IN THE HIGH COURT OF JHARKHAND AT RANCHI

**Criminal Appeal (D.B.) No.420 of 2019**

---

(***Arising out of judgment of conviction and order of sentence dated 29.06.2018 passed by learned Additional Sessions Judge-III, West Singhbhum at Chaibasa, in S. T. No.60 of 2014***)

---

Budhu Purty @ Budhram Purty, S/o Late Muniram Purty, R/o Village-Temra, PO-Manoharpur, P.S-Manoharpur (Chiria), District West Singhbhum

**… … … Appellant(s)**

***Versus***

The State of Jharkhand. **… … … Respondent(s)**

---

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

---

For the Appellant(s) : Mr. Shiv Prasad Singh, Advocate
For the State : Mr. Rajesh Kumar, AddI. PP

---

**J U D G M E N T**

***By Court, :***
***26th October, 2026***

This Criminal Appeal is preferred on behalf of the appellant being aggrieved by the impugned judgment of conviction and order of sentence dated 29.06.2018, passed by learned Additional Sessions Judge-III, West Singhbhum at Chaibasa, in S.T. No.60 of 2014, whereby and wherein the appellant has been convicted for offences under Section 302 of I.P.C. He was sentenced to undergo imprisonment for life and fine of Rs.10,000/- for the offence under Section 302 of I.P.C. and in default of payment of fine, he will undergo simple imprisonment of one year.

**2.** We have heard, learned counsel representing the appellant and

learned AddI. P.P. representing the State and perused the material available on record.

**3.** Learned counsel representing the appellant, submits that there is no eye-witness to the said occurrence and there are no materials to convict this appellant in this case. He submits that the appellant was not in the house at the relevant point of time and has gone to the jungle, which is apparent from his statement recorded under Section 313 of the Cr.P.C. He also submits that none of the person have seen the appellant assaulting the deceased and there are three children of this appellant, but none of them have been produced as prosecution witnesses. He submits that no confessional statement was recorded by the police nor there was any recovery of the murder weapon. He submits that the deceased after consuming liquor had fell down which resulted in the injury and the death, for which, the appellant cannot be held guilty for committing offence under Section 302 of IPC. He submits that the date of occurrence on 17.12.2013 at 2:00 PM and the post-mortem was conducted on 19.12.2013 at 10:30 AM and thus timing of the death mentioned by the doctor within 30 hours is not matching, which creates a doubt in the prosecution case.

**4.** Learned AddI. P.P. representing the State, oppose and submits the deceased was the wife of this appellant. The dead body was found in the house of the appellant. The I.O. who is PW-7 found evidence of violence in the house. The Doctor who conducted the post-mortem also found several fatal injuries, which cannot be the result of fall after drinking excess liquor. He submits that the appellant has not proved his defence that he was at the jungle during the relevant time. He also submits that the appellant would have easily produce his children as a defence witness in support of his statement, but he fails to do so. He lastly submits that the prosecution has proved the guilt of this

appellant beyond all reasonable doubt.

**5.** The prosecution case as per the FIR, which is at the instance of PW-1 is that they received information over phone that his sister has been killed by the appellant. On receiving the said information, the informant and other went to the house of this appellant and saw the dead body lying on a cot and this appellant was sitting beside the same. They got information that it is this appellant who had mercilessly assaulted the deceased and committed her murder after consuming liquor.

**6.** After registering FIR, investigation was carried out and the charge-sheet was submitted under Section 302 of IPC against the appellant and case was committed to the Court of Sessions where charge was framed.

**7.** The prosecution has altogether examined eight (8) witnesses, who are as follows:-

P.W.-1 Lakhand Singh Champia @ Lakhan Champia

P.W.-2- Dr. Mahavir Prasad Gopalika, M.O.

P.W.-3- Muni Champia

P.W.-4- Samu Champia

P.W.-5- Ladura Champia

P.W.-6- Amar Singh Purty

P.W.-7- Pravu Sahay Ekka, I.O.

P.W.-8 Gaji Surin

**8.** Some documents were also exhibited in this case, which are as follows:-

Exhibit-1- Signature of PW-2 on the fardbeyan.

Exhibit-1/1- Fardbeyan

Exhibit-1/2- Forwarding in written report of fardbeyan

Exhibit-1/3 Endorsement of Fardbeyan

Exhibit-2 Inquest report.

Exhibit-2/1 Signature of P.W.-8 on inquest report.

Exhibit-3 Postmortem report.

Exhibit-4 Formal F.I.R.

**9.** After closure of the prosecution evidence, the appellant was examined under Section 313 of Cr.P.C., wherein he shown ignorance about the cause of death and stated that as he had gone to the jungle at that particular time, as such, he is unaware as to how the death had occurred. In support of his defence, he did not produce any witnesses. The Court thereafter convicted the appellant by the impugned judgment.

