IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 1315 of 2023
[Against the Judgment of conviction dated 05.03.2016 and order of sentence dated 18.03.2016 passed by the learned Sessions Judge, Bokaro in Sessions Trial Case No. 90 of 2015].

Varuni Kaiwart, son of Mantu Kaiwart, resident of Kerokewat Tola, P.S. Pindrajora, District- Bokaro .....APPELLANT

Versus

The State of Jharkhand ……RESPONDENT

……

For the Appellant : M/s Samavesh Bhanj Deo and Raj, Advocates.
For the State : Mr. Azeemuddin, A.P.P.

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P R E S E N T

SRI ANANDA SEN, J.
SRI PRADEEP KUMAR SRIVASTAVA, J.

J U D G M E N T

Dated: 26.10.2026
By Court:

This criminal appeal is directed against the Judgment of conviction dated 05.03.2016 and order of sentence dated 18.03.2016 passed by the learned Sessions Judge, Bokaro in Sessions Trial Case No. 90 of 2015, whereby and whereunder, the appellant having been found guilty of charge under Sections 302, 341 and 324 of the Indian Penal Code and has been convicted and sentenced to undergo rigorous imprisonment for life and fine of Rs.10,000/- for the offence under Section 302 IPC and in default of payment of fine, he will undergo simple imprisonment for a period of three months. The convict has further been sentenced to undergo R.I. for two years for the charge under Section 324 IPC and to pay a fine of Rs.500/- and in default of payment of fine, he will undergo simple imprisonment for a period of seven days. The convict has also been sentenced to undergo S.I. for one month for the charge under Section 341 IPC and to pay a fine of Rs.100/- and in default of payment of fine, he will undergo simple imprisonment for a

period of two days.

2. The learned counsel for the appellant submits that the impugned judgment of conviction and sentence has been passed mechanically and without appreciating the evidence available on record, as there is no direct allegation against the appellant. He contends that there is no eyewitness to the occurrence. He also submits that there are contradictions in the depositions of the prosecution witnesses; thus, the prosecution has not proved its case beyond a reasonable doubt. On these grounds, he prays for the appellant's acquittal.

3. Learned counsel appearing on behalf of the State, opposing the prayer of the appellant, submits that there is an eyewitness (P.W.9) who fully supported the case of the prosecution and there are other corroborating materials to establish the charges levelled against the accused person. It is his further contention that the prosecution has proved its case against the appellant beyond a shadow of a doubt by leading oral evidence supporting the prosecution case. He also adds that the prosecution has proved its case against the accused person. On these grounds, he submits that the impugned judgment of conviction and order of sentence passed by the learned court are justified and should not be interfered with.

4. The FIR is at the instance of P.W.9 (Birbal Kaiwart), who is the father of the deceased, in which he stated that on 13.6.2014 at 12 noon, he arrived at the matrimonial home of his daughter (Manjura Devi-the deceased) and his son-in-law Varuni Kaiwart (the accused) returned to his house in the evening at about 5:45 p.m. The appellant asked his wife, Manjura Devi, to throw cow dung in the agricultural field, but she refused, stating that she would do it the next day. Thereupon, the accused became furious and asked his daughter that today he would cut her and her father also. Thereafter, the accused took out an Iron Chopper, which was kept in the corner of his house, and held it in his hand; then the informant tried to catch hold of the accused, but the accused assaulted him with the intention to kill him and due to which he sustained injuries

on the palm of his left hand. Out of fear, the informant stepped back and saw the accused get down the head of his daughter by catching hold of her hair with his left hand; thereafter, he assaulted her twice with an iron chopper with his right hand on the back of the neck of his daughter and due to which half of her neck was cut, and she fell down there and died on the spot. Thereafter, the informant, in an injured condition, out of fear came out of the house and raised an alarm, but by that time, the accused fled away.

