IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1300 of 2017

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1. Shrikant Singh @ Sri Kant Singh, S/o. Mathura Singh;
2. Arjun Sao, S/o. Gobind Saw.
3. Banarasi Sao @ Banarsi Sao, S/o. late Jagdhari Sao.

All are R/o. Vill.- Sagalim, P.O. & P.S.- Panki, Dist.- Palamu, Jharkhand.

... ... Petitioners

Versus

The State of Jharkhand

…… Opp. Parties

PRESENT

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Anurag Kashyap, Advocate
For the State : Mrs. Mahua Palit, A.P.P.

JUDGMENT

C.A.V. On: 18th September, 2026 **Pronounced On: 30/10/2026**

1. Heard learned counsel for the petitioners as well as learned A.P.P.

2. Instant Criminal Revision is directed against the judgment dated 09.08.2017 passed in Cr. Appeal No. 13 of 2014 by the learned Addl. Sessions Judge-IV, Palamau at Daltonganj, whereby and whereunder, the conviction of the petitioners for the offences under Sections 143, 353, 504 & 506 of the I.P.C. has been upheld which was passed by learned Judicial Magistrate, 1st Class, Palamau at Daltonganj in G.R. No. 2530 of 2010 corresponding to T. R. No. 92 of 2014, whereby the petitioners were directed to undergo imprisonment for 6 months for the offence under Section 143 of the I.P.C. and S.I.

for 2 years for the offences under Sections 353, 504 & 506 of the I.P.C. alongwith fine of Rs. 1000/- each with default stipulation, has been upheld.

Factual Matrix:-

3. Factual matrix giving rise to this revision is that one Alok Kumar, Circle Officer, Panki, on the basis of inquiry report submitted by Baidhyanath Singh, Circle Inspector, Panki Block constituted a team for removal of encroachment with regard to land appertaining to Khata No. 83, Plot No. 72/1841 measuring total area two decimal situated in village Sangalim. It is alleged that the team visited the place of occurrence on 16.12.2010, wherein some anti social elements in connivance with the present petitioners alongwith 20 unknown femal/male hurled, abused and assaulted Circle Inspector, Revenue employees Pugas Ram and Vikash Kumar and also tried to snatch the chain of Amin and obstructed them in discharging their official duty. It is further alleged that the accused Srikant Singh (petitioner no. 1) had already served sentence of imprisonment in jail and used to instigate common people against administration. It is further alleged that in the anti encroachment drive in relation to Gair mazurwa aam and Kaisar e hind government land, a legal notice was also issued against the present petitioners but they did not vacate the encroached land and indulged in abusing, assaulting and obstructing in discharge of official duty of the officers.

4. On the basis of the written report of Circle Officer, Panki, namely Alok Kumar, dated 16.12.2010, F.I.R. (Panki P.S. Case No. 172 of 2010) was registered for the offences under Sections 143, 353,

504 & 506 I.P.C. against the above named three petitioners and twenty unknown male and female miscreants.

5. The investigation was conducted by A.S.I. Thakur Choudhary of Panki Police Station. In the course of investigation, he visited the place of occurrence, recorded re-statement of the informant and other witnesses and also attempted to trace out the other miscreants but no clue was found, hence finding sufficient evidence against the present petitioners, submitted charge-sheet under Sections 143, 353, 504 & 506 I.P.C.

6. The learned Trial Court explained the substance of acquisition to the accused persons, to which they pleaded not guilty and claimed to be tried.

7. In the course of trial, altogether, 3 witnesses were examined by the prosecution, who are as follows:-

1. PW-1: Alok Kumar
2. PW-2: Krishna Manjhi
3. PW-3: Baidhyanath Singh

8. Apart from oral testimony of the witnesses, following documentary evidence has been adduced by the proseuction:-

I. Ext.-1: Signature of informant and circle officer on the written report.

II. Ext.-2: Signature of Krishna Manjhi on the report to Circle Officer.

III. Ext.-3: Signature of Baidyanath Singh on letter no. 75 dated 13.03.2012.

IV. Ext.-4: Notice of show cause against removal of encroachment dated 11.12.2010 with direction to appear on 06.01.2011 at about 11:00 A.M. in the Office of Circle Officer.

V. Ext.-4/1: Copy of same letter as ext-4.

VI. Ext.-5: Report submitted by Circle Inspector dated 10.12.2010 in respect of encroachment of land by concerned 24 persons.

