IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No. 772 of 2015

[Against conviction and sentence dated 15.07.2015/20.07.2015 passed by learned Additional Judicial Commissioner-XII, Ranchi in S.T. Case No.40 of 2012 arising out of Norkopi, P.S. Case No.19/11 (G.R. No.2922/2011)]

Ganga Oraon, S/o-Biga Oraon, R/o-Village-Hondpiri, Narkopi, District-Ranchi … … Appellant

Versus

The State of Jharkhand …. Respondent

For the Appellant : Mrs. Nalini Jha, Advocate
For the Resp. State : Mr. Saket Kumar, A.P.P.

PRESENT

Sri Ananda Sen, J.

Sri. Pradeep Kumar Srivastava, J.

JUDGEMENT

29th September, 2026

By Court:-

1. We have heard Mrs. Nalini Jha, learned counsel for the appellant and learned Additional Public Prosecutor for the State.
2. The instant criminal appeal has been preferred by the appellant challenging his conviction and sentence dated 15.07.2015/20.07.2015 passed by learned Additional Judicial Commissioner-XII, Ranchi in S.T. Case No.40 of 2012 arising out of Norkopi, P.S. Case No.19/11 (G.R. No.2922/2011) whereby and whereunder, the appellant has been held guilty for the offence under section 302 of IPC and sentenced to undergo R.I. for life along with a fine amount of Rs.10,000/- with default stipulation.

3. Mrs. Nalini Jha, learned counsel for the appellant has submitted that there is no eye-witness to the occurrence and there are so many discrepancies in the statement of the informant (P.W.1) as he has stated in the FIR that he was at the field while he has deposed that he was outside the house at the time of occurrence. She submits that one of the sons of the informant, Parmeshwar Oraon (P.W.4) was also in the house but surprisingly, no one has seen the occurrence taking place. She also submits that non-examination of the two children of the deceased is fatal for the prosecution as it is the prosecution case that on hearing the cry of the children of the deceased, the informant entered in the house and saw this appellant coming out from the room, while the deceased was lying death, with blood stained axe in his hand. Therefore, the impugned judgment of conviction and order of sentence of the appellant is liable to be set aside, allowing this appeal.

4. Mr. Saket Kumar, learned counsel appearing on behalf of the State has submitted that though there is no eye-witness, who has seen the appellant giving repeated blows upon the deceased, but the evidence of P.W.1 and P.W.4 clearly establishes the guilt of the appellant beyond all reasonable doubts. He further submits that immediately after the occurrence, this appellant was seen coming out from the room where the dead body was lying, with an axe in his hand. This fact has been witnessed by P.W.1 and P.W.4, who are none but the father and brother of this appellant respectively. He further submits that the evidence of P.W.1 and P.W.4 is un-shaky. He lastly submits that the medical report

also substantiates the ocular evidence. Thus, the appellant has rightly been convicted by the trial court and there is no merit in this appeal, which is fit to be dismissed.

5. The FIR being Norkopi P.S. Case No.19 of 2011 has been lodged at the instance of the father of the appellant. The informant has stated that he got three sons, out of three sons, this appellant is unmarried and other two sons are married. It is also stated that the appellant is handicapped, which is the reason that he was not married. His elder son, namely, Somra Oraon is working in Kerla and the younger one Parmeshwar Oraon (P.W.4) is residing at the house and doing work of cultivation. The deceased, who is daughter-in-law of the informant, were residing along with her two children in the same house. On the date of occurrence i.e. on 14.06.2011 at about 5:30 am, while the informant was fixing his plough, had heard the cry of the children of the deceased. Upon hearing the cry, he entered the house and saw the appellant coming out with blood stained axe in his hand from the kitchen while his daughter-in-law (deceased) was lying dead badly injured. He, thereafter, overpowered the appellant and took the axe and informed his younger son, who was sleeping there and also informed others, who came and tied his son (appellant). He lastly stated that the reason behind the genesis of occurrence is that the son of the informant (appellant) asked for tea, which was not provided by the deceased.