On the basis of the aforesaid *fardbeyan*, FIR being Pindrajora P.S. Case No. 34 of 2014 was registered. After investigation, the police submitted a chargesheet under Sections 341, 324, 326, 307 and 302 IPC against this appellant. Accordingly, the Court took cognisance of the offence, and the case was committed to the Court of Sessions for trial. Charges were framed under Sections 323, 324, 326, 341, 307 and 302 IPC against the appellant; as the appellant pleaded not guilty, he was put on trial.

5. In order to prove the charges against the appellant, the prosecution had examined altogether ten witnesses, who are as follows:-

P.W.1- Subhash Chandra Kaiwart,
P.W.2- Ravi Mahto,
P.W.3- Arjun Kaiwart,
P.W.4- Ramesh Gope,
P.W.5- Ranjit Kaiwart,
P.W.6- Ashok Kumar Mahto,
P.W.7- Dr. Bikash Kumar,
P.W.8- Dr. Harendra Kumar Mishra,
P.W.9- Birbal Kaiwart (informant), and
P.W.10- Ajit Kumar (I.O of this case).

6. Several documents were also exhibited, which are as follows:-

Ext.-1: Signature of P.W.1 on the seizure list.
Ext.-1/1: Signature of P.W.1 on the another seizure list.
Ext.-1/II to 1/III- Signature of P.W. 6 on the seizure lists.
Ext.-1/IV Signature of P.W.6 on Fardbeyan.
Ext.-2: Post Mortem Report.
Ext.-3 Injury report of the informant.
Ext.-4: FSL Report.
Ext.-5: Fardbeyan.
Ext.-5/I Endorsement on Fardbeyan

Ext.-6 FIR.
Ext.-7 Requisition for injury report.
Ext.-8 and 8/1: Two seizure lists.

7. Apart from this, the prosecution has also got proved and marked the following material exhibits, which are as follows.

Ext.-I Iron Chopper, and
Ext.-II Soil containing blood.

8. After completion of prosecution evidence, the statement of the appellant was recorded under Section 313 Cr.P.C. No evidence was adduced in defence by the appellant.

9. The Trial Court, thereafter, considering the evidence, had convicted the appellant for committing the offence under Sections 302, 324 and 341 IPC and awarded sentence as aforesaid.

10. From the evidence, we find that the entire case is based on the evidence of P.W.9, who is the informant of this case. As per the FIR, he was present at the place of occurrence, i.e. in the house, along with the deceased and the accused.

P.W. 9- Birbal Kaiwart (the informant) deposed during examination-in-chief that his daughter, Manjura Devi (the deceased), was married to the accused, Birbal Kaiwart (this appellant). He deposed that the occurrence took place in the evening at about 5:00 p.m., and on that day he came to his daughter's house. He stated that his son-in-law asked his daughter (the deceased) to cut the soil and threw cow dung. His son-in-law threatened that if she did not go, then she would be cut into pieces and her father would be cut also. He also deposed that his daughter stated that she would not go today; thereafter, his son-in-law assaulted him with a Katari on the wrist of his left hand, so he moved back, and thereafter his son-in-law assaulted his daughter with a Katari on her neck 2-3 times, due to which his daughter became unconscious. Thereafter, he came out of the house and saw some persons, namely P.W. 1, P.W. 3, and Dhiren Kaiwart. Then he narrated to them about the accused, who had assaulted him and his daughter. He also stated that when the police came and inquired, he stated that the accused had

committed the murder of the deceased. The police had recorded his *beyan*; thereafter, he put his LTI. He also deposed that he got treatment at home, and the police also took him to Pindrajora police station for treatment, but he does not remember the way to the hospital. During cross-examination, he stated that prior to the occurrence, there was a good relationship between his daughter and the deceased. He also deposed that the occurrence took place inside the house.

