2026:JHHC:32721

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 704 of 2009

[Against the judgment and order of conviction and sentence dated 31.03.2009 and 01.04.2009 respectively, passed by learned Additional District & Sessions Judge-II, Chaibasa in Sessions Trial Case No. 216 of 2005]

Sukhram Laguri, son of Late Bishnu Laguri, resident of Village-Sarbil, P.O.-Nowamundi, P.S.-Nowamundi, District-Singhbhum West (Jharkhand)

... ... **Appellant**

Versus

The State of Jharkhand …… **Respondent**

P R E S E N T

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Aniket Jaiswal, Advocate
For the State : Mr. Manoj Kumar Mishra, A.P.P.

JUDGMENT

C.A.V. on 02.09.2026 **Pronounced on 06/11/2026**

1. I have heard the arguments of Mr. Aniket Jaiswal, learned counsel for the appellant and Mr. Manoj Kumar Mishra, learned A.P.P. for the State.

2. The instant criminal appeal is directed against the judgment and order of conviction and sentence dated 31.03.2009 and 01.04.2009 respectively, passed by learned Additional District & Sessions Judge-II, Chaibasa in Sessions Trial Case No. 216 of 2005, whereby and whereunder the appellant has been held guilty for the offences under Sections 435, 440, 225, 148 & 353 of the I.P.C. and sentenced to undergo R.I. for three years along with fine of Rs.1000/- for the offence under Section 435 of the I.P.C.; R.I. for two years along with fine of Rs.500/- for the offence under Section 440 of the I.P.C.; R.I. for one year for the offence under Section 148 of the I.P.C.; R.I. for one year

for the offence under Section 353 of the I.P.C. and R.I. for one year along with fine of Rs.500/- for the offence under Section 225 of the I.P.C. with default stipulations. All the sentences were directed to run concurrently.

Factual Matrix

3. Factual matrix giving rise to this appeal as per *fardbeyan* of A.S.I. Ram Nath Ram, recorded by S.I. Vijay Shankar Prasad at Noamundi Tisco Hospital on 20.10.2004, is that on the above date, at about 03:00 P.M., while A.S.I. Ram Nath Ram was on duty at Police Station, Noamundi, three persons riding on a motorcycle came and informed him that an accident has taken place in front of petrol pump, wherein two persons have been lying injured. The informant along with some police force went towards the place of occurrence and saw a boy aged about 20-22 years was tied with pole and Charan Balmuchu @ Charan Laguri along with 40-50 unknown persons were ready to set on fire to the above boy along with truck No.ORO-2AC-1073, the crowd members were armed with *lathi*, *danda*, rod, bow arrow and stones etc. The informant and other police officers tried to save the tied up boy-cum-driver of the truck in the meantime, crowd member assembled there spread patrol on the informant and Charan Laguri tried to set fire on his body. The informant tried to escape then mob people chased him pelting stones due to which he fell down. It is further alleged that Charan Balmuchu struck with a rod on the head of the informant with intention to kill him and Sona Ram Laguri struck with iron rod on his

leg then he fell down and the mob people set fire on the truck. It is further alleged that Officer-in-charge of Police Station, Noamundi also arrived there and saved the informant. Fire brigade vehicle also arrived to extinguish the fire. The informant was brought to Noamundi Tisco Hospital, where his *fardbeyan* was recorded. It is further alleged that one H.M.T. Kohinoor wrist watch of the informant was also snatched by Sona Ram Laguri.

On the basis of above *fardbeyan*, Noamundi P.S. Case No. 44 of 2004 dated 20.10.2004, was registered for the offences under Sections 147, 148, 149, 144, 152, 323, 324, 326, 333, 307, 379, 353, 436, 440 & 504 of the I.P.C.

4. The F.I.R. was registered against the named accused Charan Laguri and Sona Ram Laguri along with 40-50 unknown miscreants. After conclusion of investigation, charge-sheet was submitted against accused persons, namely Sona Ram Laguri and Charan Laguri vide C.S. No.31/04 dated 25.12.2004 for the offences under Sections 144, 147, 148, 149, 353, 224, 225, 341, 342, 323, 436, 440 & 504 of the I.P.C., while the investigation against the remaining accused persons was continued. Learned C.J.M. has taken cognizance against the accused persons, namely Charan Laguri and Sona Ram Laguri, on 17.01.2005 and committed the case of these two accused persons to the Court of Sessions on 07.02.2005.

