IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 105 of 2017

Ramjan Ansari, S/o. Amanat Ansari, R/o. Nari, P.O. & P.S.- Kisko, Dist.- Lohardaga, Jharkhand. ... ... Petitioner

Versus

The State of Jharkhand …… Opp. Party

With
Cr. Revision No. 1289 of 2016

Rizwan Ansari, S/o. Kamruddin Ansari, R/o. Nari, P.O. & P.S.- Kisko, Dist.- Lohardaga, Jharkhand. ... ... Petitioner

Versus

The State of Jharkhand …… Opp. Party

With
Cr. Revision No. 183 of 2017

Kamrul Ansari @ Kamrul, S/o. Jabbar Ansari, R/o. Hirhi, P.O., P.S. & Dist.- Lohardaga, Jharkhand. ... ... Petitioner

Versus

The State of Jharkhand …… Opp. Party

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioners : Mr. Rajesh Kumar, Advocate
For the State : Mr. Shailendra Kumar Tiwari , Spl.P.P.
: Mr. Vishwanath Roy, Spl. P.P.
: Mr. Rajneesh Vardhan, A.P.P.

Judgment

Dated: 03rd September, 2026

By Court:-

1. All these criminal revisions arise out of the same impugned judgment. Accordingly, all these revisions are being heard and disposed of together.

2. Heard learned counsel for the petitioners as well as learned counsels for the State in respective cases.

2. Instant criminal revisions are directed against the judgment passed by learned Sessions Judge, Lohardaga in Criminal Appeal No. 84/2015 dated 10th August, 2016, whereby and whereunder, the learned Appellate Court has upheld the judgment and order of conviction and sentence of the petitioners for the offence under Sections 392 & 411 of the I.P.C. passed by learned Trial Court in G.R. Case No. 611 of 2011 corresponding to T. R. No. 27 of 2015, dated 13.07.2015, whereby, the petitioners were held guilty for the aforesaid offence and sentenced to undergo R.I. for three years alongwith fine of Rs. 1000 each for each of the offence with default stipulation.

Factual Matrix:-

3. Factual matrix giving rise to these revisions is that on 23.11.2011 between 10:30 P.M. to 11:00 P.M., the elder father of the informant, namely, Johan Kujur, knocked the door to open and thereafter, the informant opened the door and saw that two miscreants, who had covered their face with scarf and had hold revolver in their hands, had caught his elder father. It is alleged that the accused persons entered into the house of the informant pointing the revolver towards his head and asked the informant to part with the key of the Almirah. It is also alleged that on hearing some noise, the wife of the informant Santoshi Kujur also woke up and started to raise hulla but the miscreants threatened them that bomb has been fixed in their house and they should keep silence. The miscreants took away Rs. 60,000/- and silver ornaments of the wife of the informant worth Rs. 3,000/- and three mobile sets and on protest, they assaulted the informant.

4. On the basis of fardbeyan of the informant, F.I.R being Kisko P.S. Case No. 79 of 2011 was registered on 25.11.2011 for the offences under Section 392 of the I.P.C. against the above named petitioners and during the course of investigation Section 411 of the I.P.C. was also added in the F.I.R. vide order dated 29.11.2011.

5. After completion of investigation, charge-sheet was submitted for the offences under Section 392/411 of the I.P.C. against the accused persons. The learned Trial Court took cognizance and charges were framed, to which, they pleaded not guilty and claimed to be tried.

6. The learned Trial Court, after considering the oral as well as documentary evidences adduced by the prosecution and after hearing the parties, found the petitioners guilty for the offence under Sections 392 & 411 of the I.P.C and sentenced them as stated above.

7. Against the judgment of conviction and order of sentence, the petitioners preferred an appeal being Cr. Appeal No. 84 of 2015, which was decided by the learned Sessions Judge, Lohardaga. The learned Appellate Court concurrently also upheld the judgment of the learned Trial Court on the basis of evidence available on record, which has been assailed in this revision.