6. The fardbayan was recorded, based on which FIR being Norkopi P.S. Case No.19 of 2011 was registered. After completion of investigation,

the charge-sheet was submitted against the appellant for the aforesaid offence.

7. After taking cognizance, the case was committed to the court of Sessions, where S.T. No.40 of 2012 was registered and the appellant was put on trial.

8. During trial, altogether 12 witnesses have been examined in this case, namely:-

P.W.1-Biga Oraon(informant)

P.W.2-Bisram Oraon

P.W.3-Maneshwar Oraon

P.W.4-Parmeshwar Oraon

P.W.5-Sahodara Devi

P.W.6-Pawan Bhagat

P.W.7-Punai Oraon

P.W.8-Laxman Bhagat @ Lachchhu Bhagat

P.W.9-Aita Oraon

P.W.10-Chanda Oraon

P.W.11-B.K. Rajvanshi (I.O.)

P.W.12-Dr. Aman Kumar

9. Apart from oral testimony, following documentary evidence has been adduced by the prosecution i.e.

Ext.1-Signature of P.W.2 on seizure list;

Ext.1/A-Signature of P.W.3 on seizure list;

Ext.2-Signature of P.W.4 on inquest report;

Ext.2/1-Signature of Punai Oraon (P.W.7) on inquest report;

Ext.3-Fardbayan

Ext.3/1-Formal FIR

Ext.1/B-Seizure list

Ext.2/2-Inquest report

Ext.4-Post-mortem report

10. Out of 12 witnesses, the most important witness is the informant, Biga Oraon (P.W.1) and Parmeshwar Oraon (P.W.4).

P.W.1-Biga Oraon has stated that on the date of occurrence, while he was preparing to plough his field, he heard the cry of children of the deceased from his room, thereupon, he went inside and saw the dead body of the deceased and this appellant is coming out from the room holding the axe in his hand. Thereafter, he snatched the axe and tied his son with rope. He further states that Sunita Devi (deceased) sustained injuries on her head and blood was oozing out. He further states that the police was informed, who came and he narrated the entire story to the police. He has also put his thumb impression on the FIR. He states that the children of the deceased are aged about 7 years and 5 years respectively. He further states that he could say nothing as to what was the reason behind the occurrence to commit the offence.

In his cross-examination, only one question was put to him, to which he has answered that at the time of occurrence, he was not inside the house.

P.W.4 Parmeshwar Oraon, who is younger brother of the appellant, has stated that at the time of occurrence, he was sleeping in his house and was awakened by his wife, who informed him that this appellant has committed murder of the deceased. He immediately came out from his room and saw that this appellant was coming out from the kitchen with the blood stained axe holding in his hand. He further states that he caught hold of the appellant and tied with rope.

In his cross-examination, only one question was put to him wherein he has said that he was sleeping at the time of occurrence and he has not seen the assault given by the appellant to the deceased.

11. Thus, while we analyze the statement of the aforesaid two witnesses, the uncontroverted facts have come out that they have not seen the assault but immediately reached at the place of occurrence, where they have seen the deceased lying in pool of blood and the appellant was coming out from the room with the blood stained axe holding in his hand. Their evidence is consistence. Informant (P.W.1) has stated that he has seen the injuries on the head of the deceased and the blood was coming out.

12. To substantiate the injuries, the doctor, namely, **Dr. Aman Kumar,** who has conducted the post-mortem on the dead body, was examined as **P.W.12** and found following injuries on the deceased:-

Lacerated wound:-

(i) 4cm x 1 cm into bone deep on right parietal region of head;

(ii) 5 cm x 1 cm into bone deep and 2 cm x ½ cm into bone deep on right forehead lateral side situated close to each other;

(iii) 4 cm x ½ cm into bone deep right forehead and adjoining right eyebrow.;

(iv)3 cm x ½ cm into soft tissue right chick upper part.

