IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1149 of 2015

Prafulya Gorain @ Praphul Gorai, Son of Late Baikuntha Gorain, Resident of Village-Ghaghra Tola, Jagannathdih, P.O. Benogoria, P.S.-Nirsa, Dist.-Dhanbad ... ... **Petitioner**

Versus

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

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Mahesh Tewari, Advocate
For the Informant : Mr. Anukul Gaurav, Advocate
For the State : Mr. Subodh Kumar Dubey,APP

Order No. 17/ Dated: 07th September, 2026

I.A. No. 11816 of 2026

1. Heard the learned counsel for the petitioner as well as learned counsel for the informant assisted by learned A.P.P.

2. It is submitted by the learned counsel for the petitioner that instant interlocutory application has been filed as a joint compromise application between the parties bearing the signature of informant-cum-sole injured namely Madhusudan Gorai. It is further submitted that although the petitioner has been held guilty for the offence under Section 326, 323 read with Section 34 of the IPC but the direct allegation of assaulting the injured by Axe causing sharp cut injuries is only upon Kanto Gorai who has died. The specific allegation against the petitioner is causing injury by iron rod which was not found to be incised wound rather laceration and simple in nature. The occurrence took place in a sudden manner due to scuffle regarding grazing of crops by cattle in the field of informant. There was no pre-meditation or any intention to cause any grievous injury in furtherance of common intention of all the accused persons. Therefore,

offence under Section 326 read with section 34 of the IPC is not applicable against the petitioner rather he must be held guilty for the offence under Section 323 of the IPC for his individual act which is compoundable in nature. Another co-petitioner namely Dhiren Gorai has also died against whom allegation was assaulting by pelting stone on testicles of the informant. Both parties belonged to same village and are related to each other as Gotiya. Therefore, both the parties have voluntarily entered into amicable settlement and a joint compromise has been filed. Therefore, permission may be accorded to compound this case and the revision may be decided on the basis of compromise between the parties. Accordingly, the impugned judgment and order passed by the learned trial Court as well as appellate Court be set aside.

3. No objection has been raised by the learned A.P.P. and the factum of the compromise has fairly been admitted by learned counsel for the informant-cum-injured.

4. It appears that the prosecution was lodged by the informant Madhusudan Gorai with allegation that on 21.07.1996 at 7AM, he was ploughing his field and his wife had gone to see another land belonged to the informant and saw that the cattle of the petitioners were grazing their fields on which she protested thereafter all the three accused persons started assaulting to her. She raised alarm. The informant also reached there and found his wife on ground. He was also assaulted who sustained injury.

The informant was examined as P.W.-3 during trial and categorically stated that Kanto Gorai gave a Tangi Blow on his head. Prafulya Gorai (present petitioner) assaulted him by rod on head and Subodh assaulted by pelting stone. He was brought to Nirsa Police Station

thereafter sent to Hospital for treatment. The other witnesses of facts as well as P.W.-5 Dr. S.P. Sinha have also corroborated the prosecution story. The injury report of the informant goes to show that he has sustained two incised wound on his head and one lacerated wound on forehead and other two injuries. Injury No. 1 and 2 is opined to be caused by sharp weapon, x-ray of skull suggestive of fracture and other two injuries are caused by hard blunt substance.

5. From the genesis of occurrence, it is quite obvious that the dispute arose in a sudden manner and there was no common intention of any of the accused persons to cause the injuries sustained by the injured person rather it was the individual act of all the accused persons. The injuries caused by the petitioner as is apparent from the evidence of the informant-cum-injured witness is that injury no. 3 has been opined to be simple in nature.

6. In view of the facts and circumstances, the conviction of the petitioner for the offence under section 326/34 of the IPC is not sustainable rather his conviction for offence under Section 323 of the IPC appears to be genuine and upheld. Since joint compromise petition has been filed which is available on record and both parties have voluntarily settled their disputes with a view to promote the cordial relationship and the offence under Section 323 is also compoundable in nature, therefore, the instant interlocutory application is allowed. The impugned judgment of conviction and sentence of the present petitioner is hereby set aside in view of the compromise between the parties.

7. Petitioner is on bail, hence he is discharged from the liabilities of bail bonds. Surities are also discharged.

8. Consequently, Cr. Revision No. 1149 of 2015 is allowed.

9. Accordingly, I.A. No. 11816 of 2026 stands disposed of.

10. Let a copy of this order along with trial Court records be sent to the concerned Court below for information and needful.

(Pradeep Kumar Srivastava, J.)

07.09.2026
Basant/
Uploaded on 09/09/2026