2024:JHHC:44901

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1226 of 2017

Deep Chand Jaiswal @ Deep Chandra Jaiswal, S/o late Hari Prasad Jaiswal, R/o Manifit Mahanand Basti, PO and PS Telco, Town-Jamshedpr, District East Singhbhum ... ... **Petitioner**

Versus

1.The State of Jharkhand
2. Tarsisiyus Karketta, S/o late Piush Karketta, R/o Lohardi Lichi Bagan, PO and PS Namkum, District Ranchi … … **Opp.Parties**

CORAM:HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Petitioner : Mr. Rajesh Kumar, Advocate
For the State : Mr. Pankaj Kumar, PP;
Mr.Shashi Kumar Verma, APP
For the O.P. No.2 : None

Order No.14/ Dated: 2nd September, 2026

1. The present Criminal Revision is directed against the judgment dated 3.5.2017 passed by the learned Addl. Sessions Judge-XI, East Singhbhum at Jamshedpur in Criminal Appeal No. 97 of 2015, whereby and whereunder, the appeal preferred by the petitioner against the order and judgment dated 13.7.2015 passed by the learned Addl. Chief Judicial Magistrate, Jamshedpur in Telco PS Case No. 20 of 2008, corresponding to G.R. Case No. 144 of 2008 (T.R. Case No. 415 of 2015) by which the petitioner has been convicted and sentenced to undergo R.I. for two years for committing an offence under section 414 of the Indian Penal Code was affirmed and the appeal preferred by the petitioner has been dismissed.

FACTUAL MATRIX:

2. The prosecution story is that the informant Tarsisiyus Karketta was in-charge of Chief Executive Officer of Iron Slag Pickers Laboures Co-Operative Society, Sakchi, Jamshedpur. On 18.01.2008 under the leadership of SDO Dhalbhumgarh, Jamhespur cum president Iron Slag Pickers Labours Co-operative Society, a raid was conducted at illegitimate Tal in Jamshedpur. Sahkarita Parisad Padadhikari, Anil Kumar, Accountant Kishore Kumar Jha, Anusavek Umesh Lal also participated in the raid of Tal situated at Gwala Basti Telco, Jamshedpur and Iron Slag was found to be kept there and its owner was Deep

Chandra Jaiswal, who narrated that it has been collected by labourers. Iron materials being Tata M.S Jam 2770 KG and C.I Scrap 480 k.g. valued Rs 14920 seized and seized materials were delivered to the officer-in-Charge Telco P.S.

3. On the basis of aforesaid Telco P.S case No: 20/08 dated 18.1.2008 was registered U/s 414 IPC against the accused persons. After completion of investigation charge sheet was submitted under the same sections against the accused persons and on the basis of which cognizance was taken. Charge was framed on 24.7.2008 under section 414 of the Indian Penal Code which was read over and explained to him to which he pleaded not guilty and claimed to be tried.

4. During trial, the prosecution has examined altogether 4 witnesses in support of his case namely:

P.W.1 Tarsisiyus Karketta;

P.W.2 Anil Kumar;

P.W.3 Umesh Lal;

P.W.4 Kishor Kumar Jha

6. The following documents were exhibited on behalf of the prosecution:

Ext.1 Written Report

Ext. Seizure List

7. Neither any witness nor any documents have been adduced on behalf of defence.

8. The learned counsel appearing on behalf of the petitioner has submitted that the petitioner has been illegally convicted and sentenced in this case inspite of production of genuine and valid documents for purchase of the seized materials i.e. iron scraps. It is further submitted that a raid was conducted in the shop of the petitioner by the Chief Executive Officer of Iron Slag Pickers Labourers Co-operative Society, Sakchi, Jamshedpur under the leadership of SDO Dhalbhumgarh, Jamshedpur cum president Iron Slog Pickers Labours Co-operative Society along with other officials at the dumping yards of the petitioner situated at Gwala Basti, Telco, Jamshedpur and seized all the materials lying there i.e. M.S. Jam 2770 k.g. and C.I. Scrap 480 k.g. total 3250 k.g. worth Rs. 14920/- branded the same as stolen articles. It is further

submitted that on application of the petitioner to be real owner of the scrap materials the learned trial court after receiving the police paper released 2600 k.g. M.S. Jam and 560 k.g. C.I. Scraps which clearly indicates that the petitioner was lawful owner of the seized materials which were never stolen since the shop was very old and all the materials have been collected hence some difference has appeared in weighing the articles. Therefore, conviction and sentence of the petitioner is absolutely illegal and suffers from error of law.

8. The learned counsel appearing for the State has defended the impugned judgment.

9. Considering the aforesaid facts, I find that admittedly, C.I. Scraps were seized only 480 k.g. but on submission of papers 560 k.g. has been released but so far 2770 k.g. M.S. Jam is concerned, the petitioner claimed only 2600 k.g. as purchased which was released. There is no explanation as to how the police officials have managed to supply 80 k.g. more C.I. Scraps than seized. Therefore, it is crystal clear that the seized materials were not exactly weighed while preparing seizure list and substantial articles branded as stolen property has been released. Therefore, there was no occasion to seek instruction only for 170 k.g. excess M.S. Jam. The learned trial court as well as the learned appellate court held the petitioner guilty only for non-production of valid paper for 170 k.g. of M.S. Jam which may be lying at the dumping place

10. Accordingly, the judgment dated 3.5.2017 passed by the learned Addl. Sessions Judge-XI, East Singhbhum at Jamshedpur in Criminal Appeal No. 97 of 2015 is hereby set-aside.

11. In the result, the present criminal revision is allowed.

12. Petitioner is on bail, hence, he is discharged from the liabilities of bail bonds. The sureties are also discharged.

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

17. Let a copy of this judgment be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court
Dated:02.09.2026
KNR/NAFR/ Uploaded on:05.09.2026