9. On the other hand, the case of the defence is denial from the occurrence and plea of innocence coupled with false implication. They have made no encroachment on government land nor have protested against revenue officials.

10. The learned Trial Court after scrutinizing the evidence of prosecution, held the accused persons guilty for the offences under Sections 143, 353, 504 & 506 I.P.C. and sentenced them accordingly as stated above.

11. Against the judgment of conviction and order of sentence passed by the learned Trial Court, an appeal being Criminal Appeal No. 13 of 2014 was preferred by the petitioners and the same was heard and decided by the learned Addl. Sessions Judge-IV, Palamau at Daltonganj, whereby the judgment of conviction and sentence passed against the petitioners has been upheld and dismissed the appeal, which has been assailed in this revision.

Submission on behalf of the Petitioners:-

12. Learned counsel for the petitioners has submitted that PW-1 Alok Kumar is the informant and PW-3 Baidhnath Singh is the Circle

Inspector. PW-1 has lodged this F.I.R. on the basis of report submitted by PW-3 Baidhnath Singh, Circle Inspector, Halka Karamchari and the Anchal Amin (PW-2 Krishna Manjhi), that they have been misbehaved while measuring the land under anti-encroachment drive. Admittedly, PW-1 & PW-3 were not present at the relevant time of occurrence and it is categorically stated in the F.I.R. that the present petitioners and 20 unknown male/female persons have abused and threatened Circle Inspector (PW-3), revenue Karamchari Pragas Ram, Vikash Kumar and Anchal Amin Krishna Manjhi (PW-2). It is further submitted that the informant has categorically admitted in his cross-examination that he lodged the F.I.R. on the basis of report submitted by C.I. Baidhnath Ram (PW-3) but what report was submitted to him, which was the basis of F.I.R. has not been proved in this case. He was not present at the place of occurrence and is not an eye witness of the occurrence. It is submitted that there is no any overt act about the petitioners as to what happened with them rather in his cross-examination, he specifically admitted that the accused persons stated that they will not stop their construction work over the land in question. He has stated that when he reached at the place of occurrence, he saw that several labors were raising construction at the instance of present petitioners which could not be prevented by them. There is no whisper about use of any force or violence against the public servants. It is further submitted that the illegal activity of the informant is itself revealed from the notice (Ext-4 & 4/1), wherein, it is mentioned that it is a show cause notice dated 11.12.2010 and the petitioners were directed to appear in the office of the Circle Officer to

show their cause on 06.01.2011 at 11:00 A.M. but before expiry of the aforesaid time given to the petitioner, illegal activity in the name of anti-encroachment drive was started. Therefore, simple protest, to save their bona fide possession by the petitioners, cannot amount of any offence unless their show cause is furnished and rejected by the concerned authority. The learned Trial Court as well as the learned Appellate Court have not gone through the exhibited documents adduced by the prosecution itself and the testimony of prosecution witnesses in right perspective and arrived at perverse and absolutely illegal findings. Therefore, judgment of conviction and sentence of the petitioners passed by the learned Trial Court and upheld by the learned Appellate Court is liable to be set aside and this revision may be allowed.

Submission on behalf of the State:-

13. On the other hand, learned A.P.P. has opposed the aforesaid contention raised on behalf of the petitioners and has submitted that the learned Trial Court as well as the learned Appellate Court have very wisely and aptly analyzed, appreciated and scrutinized the evidence of prosecution and rightly arrived at definite conclusion about the guilt of the petitioners. It is further submitted that the petitioners were raising construction on government land/Kaiser-e-hind land and a notice was already issued to the petitioner with regard to encroachment of the said land. The government officials had gone at the place of occurrence to measure the land but the petitioners including 20 female/male persons obstructed in rendering the government service. Therefore, no such glaring irregularity or error of

law has been committed by the learned Trial Court as well as the learned Appellate Court while convicting the petitioners calling for any interference in this revision. Therefore, this revision has got no merits and fit to be dismissed.

Analysis, discussion and reasons:-

14. I have gone through the judgment passed by the learned Trial Court as well as the learned Appellate Court in the light of contentions raised on behalf of both the parties.

