IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (D.B.) No.1336 of 2017
WITH
Criminal Appeal (D.B.) No.1392 of 2017

(Arising out of judgment of conviction and order of sentence dated 29.06.2017 passed by Learned Sessions Judge, Giridih, in S.T. Case No.310 of 2015)

Criminal Appeal (D.B.) No.1336 of 2017

Manju Devi, wife of Dilip Ram, resident of Village Ghoranji, P.O. & P.S. Deori, District Giridih, at present residing at Village Kargali, P.O. & P.S. Rajdhanwar, District Giridih.

... ... Appellant

Versus

The State of Jharkhand. **... ... ... Respondent**

WITH

Criminal Appeal (D.B.) No.1392 of 2017

Triveni Ram, son of Bodhi Ram, resident of Village Rembo, P.O. & P.S. Herodih, District Giridih.

... ... Appellant

Versus

The State of Jharkhand. **... ... ... Respondent**

PRESENT : SRI ANANDA SEN, J.
: SRI PRADEEP KUMAR SRIVASTAVA, J.

For the Appellants : Mr. Jitendra Shankar Singh,
Sr. Advocate, with
Mr. Kaushal Kishore Mishra, Advocate

For the State : Mrs. Priya Shrestha, Spl. P.P.
Mr. Azeemuddin, A.P.P.

J U D G M E N T

By Court, :
29th September, 2026

These Criminal Appeals are preferred on behalf of the appellants being aggrieved by the impugned judgment of conviction and order of sentence dated 29.06.2017 passed by learned Sessions Judge, Giridih, in S.T. Case No.310 of 2015, whereby and wherein

the appellants have been convicted for offences under Sections 302/34 I.P.C. They were sentenced to undergo rigorous imprisonment for life, with fine of Rs.10,000/- each.

2. We have heard, learned Senior counsel representing the appellants in both these Appeals and learned Spl. P.P. and AddI. P.P. representing the State and perused the material available on record.

3. Learned Senior counsel representing the appellants in both these appeals, submitted that the appellants have falsely been implicated in this case as they were not even present at the time of alleged occurrence. He submitted that no material evidence was recovered to establish the case of murder by putting kerosene oil on the body of the deceased. He finally submitted that these appellants are facing incarceration since long without any rhyme or reason and are liable to be released from custody.

4. Learned Spl. P.P. and Addl. P.P. representing the State, oppose the aforesaid prayer and submitted that the appellants do not deserve to be acquitted as he has taken the life of an innocent lady, whose fault is only that she forbade her sister in law to not involve in any illicit relationship.

5. The case of the prosecution on the basis of *fardbeyan* of Rita Devi, dated 13.05.2015 is that marriage of her daughter–Rinki Devi (deceased) was solemnized with Triveni Ram on 10.03.2015 [appellant in Criminal Appeal (D.B.) No.1392 of 2017]. On the date of incident i.e. 13.05.2015 at 05:15 A.M., she got information over telephone that health condition of her daughter is very critical, thus they should come and meet her; and when she went to meet her daughter, she found her daughter in an injured condition and she was also groaning in bed. On being asked about the said condition, her daughter told her that her sister in law– Manju Devi [appellant in Criminal Appeal (D.B.) No.1336 of 2017], used to live in her house and she has illicit relationship in the neighbourhood, for which she forbade her, which escalated in a dispute, upon which both these appellants, poured kerosene upon her body and burnt her. After getting into hospital her daughter died while undergoing treatment.

6. Thereafter investigation was carried out and the charge-sheet was submitted against the appellants and case was committed to the Court of Sessions where charge was framed under Section 302/34 of IPC against the appellants.

7. The prosecution has altogether examined twelve witnesses, which are as follows:-

P.W.-1 namely, Karu Ram @ Hira Ram, who is a neighbour of appellant – Triveni, reached at the place of occurrence on hearing scream. He saw the body of the deceased in scorched condition. He with the help of other people took the deceased to hospital, but that day itself she died.

In his cross-examination, he told that Rinki Devi told him that she was at home and was lighting the stove. He stated that Triveni Ram had gone outside to work and he was not in the house. He stated that he has not heard about any demand of dowry from the matrimonial home of Rinki Devi.

P.W.-2 namely, Ramchandra Ram, who is father of the deceased reiterated exactly the incident as alleged by mother of the deceased (informant). He also added that the deceased alleged that she was told to get more dowry otherwise she will be killed.

