2026:JHHC:31438-DB

IN THE HIGH COURT OF JHARKHAND AT RANCHI

(Against the judgment of conviction and the order of sentence, both dated 07.02.2018 passed by the learned Additional Judicial Commissioner-VII at Ranchi in Sessions Trial No. 39 of 2015)

Criminal Appeal (D.B.) No.936 of 2018

Umesh Patar Munda, son of Jagmohan Patar Munda, resident of village-Edku, PO and PS Sonahatu, District-Ranchi… **Appellant(s).**

Versus

The State of Jharkhand … **Respondent(s).**

For the Appellant(s) : Mrs. Abha Verma, Advocate
For the Respondent(s) : Mr. Bhala Nath Ojha, Spl. PP

……..

PRESENT

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

J U D G M E N T

28th October 2026

***By the Court*:** We have heard learned counsel appearing for the appellant and learned counsel for the State at length.

2. This Criminal Appeal arises out of the judgment of conviction and the order of sentence, both dated 07.02.2018 passed in Sessions Trial No. 39 of 2015 whereby and whereunder learned Additional Judicial Commissioner-VII at Ranchi convicted the appellant under Section 302 of the Indian Penal Code and sentenced him to undergo rigorous imprisonment for life with fine of Rs. 5,000/- and in default of payment of fine has to undergo further imprisonment for 6 months.

3. The learned counsel appearing on behalf of the appellant submits that it is hardly believable that a father would commit murder of his own son. She further submits that the testimony of the prosecution witnesses on the alleged occurrence is neither corroborative nor trustworthy, as no witness saw the occurrence

committed by the appellant. Hence, the judgment of conviction and the sentence are bad in law and fit to be set aside.

4. The learned counsel for the State opposes the prayer and submits that there is an eyewitness to the occurrence. The appellant has thrown his son on the terrace and committed his murder. The ocular evidence is corroborated with the medical evidence. Thus, on the facts and circumstances, the Trial Court has rightly convicted this appellant, and this appeal needs to be dismissed.

5. The prosecution case is based on the fardbeyan of Shankri Devi, who is the mother of the appellant. In brief, the prosecution alleges that accused Umesh Patar Munda was married to Basanti Devi, and they had a three-year-old child. On 21.10.2014, on a quarrel with her husband, Basanti Devi fled from the house, leaving behind her child. At about 10:00 a.m., the accused allegedly murdered the child by repeatedly throwing him. Based on Shankri Devi's fardbeyan, the case was registered. Based on the aforesaid *fardbeyan,* FIR No. 92 of 2014 was registered at Sonahatu PS under Section 302 of the Indian Penal Code.

6. After investigation, the Investigating Officer submitted a chargesheet against the appellant for the offence punishable under Section 302 of the Indian Penal Code.

7. On the basis of the chargesheet and materials available on record, cognizance was taken, and the case was committed to the Court of Sessions, where charge was framed under Section 302 of the Indian Penal Code, and trial proceeded.

8. To prove the prosecution case, altogether 7 witnesses were examined by the prosecution, who are as under:-

PW1-Shankari Devi is mother of the appellant and the informant of this case. She stated that an altercation

occurred between the appellant and his wife. His wife fled away, leaving behind her child. When Umesh did not find his wife, he brought his child to the terrace and committed murder by repeatedly thrashing him on the roof.

PW2-Sanju Kumari stated that Umesh Patar Munda brought his son on the terrace and committed murder of his son by thrashing him on the roof. In cross-examination, she deposed that she was standing in her courtyard, from where she saw the occurrence. Thus, she is an eyewitness.

PW3-Jagmohan Patar Munda deposed that on the day of occurrence he was not in his house. When he came back to his house, his family members told him that Umesh Patar Munda threw his son on the floor, which caused his death.

PW4-Ramanuj Patar Munda was declared hostile.

PW5, Haripad Patar Munda, was also declared hostile.

