2026:JHHC:13635

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Acquittal Appeal No.01 of 2014

[Against the Judgment of acquittal dated 02.09.2013, passed by the learned Additional Sessions Judge – I -cum- Special Judge, Sahibganj in Special Case No.01 of 2006, corresponding to P.C.R Case No.177 of 2004]

Arun Kumar Singh s/o Late Sakaldeep Mandal, resident of village Habibpur, P.O & P.S District Sahibganj.

..... Appellant

Versus

1. The State of Jharkhand
2. Randhir Singh s/o Suryanarayan Singh resident of vill Badi kodarjanna, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
3. Bhanu Singh s/o Suryanarayan Singh resident of vill Badi kodarjanna, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
4. Munna Singh S/o Parmanad Singh resident of vill Badi Kodarjanna, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
5. Md. Muzaffar S/o Late Lukman r/o vill makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj
6. Md. Jasrat @Dargis S/o not known r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
7. Md. Yaar Mohammad s/o Late Abdul Salam r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
8. Md. Irfan s/o Late Abdul Salam, r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
9. Md. Fazal S/o Md. Lukman r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
10. Md. Azhar S/o Md. Lukman r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
11. Md. Rustam S/o Late Abdul Manan r/o vill Makhmalpur, P.O. Sahibganj, P.s Sahibganj, Dist Sahibganj.
12. Md. Taimur S/o Md. Razak r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
13. Md. Imani S/o Md. Fazal ali r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
14. Md. Ibrahim S/o Md. Fazal Ali r/o vill Makhmalpur, P.O Sahibganj, P.S Sahibganj, Dist Sahibganj.
15. Md. Jamshed S/o Fazal Ali r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
16. Md. Munna S/o Md. Kudus r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.
17. Md. Wahab S/o Md. Arsad Ali r/o vill Makhmalpur, P.O Sahibganj, P.S Sahibganj, Dist Sahibganj.

18. Md. Sohrab @ Turaf S/o not known r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj
19. Md. Isha S/o Md. Kishantulla r/o vill Makhmalpur, P.O Sahibganj, P.S Sahibganj, Dist Sahibganj .
20. Md. Danish S/o not known r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj
21. Md. Ainul Haque S/o Md. Ajhar, r/o vill Makhmalpur, P.O. Sahibganj, P.S Sahibganj, Dist Sahibganj.

..... Respondents

PRESENT

HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Anil Kr. Ganjhu, Advocate
Mr. Randhir Kr. Sharma, Advocate

For the State : Mr. Pankaj Kumar, P.P

Order No.20/ Dated: 07th May, 2026

1. Heard Mr. Anil Kumar Ganjhu, learned counsel for the appellant and Mr. Pankaj Kumar, learned counsel for the State.

2. The present acquittal appeal has been filed by the complainant/ appellant against the judgment of acquittal dated 02.09.2013, passed by the court of learned Additional Sessions Judge – I -cum- Special Judge, Sahibganj, in Special Case No.01 of 2006, corresponding to PCR Case No.177 of 2004, whereby and whereunder, the trial court has acquitted all the accused/ respondents for the offence under Sections 144/ 379, 149/ 379 of the Indian Penal Code and Sections 3(v) of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act [For short the SC/ ST (POA) Act] .

3. The criminal law has been put into motion by lodging a complaint case by the appellant-complainant.

4. The prosecution story, in brief, that informant Sakaldeep Mandal (now deceased) had filed a case in

Sahibganj (M) Police Station which was registered as Sahibganj (M) P.S. Case No. 52/03, (G.R. No. 131/03) which was found false and thereafter, final form has been submitted. After that the informant filed protest petition in the Court of C.J.M., Sahibganj which was registered as P.C.R. Case No. 177/04 stated therein that the Officer-in-Charge had lodged his case after long delay. He had filed information against accused Parmanand Singh, Randhir Singh, Bhanu Singh, Munna Singh and 22 to 25 other unknown criminals who had committed loot of his Arhar crop. The information was given to the Superintendent of Police, Sahibganj. The informant when made protest, accused said him *"Kharwar-Aadivasi"* and threatened to kill. The value of the looted crop has been assessed between Rs.50,000/- to s.55,000/-. The description of land, is Jamabandi No.333, bounded as North -Simana Garhi, South -Vikaram Singh & Others, East-Muni Lal Mandal & West -Ram Shankar Awasthi and Jamabandi No. 647, North -Simana Garhi, South Chandrika Gope, East -Ram Briksh Singh & West Darago Singh. Total area of both land is shown 9 bighas.