Submission on behalf of the Petitioners:-

8. Learned counsel for the petitioners, without touching the merits of the judgment, has confined himself towards the quantum of sentence awarded to the petitioners by the learned Trial Court and upheld by the learned Appellate Court. It is further submitted that petitioners were held guilty on the basis of recovery of currency notes, mobile phone and silver chain from their possession, which are

informant's property. It is further submitted that initially the F.I.R. was registered against unknown persons and the petitioners were apprehended during investigation. It is also submitted that the petitioners have already remained in custody for 7 months out of three years of imprisonment awarded by the learned Trial Court and upheld by the learned Appellate Court. The occurrence is of the year 2011 and more than 15 years have been elapsed. The petitioners have got no criminal background except this case and during the pendency of this case, they have also not indulged in any other criminal activity. Therefore, sentence of three year awarded by the learned Trial Court and upheld by the learned Appellate Court may be altered / modified to the extent of imprisonment already undergone by them.

Submission on behalf of the State:-

9. On the other hand learned counsels for the State have defended the impugned judgment on merits and have submitted that there are concurrent findings of recovery of stolen articles from possession of the petitioners. Therefore, there is no reason to interfere in the impugned judgment passed by the learned Trial Court and upheld by the learned Appellate Court, but so far as the quantum of sentence awarded to the petitioners is concerned, in the factual aspect of the case, an appropriate order may be passed.

Analysis, discussion and reasons:-

10. I have gone through the impugned judgments passed by the learned Trial Court as well as learned Appellate Court.

11. It appears that in the course of trial, altogether eleven witnesses were examined by the prosecution apart from following documentary and material evidence:-

I. Ext.-1 to 1/2 : Signature of hawaldar Sangram Biruwa on the three seizure lists.

II. Ext.-2: Fardbeyan

III. Ext.-3 to 3/2: Signature of police Sanjay Kumar on three seizure lists.

IV. Ext.-4: Endorsement on the fardbeyan.

V. Ext.-5: formal F.I.R.

VI. Ext.-6: seizure list prepared at 15:30 P.M.

VII. Ext.-7: seizure list prepared at 6:00 P.M.

VIII. Ext.-8: seizure list prepared at 22:00 P.M.

IX. Ext.-9: the confessional statement of accused Ramjan Ansari

X. Ext.-10: the confessional statement of accused Kamrul Ansari

XI. Ext.- I to I/XLVIII: 49 currency notes denomination of Rs.1000/-

XII. Ext.-II: Nokia Express music mobile set

XIII. Ext.-III: Silver chain

XIV. Ext.-IV: Second mobile set of Nokia

12. On the other hand, defence has not examined any oral or documentary evidence.

13. It appears from the evidence available on record that PW-9 the informant has identified the accused persons. The Investigating Officer of this case has brought on record the confessional statement of the accused namely Kamrul Ansari and Ramjan Ansari and recovery has also been made from their possession. It further appears that a sum of Rs. 5,000/- from accused Ramjan Ansari, a sum of Rs. 26,000/- alongwith a mobile set from possession of Kamrul Ansari and a sum of Rs. 18000/- alongwith old silver chain and a mobile set

from possession of accused Rizwan Ansari have been recovered. Therefore, conviction of the petitioners for the offences under Sections 392/411 of the I.P.C. is hereby upheld.

14. So far the quantum of sentence awarded to the petitioners by the learned Trial Court and upheld by the learned Appellate Court is concerned, it appears that occurrence is of the year 2011 and more than 15 years have been elapsed. The petitioners have got no criminal background except this case and during the pendency of this case, they have also not indulged in any other criminal activities.

15. Hence, considering the aforesaid facts and circumstances of this case, conviction of the petitioners is hereby upheld and confirmed and sentence awarded to the petitioners by the learned Trial Court and upheld by the learned Appellate Court is modified to the extent of imprisonment already undergone by the petitioners.

16. Accordingly, these revisions are **dismissed on merits with modification in sentence** as stated above.

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

18. Petitioners are on bail. As such, they are discharged from the liability of their respective bail bond and sureties are also discharged.

19. Let a copy of this order / judgment alongwith the trial court records be sent back immediately to the concerned Court for information and needful.

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand at Ranchi
Dated: 03rd September, 2026
Rahul/NAFR
Uploaded on 09/09/2026