IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1315 of 2017

1.Shambhunath Mandal, son of late Uday Mandal
2. Mithun Mandal, son of Shambhunath Mandal
3. Puran Mandal, son of Shambhunath Mandal
All residents of village Ranga, PO and PS: Masalia, District Dumka. … ... **Petitioners**

Versus

The State of Jharkhand … … **Opposite Party**

CORAM:HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Arvind Kumar Choudhary, Advocate
For the State : Mr. Pankaj Kumar, P.P.

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

Dated: 18th September, 2026

By Court:- Heard the learned counsel for the parties.

2. The instant revision application is directed against the Judgment dated 23.8.2017 passed by the learned Sessions Judge, Dumka in Cr. Appeal No. 33 of 2016, whereby and whereunder, the learned Sessions Judge dismissed the appeal preferred by the petitioners and confirmed the judgment of conviction and sentence dated 24.6.2016 passed by the learned 2nd Assistant Sessions Juge, Dumka in S.C. case No. 29 of 2012, arising out of Masalia P.S. case No. 69 of 2011, corresponding to G.R. No.933 of 2011 under section 323 of the Indian Penal Code and sentenced the petitioners to undergo SI for six months.

FACTUAL MATRIX

3. The prosecution case, in short, as alleged by the informant, namely, Baijan Mandal is that on 14.07.11, the accused persons, namely, Shambhu Mandal, Mithun Mandal, Puran Mandal, Amar Mandal, Kashinath Mandal, Govind Mandal, Subhash Mandal were ploughing the field of informant Baijan Mandal. On receiving this information, the informant reached to his land and stopped them from ploughing the field. Then all the accused persons surrounded him, caught hold and started assaulting him, thereafter, the informant started crying and raised alarm. On hearing hulla, Barid Mandal, Kartik Mandal and Rajesh Mandal

came there to save him. Mithun Mandal took out a knife from his waist and assaulted Kartik Mandal with an intention to kill in left side of his stomach, due to which, blood was oozing and intestine also came out. Shambhu Mandal took out a Dabia from Palash bush and assaulted the informant on his neck with intention to kill him, but he came down and he sustained injury on his left hand and also on his little finger of left hand, due to which blood came out. It is alleged that all the accused persons brought out Dabia from nearby house and started assaulting Rajesh Mandal on his back and also on his left hand. It is further alleged that all the accused persons used Dabia with an intention to kill them and badly injured them. On hearing hulla, some villagers came there to save them, then the accused persons ran away. Puran Mandal took out Rs. 1200/- from his pocket and all of them ran away by abusing the informant and his savers. Thereafter, they came towards the road and they boarded in one vehicle and went to Masalia P.S. and from there they were sent to Dumka for the treatment. It is stated that the reason for fighting is disputed land and there is case and counter case.

4. On the basis of fard beyan of informant Masalia P.S. Case No.69/11 dated 14.07.11 u/s 147, 148, 149, 341, 323, 324, 379, 307, 504 I.P.C. was registered against seven named accused persons. On completion of investigation charge sheet was submitted under sections 147, 148, 149, 323, 324, 379, 307 and 504 I.P.C. Accordingly, the cognizance has been taken and the case was committed to the court of sessions. Charge was framed under sections 147, 148, 324, 379, 341, 323, 307/149 and 307 of the Indian Penal Code which were read over and explained to them to which they pleaded not guilty and claimed to be tried.

5. During trial, the prosecution has examined altogether 8 witnesses in support of his case namely:

P.W.1 Kartik Chandra Mandal;

P.W.2 Dr. Debashish Rakshit

P.W.3 Barid Mandal;

P.W.4 Rajesh Mandal;

P.W.5 Baijan Mandal (informant);

P.W.6 Arun Mandal;

P.W.7 Panchanand Mandal;

P.W.8 Ratan Mandal;

P.W.9 Chhabilal Mandal;

6. No witness has been examined on behalf of defence.

7. Several documents were adduced and exhibited on behalf of prosecution.

SUBMISSIONS ON BEHALF OF THE PETITIONERS:

8. Learned counsel for the petitioners without touching the merits of the judgment has confined his arguments towards the quantum of sentence awarded to the petitioners and submitted that during trial and post-conviction, the petitioners have remained in custody for 4 months out of awarded sentence of 6 months. The petitioners were convicted and sentenced for the offence under section 323 IPC by the learned trial court awarding six months SI which has been upheld in Cr. Appeal No. 33 of 2016 by the judgment dated 23.8.2017. It has further been submitted that the occurrence is of the year 2011 and now more than one decade have been lapsed. The petitioners are not indulged in any other criminal activity and have sufficiently been punished for their guilt. Therefore, their sentence may be reduced from SI for six months to the imprisonment already undergone by them.

Submission on behalf of State:-

9. On the other hand, learned A.P.P. has defended the impugned judgment on merits and submits that there is concurrent finding about guilt of the petitioners who have assaulted the informant party due to land dispute. Therefore, on merits no interference is required in this case. However, on the point of sentence, no serious objection has been raised.

Analysis, Reasons and Decision:-

10. I have considered the submissions of the respective parties and also perused the impugned judgment.

11. Having heard learned counsel for the parties and on perusal of record it appears that there is concurrent finding about the guilt of the

petitioners for the offence under section 323 of the Indian Penal Code hence on merits it does not require any interference. Therefore, this criminal revision is dismissed on merits.

12. So far as quantum of sentence is concerned, it appears that the occurrence is also of the year 2011. The petitioners have faced agony of trial for more than one decade and have also undergone the imprisonment of about four months. The petitioners are not involved in any criminal activity, therefore, sentence awarded to the petitioners by the learned trial court is reduced to the imprisonment already undergone.

13. Accordingly, the sentence of the petitioners is modified to the extent of period already undergone by them.

14. Consequently, this criminal revision is **dismissed on merits with modification in sentence** as stated above.

15. Petitioners are on bail, hence, they are discharged from the liabilities of bail bonds. The sureties are also discharged.

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

17. Let a copy of this judgment along with Trial Court Records be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court
Dated:18.09.2026
KNR/NAFR
Uploaded on:21.9.2026