IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (D.B.) No. 631 of 2019

[Against the judgment and order of conviction and sentence dated 25.02.2019 and 02.03.2019 passed in S.T. No.76 of 2014 arising out of Kuchai P.S. Case No.27 of 2013 by learned Sessions Judge, Seraikella Kharsawan]

Gopinath Munda, aged about 35 years, son of Panda Munda, resident of village & P.O.-Champat Tola- Potolore, P.S.-Kuchai, District-Seraikella Kharsawan (Jharkhand) ……Appellant

Versus

The State of Jharkhand …. Respondent

For the Appellants : Mr. Pradeep Kumar Deomani, Advocate
For the Resp.-State : Mr. Pankaj Kumar, P.P.

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

CAV On 26/10/2026 **Pronounced On 06/11/2026**

Per- Pradeep Kumar Srivastava, J.

1. We have already head Mr. Pradeep Kumar Deomani, learned counsel for the appellant and learned P.P.
2. Instant appeal is directed against the judgment of conviction and sentence of the appellant dated 25.02.2019 and 02.03.2019 passed by learned Sessions Judge, Seraikella Kharsawan in S.T. No.76 of 2014 arising out of Kuchai P.S. Case No.27 of 2013, whereby and whereunder the appellant has been held guilty and sentenced for the offence under section 302 of IPC and directed to undergo R.I. for life

along with fine of Rs.10,000/-(Rs. Ten Thousand) with default stipulation.

Factual Matrix:-

3. Factual aspects of the case in a nutshell is that on 17.08.2013 at about 7:00 pm, the son of the informant, Gurucharan Munda aged about 15 years was standing on the road in front of his house, in the meantime, the present appellant came out of his house and inflicted *dawli* blows on the neck and left wrist of the informant's son causing severe cut injuries due to which, he fell down. It is further alleged that on seeing the incident, the informant rushed towards the place of occurrence but the accused managed to flee away. It is further submitted that the informant's son was writhing on the road and with the help of one Jagmohan Munda (P.W.1), his son was brought to his courtyard but subsequently died. The motive behind the occurrence is that a few days, the appellant has forcibly taken away the bicycle of the informant from his house, which was brought back from the house of the appellant due to remorse, the informant's son has been killed. It is further alleged that the incident was reported on the following day of the occurrence due to hilly and forest area.

4. On the basis of above *fardbeyan* of the informant, Kuchai P.S. Case No.27 of 2013 was registered against the appellant for the offence under section 302 of IPC.

5. The charge of investigation was assumed by S.I. Shital Ravidas (P.W.6), who visited the place of occurrence and inspected the same as well as prepared the inquest report of the deceased, interrogated with the witnesses and sent the dead body for post-mortem.

6. After completion of investigation, charge-sheet was submitted against the appellant and he was sent up for trial. After taking cognizance, the case was committed to the court of Sessions where S.T. No.76 of 2014 was registered.

7. The present appellant has denied the charges leveled against him and claimed to be tried.

8. In course of trial, altogether 7 witnesses were examined by the prosecution, namely:-

P.W.1-Jagmohan Munda
P.W.2-Sundra Munda
P.W.3-Mahendra Munda
P.W.4-Muneshwar Munda
P.W.5-Guruwa Munda (informant)
P.W.6-Shital Ravidas (I.O.)
P.W.7-Dr. B. Mardi

9. Apart from oral testimony of the witnesses, following documentary evidences have been adduced by the prosecution i.e.,

Ext.1-Signature of P.W.1 Jagmohan Munda on Inquest report
Ext.1/1-Signature of P.W.5 Guruwa Munda (informant) on inquest report
Ext.1/2-Inquest report of deceased

Ext.2-Signature of P.W.5 Guruwa Munda (informant) on *fardbeyan*

Ext.2/1-Fardbeyan

Ext.2/2-Endorsement on fardbeyan

Ext.3-Formal FIR

Ext.4-Carbon copy of Post-mortem report.

10. On the other hand, the case of defence is denial from the occurrence and false implication. However, no oral or documentary evidence has been adduced by the defence.

11. Learned trial court, after evaluating the evidence available on record arrived at definite conclusion that the prosecution, has proved the charge leveled against the appellant beyond all reasonable doubt for the offence under section 302 of IPC and convicted and sentenced him as stated above, which has been assailed in this appeal.

