IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 718 of 2026
With
Cr. Appeal (S.J.) No. 432 of 2026

[*Against the judgment of conviction and order of sentence, dated 15.04.2026 passed in Sessions Trial No. 112 of 2019 arising out of Pakur Muffasil P.S. Case No. 98 of 2018, corresponding to G.R. Case No. 495 of 2018, by the learned Sessions Judge, Pakur]*

(In Cr. Appeal (S.J.) No. 718 of 2026)

Sanjay Mandal, aged about 46 years, son of Sudhir Mandal, resident of Village- Gopinathpur, P.O.- Gandhaipur, P.S. Pakur(M), District- Pakur

--- --- **Appellant**

Versus

1.The State of Jharkhand
2.Sushila Mandal W/o Sudharshan Mandal, resident of Vill- Gopinathpur, P.O- Pakur, P.S.-Pakur(M), District- Pakur

--- --- **Respondents**

(In Cr. Appeal (S.J.) No. 432 of 2026)

1.Lab Mandal @ Lab Kumar Mandal @ Lav Mandal, aged about 24 years, son of Sanjay Mandal;
2.Sudhir Mandal, aged about 70 years, son of Late Piyari Mandal;
Both residents of Village- Gopinathpur, P.O.- Gandhaipur, P.S.- Pakur (M), District- Pakur;

--- --- **Appellants**

Versus

1.The State of Jharkhand
2.Sushila Mandal W/o Sudharshan Mandal, resident of Vill- Gopinathpur, P.O& P.S.-Pakur(M), District- Pakur, Jharkhand

--- --- **Respondents**

…....

For the Appellants : Mr. A.K. Sahani, Advocate
For the State : Mr. Shiv Shankar Kumar, A.P.P
For the Resp. No.2 : Mr. Sumit Gautam, Advocate
Mr. P.K. Mehta, Advocate

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

J U D G M E N T

By Court

1. Heard learned counsel for the appellants, learned A.P.P. representing the State and learned counsel for the Respondent no.2.

2. Both the appeals have been preferred by the co-convicts against the judgment of conviction and order of sentence, dated 15.04.2026 passed in Sessions Trial No. 112 of 2019 arising out of Pakur Muffasil P.S. Case No. 98 of 2018, corresponding to G.R. Case No. 495 of 2018, by the learned Sessions Judge, Pakur, whereby all the co-convicts/appellants have been convicted for the offence punishable under Sections 147,148,323/149,324/149,325/149 and 341/149 of the IPC and further convict Sanjay Mandal has also been found guilty under Section 326 of the IPC and all the convicts have been sentenced to undergo R.I. for 1 year with a fine of Rs. 1000/- each and a default sentence of R.I. for 1 month for the offence under Section 147 IPC; R.I. for 2 years with a fine of Rs. 5000 each and a default sentence of R.I. for 3 months for the offence under Section 148 of the IPC; R.I. for 1 year for the offence under Section 323/149 of the IPC; R.I. for 2 years with a fine of Rs. 5000/- each and a default sentence of R.I. for 6 months for the offence under Section 324/149 of the IPC; R.I. for 3 years with a fine of Rs. 10,000/- each and a default sentence of R.I. for 6 months for the offence under Section 325/149 of the IPC; S.I. for 1 month under Section 341/149 of the IPC. Further convict Sanjay Mandal has been sentenced to undergo R.I. for 7 years with a fine of Rs. 10,000/- with a default sentence of R.I. for 6 months for the offence under Section 326 of the IPC.

3. The criminal law has been put into motion on lodging of the written report by the informant namely Sushila Mandal before the Officer-In-charge of Pakur(Muffasil) P.S. on 27.06.2018 being Pakur (Muffasil) P.S. Case No.98 of 2018.

The brief story as per the informant is that on 27.06.2018 at about 03:00 P.M. when she was sitting with her family members at home, then suddenly, the accused persons namely Sanjay Mandal, Sudhir Mandal, Lab Mandal, Rina Mandal, Biplabh Mandal armed lathi, danda, rod attacked them with intent to kill. Biplabh Mandal gave blow with rod on the head of Ashish Mandal due to which he sustained injuries.It is also alleged that Sanjay Mandal stabbed Sitanath Mandal's on his waist causing serious injury. It is further alleged that when Jairam Mandal, Promila Mandal and Karjon Mandal came for rescue, the accused persons also assaulted them with lathi, danda and pelted bricks and stones on them.

4. On the basis of above written report, Pakur (Muffasil)P.S. Case No-98/2018, was registered against the accused persons under Sections 143, 149, 341, 324, 325, 326. 307 of the Indian Penal Code and thereafter charge sheet was submitted. Accordingly, after finding sufficient material to proceed with the case, cognizance of the offence was taken and this case was committed to the court of session.

5. After completion of appearance of the accused persons, charges under Sections 147, 148, 341/149, 323/149, 324/149, 325/149, 326/149, 307/149 and 504/149 Indian Penal Code were framed on 13.09.2019 to which they did not plead guilty and claimed to be tried.