P.W.-3 namely Bhikhari Ram stated that on hearing commotion he reached the place of occurrence and saw Rinki Devi in burnt condition. In his cross-examination, he stated that at the time of occurrence Treveni was not in the home and he reached home on the second day. He further stated that the father and mother of Rinki Devi never gone to Remba Village and they met him at the Sadar Hospital.

P.W.-4 namely Etwari Ram, who is the neighbour. He stated that mother of Rinki Devi namely, Rita Devi got information through telephone from the matrimonial home of her daughter to visit her daughter, he along with Rita Devi reached at Remba where she saw Rinki Devi in burnt condition but she was not senseless and on inquiry, Rinki Devi told her Nanad- Manju Devi had illicit relation with a villager and she objected the same due to which she was burnt

after sprinkling Kirosen Oil over her body by Triveni Ram and Manju Devi and Rinki Devi was brought to Sadar Hospital for her treatment and during treatment, she died.

In his cross-examination, he stated that the statement of Rinki Devi was taken by the Doctor in the Sadar Hospital, however, he doesn't know the name of the Doctor. He further stated that no statement of Rinki Devi was taken by the Police.

P.W.-5 namely, Sujit Ram has deposed same as P.W.-4.

P.W.-6 namely, Durga Ram stated that on hearing commotion, he reached the place of occurrence and tried to extinguish fire from Rinki Devi and taken her to Giridih. In his cross-examination, he stated that Rinki Devi told him that she got burnt during the process of lighting stove. He further stated that after 20 minute from burning they have taken her to the Sadar Hospital and admitted her. He also stated that after 10 minute of burning Rinki Devi got fainted and thereafter never able to gain consciousness. He further stated that at the time of occurrence Treveni was not in the home and he reached home on the third day. He further stated that father and mother of Rinki Devi met him at the Sadar Hospital.

P.W.-7 namely, Anil Ram stated that when he reached the place of occurrence, he saw Rinki Devi in burnt condition thereafter, he tried to extinguish the fire and taken her to Sadar Hospital. In cross-examination, he stated that at the time of occurrence Treveni was not at his home and after 2 to 3 days, he returned home. He also told that till half an hour of burning Rinki Devi was conscious, but thereafter she fainted and never gain consciousness after that. He further stated that when they told the father of mother of the deceased about the incident, they reached Sadar Hospital.

P.W.-8 namely, Rita Devi is the informant and mother of the deceased- Rinki Devi. She stated that the marriage of her daughter Rinki Devi was solemnized with Triveni Ram. After the marriage, her daughter went to her Sasural where she remained peacefully and thereafter, she does not know how she was treated by her in-laws. She further stated that her daughter was burnt by them and

someone told her over phone that her daughter was burnt, and they should reach immediately. Further, she has stated that her daughter told her that she was burnt after sprinkling kerosene oil by Treveni Ram and Manju Devi and she also told her that they were demanding money.

In her cross-examination, she stated that the phone came at about 8-9:00 A.M. She does not know who called her. She further stated that the statement of Rinki Devi was taken before the Doctor.

P.W.-9 namely, Dr. Pradeep Baitha has conducted the postmortem of the deceased- Rinki Devi. He found the following ante-mortem injuries:-

External Injury- burnt whole chest front side, burnt whole parts of arm and forearm. Burnt in lower abdomen, burnt in both sides of legs and thigh in whole parts. Burn in back and buttock.

Internal Injury- Brain- normal, Viscera- congested, Heart- right side blood and left chamber empty. Stomach- digested food, Blader- empty, Uterus- Normal.

Cause of death – shock and haemorrhage due to burn injuries. Rigor Mortise present all over the body.

Time since death within 24 hours. The postmortem report has been exhibited as Exhibit-2. In the cross examination, he stated that he has not mentioned the percentage of burn over the body of the deceased.

P.W.-10, Dashrath Turi, he stated that after hearing commotion, he reached the place of occurrence and saw Rinki Devi in burnt condition thereafter he will the help of others have taken her to the Hospital at Giridih. In his cross-examination, he stated that at the time of occurrence Treveni was not there in the village and returned home after three days. He further stated that Rinki Devi told him that she got burnt during the process of lighting stove. He stated that after taking her to the Hospital they have informed the father and mother of Rinki Devi and when they reached Sadar Hospital, he told him about the incident.

P.W.-11, Tribhuwan Ram stated that when he heard

commotion, he reached to the place of occurrence and saw Rinki Devi burning. He and other try to extinguish the fire and after extinguishing the fire, he and others have taken her to the hospital and informed her parents. He stated that her parents have not reached her matrimonial house. In his cross-examination, he stated that Treveni was not there at the time of occurrence and he reached home after three days. He stated that after 20-25 minute after getting burnt, they had taken her to the hospital. He stated that after taking her to the Hospital, they have informed the father and mother of Rinki Devi, who reached hospital at about 11.00 A.M.