5. The police after investigation has submitted the final form to which the protest petition has been filed and on protest, cognizance has been taken. After conducting the trial, the trial court has acquitted all the accused persons, holding that the prosecution has not been able to establish the case, beyond shadows of reasonable doubts.

6. Being aggrieved by the said judgment of acquittal,

the appellant-complainant has preferred the present acquittal appeal.

7. The prosecution has examined altogether six witnesses. Their testimonies, in short, are as follows :-

8. **P.W.-1 – Gopal Mandal**, is one of the party who has supported the prosecution case. He has deposed that on protest the accused abused him and said him 'Aadivasi' and get lost. Thereafter, he informed the police. He has admitted that the land has been purchased in the year 1979-80 and in the year 1988 similar type of case was lodged and a civil suit is pending before the Sub-Judge – II, Sahibganj. He has also admitted about several criminal cases between the parties.

This witnesses deliberately suppressed the Halka number of the suit land and hence cannot support his title over the suit land.

9. **P.W.-2, Keshav Mandal**, is one of the interested party and reiterated the same as P.W.-1.

10. **P.W.-3, Nehru Prasad Singh**, has also litigating terms with the accused persons and supported the prosecution case.

His evidence was not found reliable and hence discarded by the trial court.

11. **P.W.-4, Shankar Mandal**, has stated that the accused person said the victim as 'Aadivasi' and ordered to go away otherwise he would be killed. He had gone to the place of occurrence on call of one Sakaldeep Mandal..

12. **P.W.-5, Arun Kumar Singh**, is the son of the

informant and he has supported the prosecution story.

13. **P.W.-6, Arun Kumar Singh**, has proved the rent receipts (Ext.-22 to 22/3). He has deposed that no halka number is mentioned in the rent receipts.

In cross-examination, he has stated that he does not know where the title suit is pending and about the possession. He also does not know that who had grown the crop.

14. The defence has also examined one witness namely, Manoj Kumar Singh as D.W.-1, who has proved Ext.-R, the report along with map of kanoongo.

The defence has been taken that it is purely a civil dispute and several cases of similar nature have been filed and the respondents are in cultivating position over the said piece of land and as such no offence under Section 379 IPC is made out. Further, merely saying '***Aadivasi***' is not a crime and as such the allegation of Section 3(v) of the the SC/ ST (POA) Act, is also not made out.

15. Having heard learned counsel for the parties and from perusal of record, this Court finds that the only defence which has been taken by the learned counsel for the appellant is that the evidence of the witnesses has not been properly evaluated by the trial court.

The evaluation of the witness is purely in the arena of the court. The court has to scrutinize the veracity of the witnesses and has to weigh whether it is reliable or not.

16. I have gone through the entire case record and the evidence of the witnesses in detailed and find that the trial

court has evaluated the evidence of the witnesses in detailed and all the materials brought on record. This Court finds that :-

(a) there are series of litigation of similar nature for the past several years and in some of the cases, the respondents have already acquitted.

(b) there is civil dispute between the parties and there is civil case also.

(c) the court below after evaluating the evidence has clearly given the finding that the prosecution has failed to prove that they are in cultivating possession over the land in question.

(d) it is a crime against the possession. If the possession has not been proved, then the onus lies upon the prosecution to prove the possession.

17. In view of above discussions, this Court finds that the judgment of acquittal dated 02.09.2013, passed by the court of learned Additional Sessions Judge – I -cum- Special Judge, Sahibganj, in Special Case No.01 of 2006, corresponding to PCR Case No.177 of 2004, requires no interference.

18. In the result, the acquittal appeal stands dismissed.

19. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

(Rajesh Kumar, J.)

Jharkhand High Court, Ranchi
Dated, the 07th May, 2026
Ravi-Chandan/- **NAFR**
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