed against the petitioner including co-accused person for the offences under Sections 414/34 of the I.P.C, to which they pleaded not guilty and claimed to be tried.

6. Accused namely, Radha Mohan was absent since long, therefore, the trial of Radha Mohan was separated from the accused Krishna Kant Joshi. Thereafter, on 12.09.2012, the statement of accused Krishna Kant Joshi (petitioner herein) was recorded, wherein he has denied the occurrence and claimed to be innocent.

7. In course of trial, altogether six witnesses have been examined by the prosecution. Apart from oral evidence, following documentary evidences have been adduced:

Exhibit-1 : Seizure list.

Exhibit-2 to 2/a	:	Written report.
Exhibit-3	:	Formal F.I.R.
Exhibit-4	:	Signature of P.W.-2 on seizure list.
Exhibit-4/1	:	Signature of P.W.-4 on seizure list.

8. After conclusion of trial, the trial court has convicted the petitioner for the offence under Section 414 of the I.P.C. and sentenced him, as stated above.

9. The judgment of conviction and order of sentence of petitioner was challenged in Criminal Appeal No. 129 of 2012 before the learned Additional Sessions Judge-I, Seraikella, which was dismissed vide judgment dated 20.12.2016, whereby the conviction and sentence of the petitioner was upheld and confirmed, which has been assailed in this revision.

10. Learned counsel for the petitioner has submitted that none of the courts below have properly appreciated the materials available on record before convicting the petitioner for the offence punishable under Section 414 of the I.P.C. and sentencing him to undergo R.I. for three years. Learned counsel for the petitioner has submitted that in order to establish a case under Section 414 of IPC, there has to be a theft report in connection with the stolen property, but here in the present case, such theft report has not been produced by the

prosecution as such, no case under Section 414 of I.P.C. is made out as against the petitioner.

11. In alternative, learned counsel for the petitioner has further submitted that petitioner has been sentenced to undergo R.I. for three years, out of which he has already remained in custody for about 07 months during trial and pendency of this case. It is further submitted that the occurrence is of the year 2006 and more than two decades have been elapsed from the date of occurrence. The petitioner has suffered agony of trial of the case for considerable period and has sufficiently been punished for his guilt. Therefore, learned counsel for the petitioner prays for modification of the sentence awarded to the petitioner to the period of custody already undergone by him.

12. On the other hand, learned A.P.P. has defended the impugned judgment on merits and submitted that there is concurrent finding by two courts, as such no interference is required and under the revisional jurisdiction the Court cannot re-appreciate the evidence. So far modification in sentence is concerned, in the factual aspect of the case, appropriate order may be passed.

13. I have gone through the record of the case along with the impugned judgment passed by the learned trial court as well as by the learned appellate court. It appears that there is concurrent

finding of both the courts below about the guilt of the petitioner for the offence punishable under Section 414 of the I.P.C. It also appears from the evidence of witnesses including seizure list witnesses, Jagnarayan Gupta (P.W.-2) and Pappu Kumar (P.W.-4) that the accused / petitioner was arrested on spot along with stolen iron ore of 20 tons. Therefore, finding of facts of the court below appears to be correct, legal and proper, requiring no interference on merits by way of this revision.

14. So far sentence awarded to the petitioner is concerned, admittedly out of three years of rigorous imprisonment, he has sustained substantial part of the imprisonment to the extent of about 07 months.

15. It appears that the date of alleged occurrence was of the year 2006 and about two decades have been passed from the alleged occurrence. The petitioner has sustained agony of trial for the aforesaid period and has also served sentence for about 07 months.

16. Under the aforementioned circumstances, in the interest of justice, the imprisonment already undergone by the petitioner appears to be sufficient punishment for the offence committed by him.

17. In view of above discussion and reasons, impugned judgment of conviction of the Court below is upheld on merits, but with

modification in sentence to the extent mentioned above, i.e., the petitioner is sentenced to undergo imprisonment for the period already undergone by him.

18. Accordingly, this revision is **dismissed on merits with modification in the sentence**.

19. Petitioner is on bail, as such, he shall be discharged from the liability of bail bond and sureties shall also be discharged.

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

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi
Dated : 10/09/2026
Sunil/-NAFR
Uploaded On 11/09/2026