P.W.-11, namely Manoj Kumar, stated that after registering the F.I.R. he had taken over the charge of investigation, he has proved the fardbeyan and the formal F.I.R., which are marked as Exhibits-3 & 4. He has also proved the inquest report, which was marked as Exhibit-X. He taken re-statement of Rita Devi and other witnesses. After investigation, he has submitted chargesheet under Section 302/34 of IPC. In his cross-examination, he stated that he has not got any trace of kerosene oil from the place of occurrence neither he finds any bottle or any other substance in which there is kerosene oil. He has also not found any matchbox or matchstick near the place of occurrence.

8. After evidence of prosecution witness, statement under Section 313 Cr.P.C. was recorded. There is no witness from the side of defence. Finally, after hearing both the parties, the Trial Court convicted the appellants under Section 302/34 of IPC and sentenced them as stated above.

9. From the case of the prosecution, I find that there is no eye witness to the occurrence. There are witnesses, who reached the place of occurrence after Rinki Devi got burnt. None of the witnesses have seen who set fire upon Rinki Devi. They are mostly the neighbours of the appellants. They have categorically stated that when they reached the place of occurrence, they saw Rinki Devi burning and they tried to extinguish the fire. Most of them stated that after extinguishing the fire Rinki Devi fainted after some time

and never gain consciousness. They have also stated that they have informed the parents of the deceased, who reached Sadar Hospital, Giridih where they stated about the incident to them. None of them have stated that the parents of Rinki Devi reached to the matrimonial house first. Further, they have stated that the husband of the deceased was not present at the time of occurrence and reached only after some days.

10. The other group of witnesses are the relatives of the deceased, who reached after being informed. They mostly stated that they saw Rinki Devi in burnt condition, but she was not senseless and on inquiry, Rinki Devi told her Nanad- Manju Devi had illicit relation with a villager and she objected the same due to which she was burnt after sprinkling Kerosene Oil over her body by Triveni Ram and Manju Devi. Their statements were not corroborated by any evidence as the I.O has not found any trace of kerosene oil/ canister or matchstick from the place of occurrence.

11. So far as this alleged giving of dying declaration is concerned, the same cannot be blindly accepted. It is imperative to prove that the deceased has regained consciousness when she met her paternal relatives. There are witnesses who are neighbours have already stated that for 20 to 30 minutes after the occurrence, she was conscious, but later on she could not be able to gain consciousness till her death. Further, from the evidence of the neighbours, it is clear that the relatives of the deceased did not reach the Rembo village (place of occurrence) rather, they reached the hospital directly where they were further informed by the neighbours about the incident. From their evidence, we find that the parents and relatives of the deceased reached the hospital at about 11.00 A.M. There is no possibility of reaching the place of occurrence as the injured was taken from the house within 20-30 minutes of reaching the neighbours. Thus, the evidence of the relatives and parents that they reached the place of occurrence first and thereafter they have gone to the hospital cast a doubt upon their statements. Further there is no possibility that the deceased could

have given any statement in hospital as her condition was so vital that she could not have given any statement. This fact find force from the postmortem report also where the Doctor after examination found that there was burn injury everywhere in her body. Thus, the statement of the relatives of making dying declaration by the deceased was not cogent and convincing to hold that the deceased before his death was in a fit condition to make oral declaration before these witnesses.

Further, there is no dying declaration in record, recorded by the police or the Doctor also. The I.O. has not stated anything about recording of dying declaration. Further, there is improvement in the deposition given by the informant as compared to the *fardbeyan*, which makes the deposition of the informant suspicious. Thus, from the entire evidence, we are of the opinion that the prosecution has miserably failed to prove its case beyond doubt.

12. Accordingly, both these Criminal Appeals are **allowed.** The impugned judgment of conviction and order of sentence dated 29.06.2017, passed by learned Sessions Judge, Giridih, in S.T. Case No.310 of 2015, is hereby set aside. Thus, these appellants are acquitted from the charge and they are directed to be released from custody, if not required in any other case.

13. Pending interlocutory application being I.A. No.7529 of 2024 in Criminal Appeal (D.B.) No.1336 of 2017, stands **disposed of**.

14. Trial Court Record be transmitted back to the Court concerned.

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

HIGH COURT OF JHARKHAND, RANCHI
Dated:- 29th September, 2026
Prashant . R.S. NAFR
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