Submission on behalf of appellant:-

12. Learned counsel for the appellant has vehemently argued that although P.W.5, Gurwa Munda (informant) claimed to be eye-witness to the occurrence but his testimony in overall clearly suggests that he arrived at the place of occurrence after assault was over and his son was lying injured on the earth. Therefore, he is not an eyewitness of the occurrence and he has also not seen the appellant while assaulting his son. It is further submitted that no other witnesses of the facts examined by the prosecution have claimed to see the appellant by assaulting the deceased and fleeing away from the occurrence along with *dawli*. No blood stained *dawli* was recovered and seized from the possession of the

appellant or from the place of occurrence. The investigating Officer has also not collected bloodstained soil from the spot and blood stained clothes of the deceased. It is further submitted that merely on the ground of some injuries caused by sharp cut weapon, which has been sustained by the deceased as mentioned in the post-mortem report, cannot itself be a factor to be taken against the appellant. Learned trial court has conjectured about existing enmity between the parties due to taking away the bicycle from the house of the appellant, which has also not been corroborated in the evidence of the informant during trial. Learned trial court has miserably failed to properly appreciate the evidence available on record and arrived at wrong conclusion about the guilt of the appellant, which is liable to be set aside and this appeal may be allowed.

Submission on behalf of State:-

13. On the other hand, learned P.P. controverting the aforesaid points of argument raised on behalf of the appellant has submitted that there is direct evidence of the informant(P.W.5) as an eye-witness of the occurrence. Another witness, namely, Jagmohan Munda (P.W.1) has also approached at the place of occurrence immediately and brought the informant's son to the courtyard with the help of the informant and saw the injuries on the person of deceased. It is further submitted that the ocular testimony of the witnesses cannot be disbelieved by any stretch of imagination, and nothing has been elicited in the cross-examination

of these witnesses to discredit their testimony or cast doubt upon the veracity. The manner of injuries caused to the son of the informant as deposed by him also found corroboration from post-mortem report of the deceased. Therefore, there is no illegality or infirmity in the impugned judgment calling for interference in this appeal, which is devoid of merits and fit to be dismissed.

14. We have gone through the record of the case along with the impugned judgment and order in the light of the contentions raised on behalf of both side.

15. The only point for determination in this appeal is that "**as to whether the impugned judgment and order of conviction and sentence of the appellant passed by learned trial court suffers from any error of law calling for any interference in this appeal?**"

Analysis, Reasons and Decision:-

16. Before adjudicating the above point, it is necessary to take brief resume of oral as well as documentary evidence adduced by the prosecution to substantiate the charge leveled against the appellant.

P.W.1-Jammohan Munda is a witness of the inquest report and proved his signature as Ext.1. He states that about 3 ½ years ago at about 7:00 pm, Gopinath Munda assaulted by *dabia* to Gurucharan Munda and fled away. He along with father of the injured, namely, Guruwa Munda lifted him and brought to the courtyard where he died.

From the trend of his cross-examination, at the time of occurrence, this witness was inside the house and just after hearing *hulla*, came out and reached at the place of occurrence within ten minutes. At that time, there was a crowd of people and he saw the son of the informant was lying on earth under pool of blood sustaining injuries. He further admits that his house is situated at the distance of 50 yards from the place of occurrence. This witness has denied the suggestion of defence that the bicycle of Gopinath Manda(accused) was forcibly taken away by the Guruwa Munda and Gurucharn Munda, which was protested by him due to this inimical terms, the accused has been falsely been implicated in this case and he has given false evidence.

P.W.2-Sundra Munda stated that about 3 ½ years ago in the evening, the appellant Gopinath Munda has committed murder of the informant's son, Gurucharan Munda.

In his cross-examination, he fairly admits that at the time of occurrence, he was in the field situated at a distance of 2 kms from the place of occurrence. He returned at about 7:00 pm, then saw the crowd of people near the house of Guruwa Munda and went there and saw the dead body of informant's son, Gurucharan Munda.

P.W.3-Mahendra Munda states that about 3 ½ years ago, Gopinath Munda inflicted *dawli* blows to Gurucharan Munda due to which he died.

In his cross-examination, he admits that his house is situated just adjacent to the place of occurrence after 2-3 houses. He admits that while he was giving fodder to the cattle, he heard *hulla*, then rushed towards the place of occurrence and found Gurucharan Munda lying unconscious under pool of blood. Thereafter, he was brought to his own courtyard.

P.W.4-Muneshwar Munda has also stated that the occurrence is of 17.08.2013 at about 7:00 pm after hearing *hulla*, he reached there and saw that Gurucharan Munda was writhing under injured condition sustaining injuries. He also saw Gopinath Munda fleeing away from his house bearing a *dawli* in his hand. Thereafter Gurucharan Munda was brought to his own courtyard but after sometime, he died.

In his cross-examination, he admits that his house is situated at the distance of 200 meters from the place of occurrence. He also admits that from the place of occurrence, his house is about 200 meters and the house of Guruwa Munda is just adjacent to his house. He also admits that Guruwa Munda attempted to catch hold of the accused but he fled away. The aforesaid testimony of this witness has not been rebutted to the extent that he saw the deceased in injured condition and the accused was fleeing away with *dawli*.

