IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 616 of 2018

Sergeya Pingua, aged about 62 years, S/o Late Kusnu Pingua, R/o Ambaimircha, P.O. & P.S.-Majhgaon, District-West Singhbhum
... ... **Appellant**

Versus

The State of Jharkhand …… **Respondent**

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

For the Appellant : Ms. Nisha Thakur, Advocate
For the State : Mr. Bhola Nath Ojha, Spl.P.P.

JUDGMENT

05th November, 2026

By Court: - Heard learned counsel appearing on behalf of the appellant and learned Spl.P.P. appearing on behalf of State.

2. In this appeal the appellant has been convicted for committing offence punishable under Sections 363 and 376 of the I.P.C. and Section 4 of the POCSO Act vide judgment of conviction dated 20.09.2017, passed by learned Additional Sessions Judge-I, West Singhbhum at Chaibasa in G.R. (POCSO) Case No. 33 of 2015 (arising out of Majhgaon, P.S. Case No. 41 of 2015) and has been sentenced to undergo R.I. for 15 years along with fine of Rs.10,000/- for the offence under Section 376 of the I.P.C.; further, sentenced to undergo imprisonment for 5 years along with fine of Rs.5,000/- for the offence under Section 363 of the I.P.C. vide order of sentence dated 22.09.2017.

3. Learned counsel for the appellant at the very outset confines this entire appeal to the point of sentence and is not challenging the

conviction. At the very outset, she submits that the age of the appellant is now more than 72 years and he has remained in custody for more than 10 years. She submits that on the date of occurrence, as the law said, the minimum sentence was 10 years. She submits that considering the age of the appellant and the fact that he was given remission while in custody also, as including remission, his custody period is 13 years 8 months 8 days. Punishment of 15 years is very harsh. She submits that considering the age of the victim and the fact that he has remained in custody for more than 10 years with remission 13 years 8 months 8 days, the sentence of 15 years be reduced.

4. Learned counsel for the State opposes the prayers and submits that now the appellant has remained in custody for 13 years 8 months 8 days (with remission) and the punishment is only for 15 years which is sufficient in sentence.

5. Considering the submission of learned counsel for the appellant and learned counsel for the State, we find that the appellant is now aged about 71-72 years. This is also as per the report sent to the learned Spl.P.P. by the jail authorities, as summitted to the learned Spl.P.P. Further, the statement under Section 313 of the Cr.P.C. was recorded on 12.07.2017, when the age was recorded as 62 years that means he is more than 71 years now.

6. Considering the age of the victim and the age of the appellant and also the fact that at the time of occurrence the minimum sentence was 10 years and now with remission the appellant has remained in

custody for 13 years 8 months 8 days, we are inclined to reconsider this appeal on the point of sentence and reduce the sentence to the period already undergone. The appellant be released from custody forthwith, if not required in any other case.

7. Accordingly, this appeal is **dismissed on merits with the modification of sentence**.

8. Pending I.A., if any, stands disposed of.

9. Let a copy of this judgment be sent to the concerned trial court for information and needful.

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

05.11.2026
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