Internal Injury:-

(i) There is defused of contusion of right tempo parieto-frontal scalp and right temporal muscles with presence of depress fracture;

(ii) 9 cm x 6 cm of right parieto-frontal bone and another depressed fracture;

(iii) 5 cm x 4 cm of right parietal bone;

(iv) there is crack fracture 3 cm long of left temporal bone. There is laceration of right frontal lob of brain with presence of contusion in brain on both hemispheres. There is presence of blood and blood clot in cranial cavity.

As per opinion of the doctor (P.W.12), all the injuries are anti-mortem, caused by hard and blunt substance may be blunt portion of the axe and the death due to head injury.

In his cross-examination, he has categorically stated that the lacerated injuries are bone deep injuries and there was fracture in bone. These injuries cannot be caused due to fall rather it may only be caused by falling on hard surface from the top.

13. So far the medical evidence, we find that the injuries were found on the vital part of the body i.e. on the right parietal region of head, forehead near eyebrows and cheek, which are definitely vital part of the body, and such assault on the vital part of body, was sufficient to cause death.

14. So far as other witnesses are concerned, they are villagers, seizure list witnesses and the Investigating Officer respectively. The villagers have clearly stated that on hearing the death of the deceased, they reached at the house of the informant and saw this appellant tied up with rope.

P.W.2 Bisram Oraon, who is the seizure list witness, has stated that the blood stained axe was seized and he has also seen the dead body of the deceased lying there with blood oozing from the head injury.

P.W.3 Maneshwar Oraon has also stated that he has also seen the dead body of the deceased with the injuries on the head and the axe was seized.

P.W.5-Sahodara Devi, who is the mother-in-law of the deceased, was not in the house at the time occurrence and when she returned, she came to know about the occurrence and saw the dead body.

P.W.11 B.K. Rajvanshi, who is the Investigating Officer of this case, has investigated the case and proved the place of occurrence and also recorded the statement of the witnesses. The defence could not bring out any material contradictions.

15. We are not dealing with the evidence of other witnesses as they have stated in the same manner that they came to the place of the occurrence after hearing screams and came to know that this appellant has committed murder of the deceased and saw the dead body.

16. Thus, from perusal of the evidence, we find that the evidence of P.W.1 and P.W.4, who are, in fact, father and brother of the appellant, are consistent on their statement and there is nothing to disbelieve the prosecution story. Further, only circumstances have been put to the accused, while recording his statement under section 313 of Cr.P.C. The points, which have been raised on behalf of the learned counsel for the appellant, does not come to the help of the appellant as the evidence of P.W.1 shows that he was just outside of the house and upon hearing the cry of the children of the deceased, he went inside the house and saw this appellant coming out from the kitchen with blood stained axe holding in his hand and the dead body was lying with head injuries. The proximity of time cannot be said to be an issue in this case as he has immediately reached near the kitchen. It is not a case that he was out away in his field, who could take much time to reach at the place of occurrence. Further, P.W.4 Parmeshwar Oraon has also stated that he was in his room and was awaken up by his wife and informed that the appellant has committed murder of the deceased, Sunita Devi, thereafter, he came out from the room and saw the appellant coming out from the house. Though, there are minor discrepancies that who has reached first at the place of occurrence either P.W.1 or P.W.4 but it is of no major consequence, cannot help the appellant. As both of them have stated that they have seen the appellant coming out from the house with the blood stained axe holding in his hand and the dead body was lying in the severe conditions. Further, the reason of the occurrence is that the

deceased has refused to serve tea to the deceased is the ground of the occurrence cannot come to help the appellant as the same does not come within exception of Section 300 IPC

17. After going through the evidence and the documents on record, we come to the conclusion that the prosecution has been able to prove the guilt of the appellant beyond all reasonable doubt. The learned trial court has correctly appreciated all these facts and the evidence in convicting the appellant for committing the murder of the deceased. Thus, we do not find any merits in this appeal and the same is **dismissed**.

18. Appellant is in custody. Let a copy of this judgment be furnished forthwith to the appellant through learned A.P.P.

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

20. Let the Trial Court Records be sent back to the court concerned.

(Ananda Sen, J.)

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi

Dated:-29/09/2026

Pappu/-N.A.F.R.

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