2026:JHHC:26537

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 902 of 2017

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1. Chitru Mahato @ Chittaranjan Mahato, son of Late Binod Mahato
2. Shikant @ Fuchu Mahato @ Srikant Mahato @ Futchu Mahato @ Shri Kant Mahato, son of Late Binod Mahato

Both are resident of village-Diyadih, P.O. and P.S.-Ichagarh, District-Seraikella-Kharsawan … … Petitioners

Versus

The State of Jharkhand …. Opp. Party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. R.C.P. Sah, Advocate
Mr. C.A. Bardhan, Advocate
Ms. Ragini Kumari, Advocate
For the State : Mr. Ruby Pandey, A.P.P.
For the Informant : Mr. Harendra Kumar Mahato, Advocate

Dated: 02nd September, 2026

1. Heard Mr. R.C.P. Sah, learned counsel for the petitioners and learned A.P.P. assisted with Mr. Harendra Kumar Mahato, learned counsel for the informant.
2. The instant criminal revision has been preferred against the judgment and order of conviction and sentence dated 29.04.2017 passed by learned Additional Sessions Judge-II, Seraikella in Cr. Appeal No.45 of 2012, whereby and whereunder the appellate court has upheld and confirmed the order dated 17.02.2012 passed by learned Judicial Magistrate, 1st Class, Seraikella in C/1 Case No.103 of 2002 corresponding to T.R. No.288 of 2012, whereby and whereunder learned trial court has convicted the petitioners for the offences under sections 323 and 341 of IPC and Sections 3/4 of Prevention of Witch

Practices Act and directed to undergo S.I. for 1 years for the offence under section 323 of IPC, S.I. for 1 month for the offence under section 341 of IPC, S.I. for 6 months for the offence under section 4 of Prevention of Witch Practices Act and S.I. for 3 months for the offence under section 3 of Prevention of Witch Practices Act. All the sentences were directed to run concurrently.

Factual Matrix:-

3. Factual matrix giving rise to this case is that on 01.08.2002 at about 7:00 pm, the accused Srikant Mahato armed with *farsa* entered into the courtyard of the complainant and called her witch and abused her. It is further alleged that the accused told the complainant that she has eaten his ox and made his younger brother mad by practicing witch craft. On seeing the anger of the accused, the complainant locked herself and her family members inside the house and saved themselves from the accused. On the next day morning, the complainant informed the incident to Ex-Mukhiya of the village. On 04.08.2002 at about 7:00 am, all the accused persons came to the house of the complainant and on the point of *farsa*, accused, Srikant Mahato caught hold of her hair and accused Chitru Mahato assaulted her by slaps and forcibly dragged her and taken away her to village Mohda at Chas in the house of Sokha to identify her as a witch but the said Sokha flatly refused to identify her as a witch and told the accused to set her free.

4. On the basis of aforesaid information, the complaint case i.e. C/1 No.103 of 2002 was instituted for the offences under sections 323 and 341 of IPC and Section 3/4 of Prevention of Witch Practices Act.
5. On the above, learned court pleased to take cognizance for the offences under sections 323, 341/34 of IPC and Sections 3/4 of Prevention of Witch Craft Act against the accused persons.
6. Substance of accusation was explained to the accused in simple Hindi, to which the accused pleaded not guilty and claimed to be tried.
7. Complainant has examined altogether 4 witnesses in this case and several documentary evidences have also been adduced.
8. On the other hand, the defence has examined one defence witness and adduced two documentary evidences.
9. The case of defence is denial from occurrence and false implication due to land dispute between the complainant and the accused.

Submission on behalf of petitioners:-

10. Learned counsel for the petitioners without touching the merits of the judgment has confined himself towards non-extension of the benefit of section 4 of Probation of Offenders Act. It is submitted that the genies of the dispute between the parties is the longstanding land dispute between the parties and all the allegations leveled against the accused are false and fabricated and intended to harass the petitioners. Admittedly, it was the first offence of the petitioners and they have never been convicted in any other cases. Learned trial court as well as

appellate court without taking into consideration, genesis, manner of occurrence and offence committed by the petitioners has failed to extend the benefit of Probation of Offenders Act, which the petitioners are entitled.

Submission on behalf of the Opposite Parties :-

11. On the other hand, learned A.P.P. assisted with learned counsel for the complainant has defended the judgment of conviction and sentence of the petitioners on merits but so far extending the benefit of Probation of Offenders Act is concerned, it is fairly admitted that it was the first offence of the petitioners and no previous conviction has been found against them but considering the serious nature of offence against the petitioners, learned trial court as well as learned appellate court has declined to extend the benefit of Probation of Offenders Act. Therefore, this criminal revision has no merits and is fit to be dismissed.

Analysis, Reasons and Decision:-

12. I have gone through the impugned judgments of court below in the light of rival contentions of the respective parties.

13. It appears that the incident has taken place due to land dispute between the parties. As per the allegation, the accused assaulted the complainant (victim) with *farsa* but no injury report has been brought on record to corroborate the prosecution case. However, the petitioners have taken plea that it was their first offence, but the learned trial court has not recorded any special reason for non-extending the benefit of Probation

of Offenders Act. The occurrence was of the year, 2002 and from the occurrence, more than 2 decades have elapsed, therefore, considering their age, antecedent and character, the petitioners deserve the benefit of section 4 of Probation of Offenders Act.

14. In view of the above facts and circumstances, the conviction of the petitioners as passed by learned appellate court are hereby upheld but so far the sentence awarded by learned appellate court to the above named petitioners is concerned, is modified and the trial court is directed to release the petitioners extending the benefit of Section 4 of Probation of Offenders Act, 1958 upon furnishing bond of Rs.5,000/- (Rs. five Thousand) each with one surety of like amount within a period of **two months** from the date of this order with condition to maintain peace and be of good behavior for one year from the date of furnishing the bond.

15. If the bond is not furnished within above stipulated time, the learned Trial Court shall issue notice upon the petitioners to secure their attendance for furnishing the bond.

16. In case of violation of terms and conditions of the bond, the petitioners shall be called upon to receive the sentence of imprisonment already awarded to them by the learned appellate court.

17. In view of above discussion and reasons, this criminal revision is **dismissed** on merits with modification in sentence as stated above

18. Pending I.A(s), if any, is also disposed of accordingly.

19. Let a copy of this order along with Trial Court Record be sent back to the concerned trial court immediately for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi

Dated:-02/09/2026

***Pappu*/- N.A.F.R.**

Uploaded on:- 07/09/2026