**10.** After hearing the parties, we find that admittedly there are no eye-witness to the said occurrence.

**11.** Exhibit-3 is the postmortem report, which has been proved by P.W.-2 (Doctor). As per the postmortem report, the Doctor found following injuries:-

> *Rigor Mortis present in all upper and lower limbs. Eye closed and hands half closed.*
> *External injuries:-*
> *1. Lacerated wound at right forehead above right eye of 2" x 1" X deep bone. Blood clot at right ear.*
> *2.Lacerated wound on right upper limb near elbow 4" X ½" X deep bone.*
> *3. Bruise 5" X 1 ½" at right and left chest.*
> *4.Abrasion 3" x 2" left arm.*
> *On Dissection: Fracture of skull bone at right forehead. Hemorrhagic spot at brain and blood clot present. Fracture at right and left ribs 6$^{th}$ to 7$^{th}$. Causing laceration of lung and blood in chest cavity.*
> *Heart: right empty, left blood.*
> *Liver pale. Spleen & Kidney: Pale.*
> *Uterus: Normal,*
> *Stomach: contain semi digested food ie. Smell of Haria.*
> *Bladder: empty.*

The doctor opined that cause of death is Haemorrhage and shock due to head injury and chest injury caused by hard and blunt object.

Time since death - within 30 hours.

**12.** In Paragraph No.3 of the cross-examination, the Doctor has admitted that the skull bone fracture is possible by fall on hard surface, but he specifically states that but all the injuries are not possible by one fall. The evidence of the doctor clearly proves that the death is homicidal in nature.

**13.** The place of occurrence is admittedly the house of the deceased. The body was found in the house of the deceased which has been supported by PW-1, PW-3, PW-5 and P.W.-7 (I.O.) also. They all stated that when they reached the place of occurrence and they saw the dead body in the house of the appellant which was covered. They also stated that they have seen mark of violence on the body of the deceased.

**14.** PW-8 is the inquest witness who also had seen the dead body of the deceased in the house of the appellant.

**15.** PW-7, the Investigating Officer in paragraph 4 has stated that he had inspected the place of occurrence which is house of the appellant and specifically stated that it is in the courtyard of the appellant's house. He had found mark of dragging and mark of struggle in the courtyard. This clearly establishes that the occurrence had taken place in the house of this appellant and within the four corners of the wall. Finding mark of dragging and struggle suggest that there was assault before death.

**16.** Thus, the fact which has been proved by the prosecution is that the death of the deceased is homicidal and this appellant is the husband and the occurrence had taken place within the house of this appellant.

**17.** The appellant has tried to make out a defence that at the relevant time, he had gone to the forest. This is evident from his statement under Section 313 of the CrPC. Admittedly, statement made under

Section 313 of CrPC is not a substantive piece of evidence. The appellant has tried to create a defence in his favour, but the said statement cannot be a proof of fact. Once, he has taken a defence that he was in the forest, the burden lies upon him to prove that he had gone to the forest. None of the witnesses have supported the aforesaid statement of the appellant. The appellant also has not produced any person in support of his contention that he had gone to the forest at the relevant time, when the occurrence had taken place.

**18.** When an occurrence takes place within the four walls of the house, it is the duty of the resident of the house to explain as to how the occurrence had taken place. In this case, it is murder of the wife of the appellant. In the FIR, it has been stated that the appellant was present when the informant had gone to the place of occurrence and had seen the dead body. Presence of the appellant has been proved. In terms of Section 106 of the Indian Evidence Act, it is the duty of the appellant to explain, but in this case, he has failed to explain the circumstances which led to the death of the deceased.

**19.** The Hon'ble Supreme Court in the case of ***State of Madhya Pradesh vs. Balveer Singh***, reported in **(*2025) 8 SCC 545*** has held that in a scenario where the occurrence had taken place within the four walls of a house and the prosecution has established foundational facts, it is the duty of the person residing there to offer a cogent explanation regarding how the occurrence took place.

**20.** In this case, we find that the appellant has miserably failed to explain the cause. It is true that the primary duty is upon the prosecution to prove the facts and in this case, the prosecution has successfully proved the fact of homicidal death of the deceased, the cause of the death which is assault and the place of occurrence i.e. inside the house of the appellant and also presence of the appellant in

the house.

**21.** The doctor's evidence clearly negates the defence of the appellant that the deceased died after consuming liquor and falling.

**22.** Thus, the foundational facts have been proved by the prosecution leading to reasonable inference that this is this appellant, who has committed murder of the deceased by mercilessly assaulting her.

**23.** Considering what has been held above, we find that the prosecution has been able to prove the guilt of the appellant beyond all reasonable doubt. The judgment of the Trial Court needs no interference; thus, this appeal stands **dismissed**.

**24.** Pending I.A.(s) if any, stands dismissed.

**25.** Trial Court Record be transmitted back to the Court concerned.

**(ANANDA SEN, J.)**

**(PRADEEP KUMAR SRIVASTAVA, J.)**

*HIGH COURT OF JHARKHAND, RANCHI*
*Dated:- 26th October, 2026*
*R.S. /S.K.D.*
*Uploaded on 28/10/2026.*