P.W.5-Guruwa Munda is the informant-cum-father of the deceased. This witness has also consistently corroborated the earliest

version of his *fardbeyan*. At the time of occurrence, he was inside in his courtyard but just after hearing *hulla* from the outside, he rushed and saw that Gopinath Munda was fleeing away with a *dawli* after inflicting *dawli* blows to his son, who was lying on earth under pool of blood and writhing. This witness brought his son with the help of other villager in the courtyard where his son died. Next day morning, the police arrived at the place of occurrence and his *fardbeyan* was recorded and he proved his signature as Ext.2. The inquest report of the deceased was also prepared by the police and signed by him marked as Ext.1/1.

In his cross-examination, he admits that he heard the sound of Mahendra Munda and Sundra Munda then immediately came out of his courtyard. Nothing has been elicited in his cross-examination to rebut his aforesaid testimony. He has denied the suggestion of defence that he along with his son, Gurucharan Munda forcibly brought the bicycle of the accused from his house, which was protested by him. Hence, he has falsely been implicated the accused in this case.

P.W.6 Shital Ravidas is the Investigating Officer of this case. This witness has proved the *fardbeyan* of the informant as Ext.2/1, endorsement on *fardbeyan* as Ext.2/2, formal FIR as Ext.3 and inquest report of the deceased as Ext.1/2. According to his evidence, first S/D Entry No.276 was made in the Station Diary, thereafter, at about 6:30 am, he arrived at the village Champat, Tolla-Potolor at the house of Guruwa Munda situated near PCC road and in the courtyard of the

informant, the dead body of the informant's son was lying on a cot where several villagers were present. He noticed sharp-cut injury on right side of neck and left hand wrist and huge quantity of blood was found near the dead body. He recorded the restatement of the informant. The occurrence took place at the PCC road situated just in front of the house of the informant. After conclusion of investigation, he submitted charge-sheet.

In his cross-examination, this witness admits that he has not seized *dawli* used in this case. He has also not seized bloodstained soil from the place of occurrence nor seized wearing clothes of the deceased. He arrested the accused, who was assaulted by the local villagers after the occurrence. He further admits that the main reason for the occurrence was forcibly bringing the bicycle from the house of the accused by the informant party, which was theft by the accused.

P.W.7-Dr. B. Mardi has conducted post-mortem on the body of the deceased, Gurucharan Munda and found following:-

> ***(i)*** A sharp cutting injury, situated at the upper neck transversely directed. All the soft tissues of the neck were cut at the same level and having the same depth up to the back bone (cervical vertebra) size 7" x 2" and ½".
>
> ***(ii)*** Sharp cut injury on right hand at the wrist level. Both radio ulna were cut and were attached only by the skin.
>
> Cause of injury:-Heavy and sharp cutting weapon.

The cause of death:-Hemorrhage and shock due to above mentioned injury.

Time since death within 12 hours from the time of post-mortem examination.

He has proved the post-mortem report as Ext.4.

17. From the aforesaid discussion of prosecution evidence, it is crystal clear that the enmity as depicted in the FIR by the informant has also been admitted by the accused by suggesting the prosecution witnesses the same motive for occurrence. P.W.5-Gurwa Munda (informant), the father of the deceased has categorically stated that after hearing *hulla*, he came out from the courtyard and saw his son was writhing under the pool of blood sustaining *dawli* injury and the accused was fleeing away with *dawli* and also attempted to chase but could not succeed. This version of the informant also finds corroboration from the evidence of P.W.4-Muneshwar Munda. This part of testimony of the ocular witnesses has not been rebutted by the defence and no such contradiction has been got explained from their earliest version before the police. Therefore, the plea of the appellant that there is no eye-witness of the occurrence becomes nugatory and baseless. The manner of injuries sustained by the deceased as depicted by the ocular testimony of witnesses also finds corroboration from the evidence of the doctor P.W.7, who has clearly opined that the injuries caused by heavy sharp-cutting object/weapon like *dabia*. The accused in his statement under section 313 of Cr.P.C. has simply pleaded his innocence and false

implication and no reasonable explanation has been offered against incriminating circumstances appearing against him.

18. In view of the above discussion and reasons, we do not find any reason to interfere with the impugned judgment and order of conviction and sentence of the appellant, which has been proved by the prosecution beyond all reasonable doubt. Therefore, we find no merits in this appeal and this appeal stands **dismissed**.

19. The appellant is in custody. Let a copy of this judgment be furnished forthwith to the appellant through learned P.P.

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

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

(Pradeep Kumar Srivastava, J.)

Per Ananda Sen, J. : I agree

(Ananda Sen, J.)

High Court of Jharkhand, Ranchi
Dated:-06 /11 /2026
***Pappu*/-N.A.F.R.**
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