2026:JHHC:26279

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 588 of 2006

Rasu Soren @ Rashu Suren, Son of Late Gumdi Soren, R/o-Vill.-Silling, P.O.-Tangrain, P.S.-Patka, Dist.-East Singhbhum

... ... **Appellant**

Versus

The State of Jharkhand …… **Respondent**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant :Mr. Apurv, Advocate
Mr. A.K. Mahato, Advocate

For the State :Mr. Prabir Kr. Chatterjee, Spl.P.P.

J UDGMENT

Dated: 01st September, 2026

By Court:- Heard learned counsel for the appellant and learned Spl.P.P. for the State.

2. The instant criminal appeal is directed against the judgment of conviction dated 17th March, 2006 and order of sentence dated 03rd April, 2006 passed in S.T. No. 34 of 2004 by the learned 1st Addl. Sessions Judge, Jamshedpur, whereby and whereunder, the appellant has been convicted for the offence under Section 307, 341 and 324 of the IPC and sentenced to undergo R.I. for five years for the offence punishable under Section 307 of the IPC and further R.I. for one year for the offence under Section 324 of the IPC. No separate sentence has been passed for the offence under Section 341 of the IPC. All the sentences were directed to run, concurrently.

Factual Matrix

3. The factual matrix giving rise to this appeal is that on 03.02.2002, at about 7:00 PM, when the informant-Patru Suren was returning from working on his land and reached near his old house, accused Rashu Soren armed with sword who was waiting for the informant, attacked the informant with intention to kill him causing injuries on his both hands, back, head, waist, shoulder and wrist joint. Hearing alarm, informant's wife came to rescue who was also assaulted by the accused by giving sword blow on his face sustaining cut injury and thereafter the accused fled away. The co-villagers for the informant hearing hue and cry came to save them and due to lack of transport system, injured could not go to police station on the same day of occurrence and later on, the informant lodged the case.

4. On the basis of fardbeyan of the informant, Potka P.S. Case No. 47 of 2002 was registered for the offence under Sections 341, 324 and 307 of the IPC. After completion of investigation, the charge-sheet was submitted against the accused person under Sections 341, 324 and 307 of the IPC and after taking cognizance, the case was committed to the court of Sessions, where S.T. No.34 of 2004 was registered and the case was transferred to the Court of 1st Additional Sessions Judge, Jamshedpur for trial and disposal.

5. The case of the defence is total denial from the occurrence and claimed to have falsely been implicated in this case due to previous land dispute.

6. In course of trial, altogether 6 (six) witnesses were examined by the prosecution apart from documentary evidence.

7. On the other hand, no oral or documentary evidence has been adduced by the defence.

Submissions on behalf of the appellant:-

8. Learned counsel for the appellant assailing the impugned judgment of conviction and order of sentence has argued that the learned trial Court has committed serious error of law in convicting the appellant for the offence under Section 307 of the IPC wherein there was lack of intention of the appellant to kill the injured witnesses who have sustained simple injuries on their body as opined by the Doctor Paul Hansdah (P.W.-6), moreover, there is no any evidence to prove the circumstance which prevented the appellant to commit the murder of the injured witnesses rather there was a general and omnibus allegation of scuffle between the informant and the accused person due to prevailing previous land dispute causing simply injury on the body of the injured witnesses.

In the alternative, learned counsel appearing for the appellant has submitted that the appellant has already remained in custody for almost one year and the case is of the year 2002 and since then, the appellant is suffering from the agony of the trial. Therefore, a lenient view may be taken and appropriate order may be passed.

Submissions on behalf of the State:-

9. Learned Spl.P.P. has opposed the aforesaid contention raised on behalf of the appellant defending the impugned judgment on merits and has submitted that all the prosecution witnesses have supported the case of the prosecution but has fairly admitted that the appellant has remained in custody for about one year, hence, appropriate order may be passed.

Analysis, reasons and decision

10. I have gone through the record of the case along with the impugned judgment and order of conviction and sentence in the light of the contentions raised on behalf of parties.

11. The sole point for determination in this appeal is "as to whether the impugned judgment of conviction and sentence of the appellant suffers from any error of law, which requires any interference in this appeal?"

12. Before imparting my verdict on the above point, It is pertinent to mention the case of **Jage Ram vs. State of Haryana, (2015) 11 SCC 366** wherein the Hon'ble Apex Court has laid down some basic ingredients that has to be established for conviction under Section 307 of the IPC. Relevant para 12 of the above judgment is extracted as under:-

> *"12. For the purpose of conviction under Section 307 IPC, the prosecution has to establish (i) the intention to commit murder; and (ii) the act done by the accused. The burden is on the prosecution that the accused had attempted to commit the murder of the prosecution witness. Whether the accused person intended to commit*

> *murder of another person would depend upon the facts and circumstances of each case. To justify a conviction under Section 307 IPC, it is not essential that fatal injury capable of causing death should have been caused. Although the nature of injury actually caused may be of assistance in coming to a finding as to the intention of the accused, such intention may also be adduced from other circumstances. The intention of the accused is to be gathered from the circumstances like the nature of the weapon used, words used by the accused at the time of the incident, motive of the accused, parts of the body where the injury was caused and the nature of injury and severity of the blows given, etc."*

13. Similarly, the relevant para 7 of the judgment of Hon'ble Apex Court in the case of **Hari Singh Vs. Sukhbir Singh & Ors. (1988) 4 SCC 551** is extracted as under:-

> *"7. On the first question as to acquittal of the accused under Section 307/149 IPC, some significant aspects may be borne in mind. Under Section 307 IPC what the court has to see is, whether the act irrespective of its result, was done with the intention or knowledge and under circumstances mentioned in that section. The intention or knowledge of the accused must be such as is necessary to constitute murder. Without this ingredient being established, there can be no offence of "attempt to murder". Under Section 307 the intention precedes the act attributed to accused. Therefore, the intention is to be gathered from all circumstances, and not merely from the consequences that ensue. The nature of the weapon used, manner in which it is used, motive for the crime, severity of the blow, the part of the body where the injury is inflicted are some of the factors that may be taken into consideration to determine the intention."*

14. I have also meticulously examined the ocular evidence of the witnesses as available on record.

15. From perusal of oral testimony of the Doctor who has been examined in this case as P.W.-6, it appears that all the injuries sustained by the P.W.-1 (wife of the informant) and P.W.-4 (Informant) are simple in nature although the injuries were on the vital part of the body but there was no circumstance which intervened the appellant in causing death of the injured persons. Therefore, required intention and knowledge to constitute the offence under Section 307 of the IPC is absolutely lacking in this case. In result, the conviction and sentence of the appellant for the offence under Section 307 of the IPC is set aside.

16. So far as conviction for the offence under Section 324 of the IPC is concerned, there are sufficient evidence of the ocular witnesses including the injured witnesses which has been corroborated by the Doctor (P.W.-6). Therefore, the conviction of the appellant for the offence under Section 324 and 341 of the IPC is affirmed. It is also submitted that the appellant has already remained in custody for one year and it appears that the occurrence is of the year 2002 and since then, the appellant has been suffering from the agony of the trial who has sufficiently been punished for his guilt. Hence, it is expedient for the ends of justice to modify the sentence of the appellant for the offence under Section 324 of the IPC to the extent of period already undergone by him.

17. Accordingly, this appeal is **dismissed on merits with modification in conviction and sentence** as stated above

18. The appellant is on bail, hence, he is discharged from the liabilities of bail bonds. The sureties are also discharged.

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

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

(Pradeep Kumar Srivastava, J.)

01.09.2026
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