5. Later on, supplementary charge-sheet was submitted against accused persons, namely Sukhram Laguri and Md. Firoz on 30.07.2005

whose case was committed to the Court of Sessions vide order dated 06.09.2005.

6. After taking cognizance the case was committed to the Court of Sessions, where Sessions Trial Case No. 216 of 2005 vide order dated 06.09.2005 was registered. The accused persons denied the charges leveled against them and claimed to be tried.

7. In the course of trial, altogether 07 witnesses were examined by the prosecution:-

(i) P.W.-1-Constable 493, Brahmeshwar Kumar

(ii) P.W.-2-Constable No.320, Saukat Ali Ansari

(iii) P.W.-3-Constable No.187, Bachcha Jee Singh

(iv) P.W.-4-Francis Xavier Barla

(v) P.W.-5-Ram Nath Ram (informant-cum-injured)

(vi) P.W.-6-Dr. B. Rajendra Pd. Rao

(vii) P.W.-7-Vijay Shankar Prasad

8. Apart from oral testimony following documentary evidence have also been adduced by prosecution.

(i) Exhibit-1-Signatre of Ram Nath Ram on fardbeyan

(ii) Exhibit-2-Injury report of injured Ram Nath Ram

(iii) Exhibit-3-fardbeyan

(iv) Exhibit-3/1-Endorsement on fardbeyan

(v) Exhibit-4-Formal F.I.R.

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

10. After conclusion of trial, the appellant was held guilty for the offences under Sections 435, 440, 225, 148 & 353 of the I.P.C. and sentenced as stated above which has been assailed in this appeal.

Submissions on behalf of appellant: -

11. Learned counsel for the appellant has submitted that the impugned judgment of conviction and order of sentence passed by the learned court below are bad in law as well as on facts and are based on surmises and conjectures, without proper appreciation of the evidence on record. It has been contended that although seven witnesses were examined on behalf of the prosecution, neither the informant, Ram Nath Ram, who was also the injured and the first person to reach the place of occurrence, nor the injured himself named the present appellant as the person responsible for setting fire to his body, thereby rendering the testimony of the other witnesses doubtful and uncorroborated. Learned counsel has further submitted that neither the alleged jerican of petrol nor any other incriminating article was seized or produced before the court during trial and although the Investigating Officer stated that petrol cane had been recovered from the appellant, the same was never produced before the court, which casts serious doubt on the prosecution case. Learned counsel has also submitted that the occurrence took place in the backdrop of a child being crushed by a dumper and the driver of the said dumper being restrained by the crowd and the incident, even if assumed to be true, occurred due to sudden provocation without any *mens rea* on the part of the appellant to

commit the alleged offences under Sections 435, 440, 225, 148 and 353 of the I.P.C. Hence, the impugned judgment of conviction and order of sentence are unsustainable in the eyes of law and are liable to be set aside and the appellant deserves to be acquitted of the charges levelled against him, allowing this appeal.

Submissions on behalf of State: -

12. Per contra, learned A.P.P. appearing on behalf of the State has opposed the submissions advanced on behalf of the appellant and contended that the learned Trial Court has rightly appreciated the oral as well as documentary evidence available on record. It is submitted that the testimony of the informant-cum-injured witness, P.W.-5, Ram Nath Ram is duly corroborated by the medical evidence of P.W.-6, Dr. B. Rajendra Prasad Rao and further supported by the evidence of other prosecution witnesses regarding the occurrence. He has further submitted that the Investigating Officer, P.W.-7 has also proved the seizure of petrol cane from the place of occurrence belongs to the appellant, which supports the prosecution case. It is contended that minor discrepancies in the evidence of witnesses cannot be a ground to discard the prosecution case in its entirety. Accordingly, learned A.P.P. has submitted that the learned Trial Court has rightly convicted and sentenced the appellant after proper appreciation of the evidence available on record. Hence, the impugned judgment and order of conviction and sentence do not warrant any interference by this Court, as the appeal is devoid of merit and is liable to be dismissed.

13. I have gone through the record of the case along with the impugned judgment in the light of contentions raised on behalf of both side.

