2026:JHHC:26271

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 847 of 2006

Sarifa Bhuiyan, Son of Late Dhanu Bhuiyan, R/o-Vill.-Garbadih, P.S. Nagar Untari, Dist.-Garhwa ... ... **Appellant**

Versus

The State of Jharkhand …… **Respondent**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant :Mr. Shubham Mishra, *Amicus Curiae*
For the State :Mr. Sanjay Kumar Srivastava, A.P.P.

J UDGMENT

Dated: 01st September, 2026

By Court:- Heard learned *Amicus Curiae* for the appellant and learned A.P.P. for the State.

2. The instant criminal appeal is directed against the judgment of conviction dated 07th April, 2006 and order of sentence dated 12th April, 2006 passed in S.T. No. 108 of 2004 by the learned 2nd Addl. Sessions Judge, Garhwa, whereby and whereunder, the appellant has been convicted for the offence under Section 304-II of the IPC and sentenced to undergo R.I. for five years for the offence punishable under Section 304-II of the IPC.

Factual Matrix

3. The factual matrix giving rise to this appeal is that on 14.02.2004, a village chowkidar-(informant) received information that accused Sarifa Bhuiyan has killed his wife by a Lathi and fled away. Upon this, informant and Sundar Bhuiyan went to the house of the accused and found dead body lying in a room. On enquiry by the informant from the villagers, he came to know that accused had hidden himself in the house of Bigan Bhuiyan. Thereafter, the

informant and other villagers went and caught the accused from the house of Bigan Bhuiyan who has confessed his guilt before the informant and other villagers and also stated before them that the accused was pressing his wife to compromise the case lodged against the brother of the accused and due to non-withdrawal of the said case, the accused assaulted his wife with Lathi.

4. On the basis of fardbeyan of the informant, Nagar Untari P.S. Case No. 12 of 2004 was registered for the offence under Section 302 of the IPC. After completion of investigation, the charge-sheet was submitted against the accused and after taking cognizance, the case was committed to the court of Sessions, where S.T. No.108 of 2004 was registered. The accused pleaded not guilty and claimed to be tried.
5. In course of trial, altogether 9 (nine) witnesses were examined by the prosecution apart from documentary evidence.
6. On the other hand, no oral or documentary evidence has been adduced by the defence. The case of the defence is the total denial of the occurrence and false implication

Submissions on behalf of the appellant:-

7. Learned *amicus curiae* for the appellant assailing the impugned judgment of conviction and order of sentence has argued that the learned trial Court has failed to take into consideration the fact that when the occurrence took place, the appellant was not present. It has also been submitted that there is no eye witness in this case to support the case of the prosecution that the appellant has killed his

wife. It has also been submitted that all the prosecution witnesses have also failed to reproduce the extra judicial confession made before them by the accused in exact words or even in the words as possible and the learned trial Court has committed serious error of law in placing reliance upon the extra judicial confession of the appellant. Therefore, the conviction and sentence of the appellant is bad in law which is fit to be set aside.

Lastly, learned *amicus curiae* for the appellant has submitted that the appellant has already served his sentence as awarded by the learned trial Court.

Submissions on behalf of the State:-

8. Learned A.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 and the defence taken by the appellant that the appellant was not present on the date of the occurrence, the same is itself falsified from the evidence of the informant that the appellant was caught hiding himself in the house of Began Bhuiyan on the same date of occurrence. Therefore, there is no merit in this appeal which is fit to be dismissed.

Analysis, reasons and decision

9. 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.

10. 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?"

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

12. From perusal of record, it appears that the evidence of P.W.-1 Jagarnath Bhuiyan, P.W.-2 Ram Kesh Bhuiyan, P.W.-4 Ram Sagar Uraon and P.W.-6 Ram Sundar Bhuiyan had proved the chain of circumstances. Evidence of P.W.-8 Dr. Jwala Prasad Singh has corroborated the injury sustained by deceased and opined that death was caused due to shock and hemorrhage caused by hard and blunt substance such as Lathi. Thus, it appears that there is sufficient evidence against the appellant which has rightly been dealt with by the learned trial Court. Therefore, there is no reason to interfere with the impugned judgment on merits, rather, since the appellant has already undergone the imprisonment awarded to him, this appeal stands **dismissed.**

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

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

15. I take this opportunity to appreciate the assistance rendered by Mr. Shubham Mishra, learned Amicus Curiae and direct the Member Secretary, High Court Legal Services Committee to

extend the stipulated fee as per notification of High Court Legal Services Committee to learned Amicus Curiae, within a period of four weeks from the date of receipt/production of a copy of this order.

16. Office is directed to ensure that a copy of this order is served upon Member Secretary, High Court Legal Services Committee.

(Pradeep Kumar Srivastava, J.)

01.09.2026
Basant/
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