PW6-Shiv Shankar Pandey is the Investigating Officer of this case. He recorded the fardbayan. He went to the place of occurrence and took re-statement of the informant and statement of other witnesses. He prepared an inquest report and sent the dead body for postmortem.

PW7-Dr. Ajit Kumar Choudhary conducted the postmortem of the dead body of the deceased, Sumit Patar Munda. He found the following injuries on the body of the deceased:

Abrasion–

i. 3cm x 2cm on right side of forehead
ii. 2 x 1 cm on right scapular region middle part.
iii. 5 cm x 2 cm on left arm back upper part
iv. 9 cm x 5 cm over left scapular region.

Internal–

There was defused contusion of whole scalp and both temporalis muscle. There was mozaic fracture of frontal bone, both side parietal bone, both side temporal bone

and both side of occipital bone with laceration of duramater of brain. There was defused contusion of brain. Subdural black and blood clot on both sides of brain.

In the opinion of the doctor, the above-noted injuries were antemortem caused by a hard and blunt substance. Time since death was between 3 hours and 12 hours at the time of postmortem examination. The postmortem report has been marked as Exhibit-4. He deposed in his cross-examination that this type of injury might be caused if a person comes underneath the wheel of a heavy vehicle.

9. Following documents have been exhibited :

i. Ext.1 – Signature on fardbeyan
ii. Ext. 1/1–Entire Fardbeyan.
iii. Ext. 1/2 - Registration
iv. Ext.2 –Formal FIR
v. Ext.3 – Entire inquest report.
vi. Ext. 4 – Postmortem report.

10. We have gone through the entire records and have heard the arguments of the parties in detail. As per the First Information Report, which has been lodged by the mother of the appellant, the wife of the appellant had left the house due to some dispute with the appellant; thereafter, the appellant took his three-year-old son and thrashed him on the ground repeatedly and committed murder of his son. To prove the charge, the prosecution has examined several witnesses. PW7, the doctor, after examining the dead body, opined that the injuries are antemortem in nature, caused by a hard and blunt substance, and death was due to the head injury.

Thus, from the evidence of the doctor, it is clear that the death is homicidal.

11. PW1 is the informant in this case and the mother of the appellant. She stated that she was in the house and this appellant thrashed his son on the floor of the terrace and

committed his murder. She stated that the villagers could not manage this appellant. In cross-examination, she said that she heard that the child was thrown. PW2 is an eyewitness who is the sister of this appellant; she stated that she had seen this appellant thrashing his three-year-old son on the ground. She stated that the genesis is the dispute between the husband and the wife. In cross-examination, she stated that she had not gone to the college on that day and she had seen the occurrence.

12. From analysis of the evidence of the aforesaid two witnesses who are none but the mother and sister of this appellant, we find that they both implicated this appellant. There is no reason why the mother and sister would implicate the appellant on any false allegation. Thus, the prosecution case is proved from the deposition of PW2 that this appellant has thrashed his child and killed him. Moreover, there is no material to disbelieve or doubt PW2's deposition.

13. PW3 is the father of this appellant who admittedly is a hearsay witness. PW4 and PW5 are hostile witnesses. PW6 is the Investigating Officer. He proved the place of occurrence, which is the house of this appellant, and stated that the occurrence took place on the terrace. He also found a blood spot on the terrace. All these pieces of evidence clearly point, without any doubt, towards this appellant, that he has committed murder.

14. Considering the aforesaid evidence and what has been discussed above, we find that the prosecution has been able to prove the guilt of the appellant beyond all reasonable doubt. The judgment of the Trial Court is lawful. Thus, we affirm the judgment of conviction dated 07.02.2018 and the order of sentence dated 07.02.2018 passed by the learned Additional Judicial Commissioner-VII, Ranchi in Sessions Trial No. 39 of 2015.

15. Accordingly, this appeal is **dismissed**.

16. Pending I.A.s, if any, stand disposed of.

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

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

High Court of Jharkhand, Ranchi
Dated : 28/10/2026
Tanuj/
Uploaded on 06.11.2026