14. The only point for determination in this appeal is **"as to whether the impugned judgment and order of conviction and sentence of the appellant suffers from any serious error of law calling for any interference in this appeal?"**

Analysis, discussions and reasons:-

15. Before imparting my verdict on above point, it is desirable to take brief resume of ocular testimony of witnesses examined in this case.

P.W.-1-Constable 493, Brahmeshwar Kumar has stated that on 20.10.2004, he was posted at Jagannathpur, Police Station. He was commanded to report at Noamundi, where road was blocked by some miscreants, then he along with other police personnel went to Noamundi at about 02:30-03:00 P.M. at the place of occurrence. He came to know from staff members of Noamundi, Police Station that Jamadar Ram Nath Ram has been assaulted by miscreants by rod and stick. He also heard that one Gurucharan has assaulted. He also came to know that a small child was crushed by a dumper, hence, crowd of people assembled and driver was tied with a pole and they were raising compensation for death of the child. He further came to know that one Sukhram was apprehended by police, but crowd people got his release from custody. Admittedly, this witness is hearsay witness and no

occurrence has been seen by him.

P.W.-2-Constable No.320, Saukat Ali Ansari was posted at Noamundi Police Station. According to his evidence, on 19.10.2004, he along with Officer-in-charge proceeded to Noamundi market in the morning, where they received information from unknown persons about the accident caused by a dumper near the petrol pump. He has further stated that at the place of occurrence, A.S.I., Ram Nath Ram was present, where Sona Ram Laguri and Charan Laguri were assaulting him. The dumper was also set on fire. He attempted to apprehend Sukhram Laguri, but could not succeed and he fled away taking advantage of crowd. He also noticed injuries to Ram Nath Ram on head, nose and leg. He was brought to Noamundi Hospital for treatment.

In his cross-examination, this witness also admits that no one was arrested from the place of occurrence.

P.W.-3-Constable No.187, Bachcha Jee Singh has also stated that on 19.10.2004 at about 02:00 P.M., he was returning from another village along with Officer-in-charge and reached near Noamundi market and came to know from an unknown person that accident had taken place. They went there and found that Jamadar Ram Nath Ram was being assaulted by Sona Ram Laguri and Charan Laguri by iron rod. He attempted to apprehend the miscreants, but they fled away due to crowd. He also noticed injuries to Jamadar Ram Nath Ram on head, nose and knees. He was brought to Noamundi Hospital for treatment.

The offending truck was also set on fire.

In his cross-examination, he admits that he was acquainted with Sona Ram Laguri and Charan Laguri prior to the occurrence who were frequently seen in the market.

P.W.-4-Francis Xavier Barla was posted as Officer-in-charge at Noamundi, Police Station. According to his evidence, on 19.10.2004, he along with other police personnel, had gone for investigation of a case and while returning along with other police personnel then one unknown person disclosed that a tanker has met an accident and one person has died, mob has surrounded and driver of the truck is going to be set on ablaze. When he reached at the place of occurrence, A.S.I., Ram Nath Ram was assaulted by members of crowd and driver of dumper was tied with telephone pole. The driver was rescued by police force and A.S.I., Ram Nath Ram was sent to hospital, where he recorded his fardbeyan, who disclosed that Sona Ram Laguri and Charan Laguri were attempting to set him on fire by sprinkling petrol and also assaulted by iron rod. Both named accused persons managed to flee away taking advantage of crowd. One person, namely Sukhram Laguri was also apprehended by police, but members of the mob liberated him forcibly. He has identified the accused persons beyond the mob.

P.W.-5-A.S.I., Ram Nath Ram is the informant-cum-eye-witness of the occurrence. According to his evidence, he received information about accident meted at Noamundi market caused by a

dumper and also came to know that driver of the dumper has been tied up in a pole and crowd member are attempting to set him on ablaze by sprinkling petrol. He along with police personnel went there, but the crowd member also rushed towards him sprinkling petrol with a view to set on fire then he managed to flee away due to fear some miscreants chased him and assaulted by iron rod. He identified Sona Ram Laguri and Charan Laguri were assaulting him by iron rod due to which he received injuries on his head and knee became unconscious. He was brought to Tisco Hospital for treatment. He stated that what happened thereafter, he does not know his fardbeyan was recorded by S.I., V.S. Prasad and he proved his signature marked as **Exhibit-1**.