P.W.1- Subhash Chandra Kaiwart deposed that the occurrence took place on 13.6.2014 at about 5 p.m. in the evening and at that time he along with five persons i.e. P.Ws. 2, 3, 4 and 6 was talking with each other, then the informant after rising alarm came towards them and told that his son-in-law had cut the neck of his daughter by an iron chopper and he (the informant) also received cut injury on the right palm. All the persons went to the accused's house, where they found the accused standing in the passage holding an iron chopper; on seeing them, he started fleeing. He deposed that the reason behind the incident was to throw cow-dung in the agricultural field, as stated by the informant. He stated that the weapon of assault, i.e. the iron chopper, was found lying in the bushes at Baren Field, on which blood stains were present. The said chopper was seized, and a seizure list was prepared on 13.6.2024 at about 11:30 p.m.; he signed the seizure list (Ext.1), which he identified. He further stated that the blood-stained soil near the dead body of the deceased was also seized, on which he has also put his signature (Ext.-1/1), which is also identified by him.

P.W.2- Ravi Mahto, during his examination-in-chief, stated that the occurrence took place on 13.6.2014 at about 5:45 p.m. in the evening and at that time he, along with five persons, was gossiping and in the meantime the informant, after raising an alarm, came towards them in running condition and showed them his left hand and told that his son-in-law had cut his daughter. He, along with others, went to the house of the accused; then they found the accused standing in the house, and an iron chopper was kept in his hand, on which a blood stain

was present, and on seeing them, the accused fled away from there. In cross-examination, he stated that no occurrence took place in his presence, but he admits that there was a quarrel between the informant and the accused.

P.W.3- Arjun Kaiwart, **P.W.4- Ramesh Gope, P.W.5- Ranjit Kaiwart** and **P.W.6- Ashok Kumar Mahto**, during examination-in-chief, stated that the occurrence took place on 13.6.2014 at about 5:45 p.m. to 6 p.m. in the evening and deposed the same as stated by P.W. 2.

The doctor is **P.W. 7 (Dr Bikash Kumar)**, who conducted the postmortem of the deceased. He found the following external and internal injuries on the person of the deceased;

> **General Examination**: Rigor Mortis present in all four limbs, eyes closed, mouth open and tongue inside.
> ***External Injuries:-***
> *(I) Lacerated would start from right side of the neck extending up to just shot of mid line.*
> *(ii) Severing muscles major blood vessels about 4 ½" length and 1" width extending up to mid of the clavicle region.*
> ***On dissection***
> *Skull intact, brain NAD, Neck skin fascia, muscles blood vessels and fracture of hyoid bone. Heart both chamber empty on blood, lungs liver and kidney mile congested, spleen-congested, stomach contain semi digested food, bladder about 25 ml. in urine, uterus small in size.*

He stated that the cause of death was due to haemorrhage and shock, leading to cardio-respiratory failure due to the above-mentioned injury. He has proved the said postmortem report (Ext.2) written by him. The above two injuries on the neck of the deceased can be caused by a chopper in two attempts.

The doctor **P.W. 8 (Dr. Harendra Kumar Mishra)**, who had examined the injured Birbal Kewat (the informant) on 13.6.2014 and had found the following injuries on his person, which are as follows:-

> *(I) Sharp cut injury of size 4" x ½" x muscle deep at left wrist.*
> *(ii) Abrasion of ½" x ¼" at the root of right thumb.*
> *Advise for the X-ray of left wrist- no any fracture found in the x-ray.*
>
> *He opined that all the injuries are simple in nature.*

P.W. 10 (Ajit Kumar), is the Investigating Officer of this case, who during his examination-in-Chief stated that on 13.6.2014 he was posted at Pindrajora Police Station and on that day at about 6 p.m. in the evening he had received an information that one person had killed his wife at village Kura, Kewat Tola and on receiving the said information, he along with other officers and police force went to the place of occurrence, where the father of the deceased (the informant) narrated him that his son-in-law and killed his daughter by iron chopper and he was also assaulted by chopper by the accused in course of saving her. He has further deposed that he recorded the statement of the informant in *fardbeyan* in the presence of Ashok Kumar Mahto (P.W.6). He further stated that the informant put his LTI and Ashok Kumar Mahto also put his signature on it, which is identified by him. He further deposed that after registration of the case, he took charge of the investigation of this case and inspected the place of occurrence and also inspected the injuries found on the person of the deceased, but due to the late night, he had not sent the dead body for post-mortem. He had sent the dead body for post-mortem the next morning, i.e. on 14.6.2014, to Sub-Divisional Hospital, Chas. He also stated that he recorded the informant's re-statement, prepared the injury report, and sent him to Sadar Hospital, Bokaro, for treatment. He also deposed that he arrested the accused and recorded his confessional statement, in which he had admitted his guilt, and at his instance, he also recovered the weapon of assault from the bushes, and a seizure list was prepared by ASI Dinesh Prasad in his presence, on which witnesses Ashok Kr. Mahto and Subhash Chandra Kaiwart had put their signatures. He further deposed that on 13.6.2014 he seized the blood-stained soil from the dead body of the deceased and the seizure list for the same was prepared by ASI Dinesh Prasad, on which the above-said two witnesses, as well as he, put their signatures.