6. The statements of accused persons were recorded under Section 313 of the Criminal Procedure Code on 23.11.2024, wherein the incriminating evidence available on record was put forth to them and in turn it was denied, pleading false implication and reiterating the

innocence.

7. To substantiate the prosecution story altogether ten witnesses have been examined. Their brief statements are as follows:

I. **P.W. 1 (Mori Mandal)-** has claimed herself to be the eyewitness to the occurrence and she has reiterated the story as narrated in the F.I.R by the informant.

II. **P.W. 2 (Maya Mandal)** is a local person who has not supported the prosecution case and has been declared hostile.

III. **P.W. 3 (Sudhir Mandal)** is also a local person who has not supported the prosecution case and has been declared hostile.

IV. **P.W. 4 (Renuwala Mandal)** has claimed herself to be the eyewitness to the occurrence and she has reiterated the story as narrated in the F.I.R by the informant. In para 6 of her cross examination she has admitted that the accused persons have lodged a counter case against them.

V. **P.W. 5 (Sitanath Mandal)** is an injured witness and he has supported the prosecution case in tune with the informant and has stated that accused persons armed with lathi etc. came to the place of occurrence and assaulted them causing bodily injuries. Sanjay Mandal assaulted him with rod on his head and also assaulted with a knife on his waist due to which he became unconscious and fell down on the ground. He was taken to Sonajori Hospital for treatment whereafter he was sent to Bhagalpur for further treatment. In his cross examination he has admitted that the referral document of Sonajori Hospital was taken by the hospital at Bhagalpur and therefore, he could not submit those documents in the police station. He has denied the suggestion that he has made forged injury report and therefore, he did not submit the same before the police. He has also

denied the suggestion that he has deposed in the case to escape himself from the counter case.

VI. **P.W. 6 (Sushila Mandal)-** being informant cum victim of the case has deposed that the occurrence took place about 4½ years ago at about 03:00 P.M. It is further deposed at that time when she was talking with her son namely Ashish Mandal and taking tea, then the accused persons came from Benigram and accused Biplab Mandal struck on the head of her son Ashish Mandal, causing bleeding injuries. There is specific testimony of this witness that accused Sanjay Mandal stabbed Sitanath Mandal's causing injuries to him. Thereafter, Lav Mandal assaulted her and one Parmila Mandal with lathi and stones. It is further deposed that the accused Sudhir Mandal assaulted Sudarshan Mandal with lathi causing injury on his leg. Rina Mandal and Sudhir Mandal assaulted with lathi and stone. It is further stated that Sitanath Mandal and Ashish Mandal were treated at Sadar Hospital and for better treatment they were sent to Bhagalpur. During cross-examination, she has deposed that the injured persons were referred from the local hospital to Bhagalpur where the injured stayed for one month. She has also admitted that the medical documents relating to the treatment at Bhagalpur has not been submitted at the police station. She has also admitted that the accused persons have also lodged a counter case with respect to this incident. The accused persons are her gotias. She has denied the suggestion that in collusion with the doctor she has made a forged injury report and lodged a false case.

VII. **P.W. 7 (Ashish Mandal)** is an injured witness and son of the informant and he has supported the prosecution case in tune

with the informant and stated that the accused persons armed with lathi etc. came to the place of occurrence and assaulted them causing bodily injuries due to which he became unconscious and fell down on the ground. He was sent to Bhagalpur after primary treatment at Sonajori Hospital for better treatment. He has admitted the factum of enmity between the parties.

VIII. **P.W.8(Pramila Mandal)-** is the wife of P.W.7 and she has also reiterated the incident of assault upon the informant party including her husband P.W.7 Ashish Mandal. She has deposed that her husband was taken to Bhagalpur for better treatment.

IX. **P.W.9 (Dr. Sanjay Kr. Jha)-** has examined the injured at Sadar Hospital, Pakur and found the following injuries:

Injured/Victim	Description of injuries	Nature	Reference
Sitanath Mandal	Stab wound on left iliac fossa region about 1"x 1/2" muscle deep.	Grevious	Ext.-1
	Lacerated wound on right parietal region of head about 2"x1/2".	Simple	Ext.-1
	Complain of pain over whole body.	Simple	Ext.-1
Pramila Mandal	Laceraed wound on occipital region of head about ½" x ½" skin deep	Simple	Ext.-2
Asit Mandal @ Aashish Mandal	Lacerated wound at mid head length 3"x1/2" muscle deep	Simple	Ext.-3
	Defuse swelling of left forearm and painful. Fracture of shaft of ulna	Grievous	Ext.3
	Complain of pain over whole body	Simple	Ext.3

X. **P.W.10(Upendra Pd. Yadav**)- being Investigating Officer of the case has supported the material proposition of prosecution's case. He has deposed that during investigtion, he issued

requisitions for medical examination report, and visited the place of occurrence situated at village Gopinathpur Nichetola and recorded the re-statement of informant and other witnesses. This witness has proved endorsement over Written Report, and formal FIR. In his cross examination he has stated that the injury report was not given to him on the same day rather on 28.06.2018 he got the injury report of the injured persons. He did not receive the X-ray Report along with injury report. He has further deposed that Pramila Mandal told her that the accused Sanjay Mandal assaulted her husband with a lathi due to which his left hand got fractured.

