IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 1382 of 2008

[Against the judgment of conviction dated 20.11.2008 and sentence dated 21.11.2008 passed in Sessions Trial No. 65 of 2005 by the learned Addl. Dist. & Sessions Judge-II, Chaibasa.]

Sadhu Charan Soy, S/o. Late Gorsingh Soy, Village- Gindung, P.O. & P.S.- Manoharpur, Dist.- Singhbhum (West).

... ... **Appellant**

Versus

The State of Jharkhand …… **Respondent**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Rajendra Pd. Gupta, Advocate
For the State : Mr. Bishambhar Shastri, A.P.P.

J U D G M E N T

Dated: 23rd April, 2026

1. Heard Mr. Rajendra Pd. Gupta, learned counsel for the appellant and Mr. Bishambhar Shastri, learned A.P.P.

2. This criminal appeal is directed against the judgment of conviction dated 20.11.2008 and sentence dated 21.11.2008 passed in Sessions Trial No. 65 of 2005 by the learned Addl. Dist. & Sessions Judge-II, Chaibasa, whereby and whereunder, the appellant has been convicted under Sections 307 & 324 of the I.P.C. and sentenced to undergo R.I. for eight years alongwith the fine of Rs. 5,000/- for the offence under Sections 307 of the I.P.C and R.I. for two years alongwith the fine of Rs. 1,000/- for the offence under Section 324 of the I.P.C. All the sentences were directed to run concurrently.

Factual Matrix:-

3. The factual matrix giving rise to this appeal is that on 20/21.12.2004 at about 4:00 AM, while the informant-cum-injured was sleeping, the appellant suddenly came and removed the blanket of the informant covering his mouth. The informant saw that appellant Sadhu Charan Soy with an intention to kill him, struck a dauli on his face due to which started bleeding. The

informant-cum-injured caught hold the appellant with the help of his wife Sombari Soy and snatched the dauli from the hand of the appellant. It is further alleged that informant's wife also sustained injury on the thumb of right hand. On alarm, the appellant fled away from the place of occurrence. The informant and his wife were brought for treatment by the villagers. The motive behind this occurrence was quarrel between the informant and accused which had taken place on 18.12.2024 in Sukri Mines.

4. On the basis of written report of the informant, Manoharpur P.S. Case No. 48 of 2004 was registered on 21.12.2004 for the offence under Sections 448, 324 & 307 of I.P.C.

5. After completion of investigation, the charge-sheet was submitted against the above named accused and after taking cognizance, the case was committed to the court of Sessions, where Sessions Trial No. 65 of 2005 was registered. The accused person denied the charges levelled against him and claimed to be tried.

6. It appears that altogether nine witnesses have been examined by the prosecution: -

P.W.-1	Budhram Soy
P.W.-2	Mayanti Soy
P.W.-3	Sombari Soy
P.W.-4	Sona Ram Soy
P.W.-5	Turam Mundari
P.W.-6	Madhusudan Nag
P.W.-7	Durga Mundari
P.W.-8	Sohan Soy (Informant-cum-injured)
P.W.-9	Dr. Laxman Hansda

Apart from the oral evidences, following documentary evidences have also been adduced on behalf of the prosecution, i.e.:-

(i) Exhibit-1: Signature of Budhram Soy on production-cum-seizure list.

(ii) Exhibit-1/1: Signature of Turam Mundari on production-

cum-seizure list

(iii) Exhibit-2: Injury report of Sohan Soy

(iv) Exhibit-3: Injury report of Sombari Soy

On the other hand, no oral or documentary evidence has been adduced on behalf of defence.

Submissions on behalf of the appellant:-

7. Learned counsel for the appellant without touching the merits of the judgment has confined himself towards the quantum of sentence awarded to the appellant. It is submitted that the appellant has been convicted for the offence under Sections 307 & 324 of the I.P.C. and maximum imprisonment of eight years has been awarded to the appellant for the offence under Section 307 of the I.P.C. It is also submitted that motive for occurrence as stated in the F.I.R. prior to 2-3 days of the occurrence, i.e., 18.12.2004 a quarrel had taken place between the informant and the accused and on retaliation this incident took place. The appellant has sustained the agony of trial since more than two decades and has also undergone substantial period of imprisonment, i.e., four years out eight years during the pendency of the trial and post-conviction. Therefore, the sentence of the appellant may be reduced to the extent of the imprisonment already undergone by him instead of the sentence of eight years awarded by the learned Trial Court.

Submissions on behalf of the State:-

8. On the other hand, learned A.P.P. has defended the impugned judgment on merits but so far the sentence awarded to the appellant is concerned, it is submitted that the matter is of the year 2004 and more than two decades have passed. Therefore, appropriate order may be passed dismissing this appeal on merits.

Analysis, discussions and reasons: -

9. From perusal of the impugned judgment of conviction and sentence, it appears that the informant and his wife were injured by dauli blow given by the appellant. There were injuries on face, mouth and nose of the informant and his wife had also sustained

injury on right hand's finger. These injuries have also been corroborated by the evidence of PW-9 Dr. Laxman Hansda. The injury sustained by the informant was found to be grievous in nature. Therefore, on merits there is no material to intervene in the impugned judgment. So far quantum of sentence is concerned, the appellant has already remained in custody for four years out of maximum sentence of eight years. The occurrence is of the year 2004 and more than two decades have elapsed and the appellant has also sustained the agony of trial remaining considerable period of custody.

10. In view of above discussion and reasons, I find that the appellant has been sufficiently punished for his guilt. Accordingly, in ends of justice, altering/modifying the sentence of the appellant, he is awarded the sentence of imprisonment already undergone as against the sentence awarded by the learned Trial Court.

11. Accordingly, this appeal is **dismissed on merits with modification in sentence** to the extent as mentioned above.

12. The appellant is on bail. As such, he is discharged from the liability of bail bond and sureties are also discharged.

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

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

(Pradeep Kumar Srivastava, J.)

23.04.2026
Rahul
Uploaded on 05/05/2026