11. Thus, from scrutinising the evidence of the witnesses, we find

that P.W. 9 (the informant) is a material witness, who is the eyewitness to the occurrence. He was present on the date of occurrence in the house of the accused, i.e. on 13.6.2014, and saw the occurrence with his own eyes, and he has also sustained injury.

12. P.W. 9 as well as other witnesses have deposed that the occurrence had taken place due to the reason that the accused asked the deceased to throw cow-dung in the agricultural filed but the deceased had refused to throw cow-dung as her father had come to her house and she wanted to cook food for him and due to which, the accused became furious and took out an iron chopper from his house and initially he tried to kill the informant which was saved by him but later on the accused killed the deceased by iron chopper by assaulting on the back of her neck due to which, she died instantly at the place of occurrence. Thus, P.W. 9 has fully supported the case of the prosecution, and his evidence is reliable; nothing in his cross-examination discredits it.

13. From the evidence of P.Ws.1, 2, 3, 4, 5 and 6, it is evident that they were not present at the place of occurrence, but they have stated that on the alarm of the informant, they went to the house of the accused, where they found the accused standing in the passage keeping Iron Chopper in his hand and when they were going towards the accused then the accused also started running towards them then due to fear they all turned back and in the meantime on *hulla*, several villagers assembled there and on seeing the villagers the accused fled away from the place of occurrence.

14. From the documentary evidence, it is also apparent that the deceased became so angry and excited that he gave two chopper blows to his own wife on a trivial issue of throwing cow-dung in the field, which was refused by the deceased, as she had merely asked her husband to prepare food for her father on the date of occurrence and for throwing the cow-dung in the field on the next day.

15. Medical evidence of the doctor, i.e. P.W. 7, also found two

injuries on the neck of the deceased, which fully support the version of the eyewitness (P.W.9) that the accused assaulted the deceased twice with an iron chopper on her neck. Further, the doctor also opined that the deceased died due to the aforesaid two injuries on the neck, which can be caused by a chopper. It is also proved from the report of the FSL that the blood found on the earth soil and blood found on the iron chopper belongs to a human, and the said blood was found on account of the death of the deceased due to the assault made by the accused. The confessional statement of the accused, recorded by S.I. Ajit Kumar on 13.6.2014 at about 9:45 p.m., also proves the prosecution case.

16. Considering what has been discussed above, we find that the prosecution has been able to prove the guilt of the appellant beyond all reasonable doubt. We find no merit in this appeal. The appellant has been rightly convicted and sentenced by the Judgment of Conviction dated 05.03.2016 and the order of sentence dated 18.03.2016 by the learned Sessions Judge, Bokaro, in Sessions Trial Case No. 90 of 2015. Accordingly, this appeal is **dismissed,** and the impugned judgment is affirmed.

17. Pending interlocutory application, if any, also stands disposed of.

18. Let the Trial Court Records be sent back to the Court concerned forthwith, along with a copy of this judgment.

(**ANANDA SEN, J.)**

(PRADEEP KUMAR SRIVASTAVA, J.)

Jharkhand High Court, Ranchi.
Dated the 26th October, 2026.
Anu-Cp.-3.

Uploaded on: 06.11.2026