15. It appears that prosecution has examined three witnesses on his behalf.

PW-1 Alok Kumar is the informant, who has lodged this F.I.R. on the basis of report submitted by PW-3 Baidhnath Singh, Circle Inspector, Halka Karamchari and the Anchal Amin (PW-2 Krishna Manjhi), that they have been misbehaved while measuring the land under anti-encroachment drive. He has further stated that he has already given them notice with regard to encroachment of land. He has proved the contents of the F.I.R. as Ext.-1. It is categorically stated in the F.I.R. that the present petitioners including 20 unknown male/female persons have abused and threatened Circle Inspector (PW-3), revenue Karamchari Pragas Ram, Vikash Kumar and Anchal Amin Krishna Manjhi (PW-2).

It is further stated that the informant has categorically admitted in his cross-examination that he lodged the F.I.R. on the basis of report submitted by C.I. Baidhnath Ram (PW-3) but what report was submitted to him, which was the basis of F.I.R. has not been proved in

this case. He was not present at the place of occurrence and not is an eye witness of the occurrence.

PW-2 Krishna Manjhi is the Anchal Amin, who has stated that on direction of Circle Officer (PW-1 Alok Kumar) (informant) under anti-encroachment drive, he went to village-Sagalim to measure the land appertaining to Khata No. 83, Plot No. 72/1841, which is Kaiser-E-Hind land, encroached by petitioners Banarsi Sao and Arjun Sao. He alongwith Circle Inspector Baidhnath Singh and Halka Karamchari Pragas Ram and Vikash Kumar went to the place of occurrence on 16.12.2010 at about 1:00 P.M., then Banarsi Sao, Arjun Sao, Shrikant and others about 20 unknown persons started protesting and started obstructing. He has further stated that the accused persons stated them that they will not stop their construction work over the land in question. He has proved his signature on a report submitted before the Circle Officer marked as Ext.-2.

In his cross-examination, he admits that 8-10 police personals were also with them but they did not dare to take action against protestors.

PW-3 Baidhnath Singh is the Circle Inspector of Panki Circle. He has stated that an encroachment case was lodged against Arjun Sao and Banarasi Sao by Halka Karamchari and notice was also issued to them to remove the encroachment but the accused have not removed the encroachment. On 16.10.2010, a written direction was ordered to him by Circle Officer with regard to removal of encroachment land. He has identified the signature of Circle Officer on letter No-75 dated 13.03.2012 which is marked as Ext.-3. He has further proved the

notice issued to the accused as Ext.-4 & 4/1. He has also proved order of encroachment case no. 01/10-11 dated 10.12.2010 to 08.04.2011 as Ext.-5.

He has not stated anything about overt act against the petitioners. He has stated that when he reached at the place of occurrence, he saw that several labors were raising construction at the instance of present petitioners which could not be prevented by them. There is no whisper about use of any force or violence against the public servants.

16. On the other hand, defence has neither examined any witness nor adduced any documentary evidence.

17. From perusal of Ext-4 & Ext.-4/1, it goes to show that notices were issued to the accused Banarasi Sao and Arjun Sao on 11.12.2010, which is a show cause and ordered them to appear before the Circle Officer on 06.01.2011 at 11:00 A.M. to explain as why encroachment be not removed from the land appertaining to Khata No. 83 Plot No. 72/1841 of village Sagalim but the alleged occurrence took place on 16.12.2010 at 1:00 P.M., wherein, it was alleged against the accused persons that they have misbehaved with the government officials and snatched the chain of Anchal Amin.

18. It further appears from the testimony of the witnesses that there is no any overt act against the above named accused that they have assaulted or misbehaved them rather they protested for their possession. There is no whisper about use of any force or violence against the public servants. The public servants involved in this case have illegally approached before time of submission of show cause

reply and obstructed the possession of petitioners and this case was instituted with a view to put undue pressure on alleged accused persons.

19. In view of the above discussion and reasons, I find that the learned Trial Court as well as the learned Appellate Court have committed a grave error of law while scrutinizing the documentary evidence available on record. The prosecution witnesses have also not reiterated any word with regard to use of force or violence rather the accused persons have protested only. As such, the impugned judgment of conviction and sentence of the petitioners passed by the learned Trial Court and upheld by the learned Appellate Court is hereby set aside.

20. Accordingly, this Criminal Revision is **allowed.**

21. Pending I.A.(s), if any, also stands disposed of.

22. Petitioners are on bail. As such, they are discharged from the liability of their respective bail bonds and sureties are also discharged.

23. Let a copy of this order along with trial court record be sent back to the concerned court immediately for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi
Dated: 30/10/2026
Rahul/NAFR
Uploaded on: 30/10/2026