In his cross-examination, he admits that both the accused Sona Ram Laguri and Charan Laguri were having an ordinary iron rod about one inch diameter, but in his fardbeyan, he has stated that there was sharp iron rod in the hands of accused persons. He also admits that in his fardbeyan, it is not mentioned that both the accused were armed with iron rod. He further admits that the iron rod was not seized from the accused persons.

P.W.-6-Dr. B. Rajendra Pd. Rao has examined Ram Nath Ram on 19.10.2004 and found the following injuries:-

(1) Lacerated wound linear irregular on shape 1½" x ¼" x scalp deep. On the right side fronto parietal area ¾" in right to mid line oozing no bone injury noted.

(2) Lacerated wound small linear ½" x ¼" x 1/8" with

swelling on front of left tibia at about middle oozing no bone injury.

(3) Swelling with haemotoma upper portion of nose and right side of face maxillary area with bluish discoloration. Swelling is diffused of size 2.5" x 2" subjected fracture of nasal bone.

X-ray shows fracture of right nasal bone without displacement.

Opinion:- Injury Nos.1 & 2 are simple in nature. Injury No.3 is grievous in nature, caused by hard blunt object or weapon.

He has proved the injury report in his handwriting and signature, which is marked as **Exhibit-2**.

In his cross-examination, he has admitted that X-ray plate of the injured and its report has not been enclosed.

P.W.-7-S.I., Vijay Shankar Prasad is the Investigating Officer of this case. He has proved the fardbeyan of the informant in his handwriting and signed by A.S.I., Ram Nath Ram marked as **Exhibit-3** and formal F.I.R. **Exhibit-4**. He recorded restatement of informant and interrogated with other witnesses obtaining medical report of the injured-cum-informant and finding sufficient evidence submitted charge-sheet. He has arrested Mohammad Firoz.

In his cross-examination, this witness fairly admits that from the place of occurrence cane of petrol was seized which belong to Sukhram Laguri. The cane was about 5-10 litre capacity nothing else was seized in this case.

16. Upon careful scrutiny of the evidence available on record, it appears that P.W.-1, Constable Brahmeshwar Kumar is not an eye-

witness to the occurrence and his testimony is based on information received from other police personnel. P.W.-2, Saukat Ali Ansari, and P.W.-3, Bachcha Jee Singh have deposed regarding the assault upon the informant by Sona Ram Laguri and Charan Laguri alone and the setting of the dumper on fire. P.W.-4, Francis Xavier Barla, the then Officer-in-Charge of Noamundi Police Station, has also supported the prosecution case regarding the occurrence and rescue of the driver. Even P.W.-5, the informant, Ram Nath Ram has stated that Sona Ram Laguri and Charan Laguri were assaulted him by iron rod. No witness has taken the name of present appellant in assaulting the injured or setting the fire. No specific overt act has been attributed against the present appellant either in assaulting or in setting fire or otherwise.

17. It is a settled principle of criminal jurisprudence that the prosecution is required to prove its case beyond all reasonable doubt and that suspicion, however strong it may be, cannot take the place of legal proof. In the present case, although the evidence indicates that an incident of violence took place, the prosecution was required to establish the specific involvement of the appellant in the commission of the offences for which he has been convicted. Mere presence in a crowd or association with other persons involved in the occurrence cannot, by itself, constitute sufficient ground for recording a conviction unless the requisite ingredients of offences and the appellant's participation are established in accordance with law.

18. In view of the aforesaid discussion and assessment of the

evidence, I am of the considered opinion that the prosecution has failed to establish the guilt of the appellant beyond all reasonable doubt. Accordingly, the appellant is entitled to the benefit of doubt.

19. In result, I am constrained to hold that the impugned judgment and order of conviction and sentence of the appellant suffers from serious error of law and cannot be justified under the facts and circumstances proved by the prosecution. Therefore, impugned judgment of conviction and sentence of the appellant is hereby set aside and this appeal is **allowed**.

20. Appellant is on bail, as such he is discharged from the liability of bail bond and sureties are also discharged.

21. Pending I.A(s), if any, stands disposed of.

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

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court
Dated 06/11/2026
Arpit/ ***N. A. F. R.***
Uploaded on 06/11/2026