8. The prosecution has also adduced documentary evidence as under:

I. Ext.1- Injury report of Sitanath Mandal
II. Ext. 2- Injury report of Pramila Mandal
III. Ext.3- Injury report of ashish Mandal
IV. Ext. 4 – Formal FIR
V. Ext.5- Endorsement over Written Application

9. The defence has also proven certain documents as under:

I. Ext.-D1- certified copy of F.I.R. of G.R. No. 496/18
II. Ext.-D2- Certified copy of charge sheet of G.R. No. 496 of 2018

10. After culmination of the trial, the learned Trial Court has convicted and sentenced the accused as aforesaid.

11. Learned counsel for the appellants has assailed the judgment of conviction on the following grounds:

I. No witness has stated regarding the stab wound but the stab wound has been shown in the injury report.
II. The witnesses have stated about fracture of left hand but no

such fracture has been found. Thus, there is discrepancy in the ocular evidence and the injury report.

III. So far as injury report is concerned, as per the Investigating Officer, neither the injury report has been prepared on the same day nor the X-ray plate has been prepared.

IV. As per the witnesses, Sadar Hospital had only referred the matter and the treatment was done at Bhagalpur, but no such document has been produced in the Court.

V. The injury report prepared by the alleged doctor has not been examined rather from the ocular evidence and the medical report, it appears that the injury report is manipulated one, especially in view of the fact that there is a case and counter case.

Based on above grounds, it has been submitted by the learned counsel for the appellants that the material evidence available on record suggest that no offence is made out under Section 326 of the IPC against the appellant Sanjay Mandal [in Cr. Appeal (SJ) No. 718 of 2026] and at best it can be a case under Section 323 of the IPC. On that basis, it has been prayed that conviction of the appellant Sanjay Mandal under section 326 of the IPC may be converted into Section 323 of the IPC. and since, he has already remained in custody for more than 8 months, the sentencing part may be reduced to the period already undergone by him.

For the mitigating circumstances, it has been submitted that it is a family dispute between the parties and both parties have sustained injuries. There is no criminality in the incident rather it is a family dispute. Neither any deadly weapon has been used in the assault nor any grievous injury much less life threatening has been caused.

12. On the other hand, learned counsel for the State as well as

learned counsel for the informant- victim have supported the judgment of conviction passed by the learned Trial Court and submitted that there are enough materials on record to convict the appellants of the charges levelled against them. It has been submitted that the medical evidence suggests that there was a stab injury and some of the injuries are grievous in nature. The incident has been proved and the injuries have also been proved, as such, there is no infirmity in the impugned judgment of conviction and order of sentence.

13. Having heard learned counsel for the parties and on perusal of the record, this Court finds that:

I. The injury report itself is doubtful as per the Investigating Officer.

II. As per the Investigating Officer, injury report has been prepared subsequently and statement of the witnesses regarding injuries does not get corroboration from the medical report.

III. The medical report itself is doubtful because the treatment has been done in Bhagalpur but no document regarding the same has been brought on record.

IV. There is a conflict between the parties and both parties have suffered injuries and there is exaggeration regarding nature of injury.

14. In view of the above discussion, this Court finds that conviction of the appellant Sanjay Mandal [in Cr. Appeal (SJ) No. 718 of 2026] under Section 326 of the IPC is bad in law rather the materials available proves the offence under Section 323 of the IPC.

15. Accordingly, conviction of the appellant Sanjay Mandal [in Cr. Appeal (SJ) No. 718 of 2026] under Section 326 of the IPC is converted into Section 323 of the IPC. So far as sentencing part is

concerned, since there is no aggravating circumstances brought on record rather both the parties are in litigating terms and there is a case and counter case and in that view of the matter, the sentence awarded to the appellant Sanjay Mandal is reduced the period already undergone by him.

16. So far as other appellants [in Cr. Appeal (SJ) No.432 of 2026] are concerned, sentence awarded to them is also reduced to the period already undergone by them.

17. Accordingly, appellant- Sanjay Mandal is directed to be released forthwith, if not wanted in any other case. So far as other appellants are concerned in connected Cr. Appeal (SJ) No. 432 of 2026, since their provisional bail has already been confirmed, they are discharged from the liability of the bail bond.

18. In the result, both appeals are disposed of with the modification in the judgment of conviction and order of sentence dated 15.04.2026 passed in Sessions Trial No. 112 of 2019 arising out of Pakur Muffasil P.S. Case No. 98 of 2018, corresponding to G.R. Case No. 495 of 2018, by the learned Sessions Judge, Pakur. Consequently, I.A. No. 14637 of 2026 (in Cr. Appeal (SJ) No. 718 of 2026) seeking suspension of sentence also stands disposed of.

19. Let the trial court record be sent to the concerned court, forthwith.

(Rajesh Kumar, J.)

A. Mohanty
Jharkhand High Court
Dated 27th October 2026

Uploaded

___/____/2026