IN THE HIGH COURT OF JHARKHAND AT RANCHI

Criminal Appeal (D.B.) No.1070 of 2019

(*Arising out of judgment of conviction dated 02.09.2019 and order of sentence dated 03.09.2019, passed by learned Principal Sessions Judge, Pakur, in S. T. Case No.40 of 2014*)

Sushil Marandi, S/o Late Hopna Marandi, R/o Vill- Dhanushpuja, PO & PS Pakur(T), District- Pakur (Jharkhand)

… … … Appellant(s)

Versus

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

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

For the Appellant(s) : Ms. Sunita Kumari, Advocate
For the State : Md. Azeemuddin, AddI. PP

J U D G M E N T

By Court, :
26th October, 2026

This Criminal Appeal is preferred on behalf of the appellant, being aggrieved by the impugned judgment of conviction dated 02.09.2019 and order of sentence dated 03.09.2019, passed by the learned Principal Sessions Judge, Pakur, in S. T. Case No.40 of 2014, whereby and wherein the appellant has been convicted for offences under Sections 302 & 323 of the I.P.C. He was sentenced to undergo R.I. for life and pay a fine of Rs.50,000/- for the offence under Section 302 of the I.P.C., and in case of non-deposition of the fine, further to

undergo R.I. for 5 years. He was further sentenced to undergo R.I. for six months under Section 323 of the IPC.

2. We have heard learned counsel representing the appellant and learned AddI. P.P. representing the State and perused the material available on record.

3. Learned counsel representing the appellant submits that most of the witnesses are either hearsay or have turned hostile. She submits that even the appellant's wife was not present at the time of the occurrence, as she fled away. She submits that the Court below did not properly appreciate these facts. Finally, she submits that the Trial Court should have acquitted the appellant, as the conviction is based solely on suspicion.

4. Learned AddI. P.P. representing the State, oppose and submits that the Trial Court correctly appreciated the evidence of the prosecution witnesses. An injured witness stated the facts of this case, and the evidence of other witnesses corroborated those facts. Thus, the prosecution has successfully proved its case beyond reasonable doubt, and the judgment of conviction and order of sentence passed by the Trial Court need no interference.

5. The prosecution case as per the FIR is that on 06.01.2014 at about 06:30 hours, near the informant's house, Smt. Baha Soren stated that on the previous night, after dinner at about 8:00 P.M., she slept with her husband, Sushil Marandi, daughter, Bitti Marandi, and son, Hopna Marandi. At about 3:00 A.M., she awoke on hearing a knocking sound and saw her husband moving around the house with a *Kudal* (spade). When he attempted to assault her, she fled and hid behind a bamboo bush. At about 5:00 A.M., she returned home and found the bloodstained bodies of her children lying in the courtyard. Her son had a deep head injury, while her daughter's face was

crushed. She further stated that her husband was missing. Shortly thereafter, her father-in-law, Hopna Marandi, arrived with a head injury and stated that Sushil had assaulted him with a rod. Several villagers gathered at the spot and subsequently apprehended Sushil. The informant alleged that her husband had killed their two children by striking them with a *kudal* and injured her father-in-law with a rod.

6. After registering the FIR, investigation was carried out, and the charge-sheet was submitted under Sections 307/302 of IPC against the appellant, and after taking cognisance, the case was committed to the Court of Sessions, where charge was framed.

7. The prosecution has altogether examined nine (09) witnesses, who are as follows:-

P.W.-1 Hopna Marandi is the appellant's father.

P.W.-2- Sohal Marandi is a hearsay witness.

P.W.-3- Binay Murmu is a seizure list witness.

P.W.-4- Pradip Murmu- Declared hostile

P.W.-5- Ranjeet Soren- Declared hostile

P.W.-6- Baha Soren is the informant.

P.W.-7- Dr. Samsul Haque, M.O.

P.W.-8- Awdhesh Thakur, I.O

P.W.-9- Dr. Hansda Sowvendra Shekhar, M.O

8. Some documents were also exhibited in this case, which are as follows:-

Exhibit-1- Signature of PW-3 on seizure list.

Exhibit-2- Postmortem report

Exhibit-2/1- Postmortem report.

Exhibit-3 Fardbeyan

Exhibit-4 to Exhibit-4/1 Carbon copy of inquest report.

Exhibit-5 is seizure list.

Exhibit-6 is Formal F.I.R.

Exhibit-7 is the injury report.

9. After closure of the prosecution evidence, statement under Section 313 Cr. P.C. was recorded. Finally, after hearing both the parties, the Trial Court has convicted the appellant and sentenced him as aforesaid.

10. After hearing the parties, we find that it is the prosecution's case that the appellant has committed the murder of his two children with a *kudal* (spade) and also injured his father with a rod. From Exhibits 2 and 2/1, which are the post-mortem reports of the deceased children, we find that both the children were assaulted on the head, causing fractures of the skull bones with lacerations, and as per the doctor, the said assault may have been carried out with a blunt and hard substance. Thus, the death is homicidal in nature.

11. Further, we find that the death occurred inside the house of the appellant. This fact is substantiated by the evidence of PW-1, PW-6, and the Investigating Officer, who categorically stated the place of occurrence in his deposition.

12. Further, we find that there is an injured witness in the offence who is none other than the appellant’s father. He categorically stated that it is the appellant who has killed his two children with *a spade and also injured him on his head with a* rod. The evidence of the appellant’s wife, PW-6, also corroborates this. The fact that he sustained multiple lacerated wounds on his head is corroborated by the evidence of the Doctor (PW-9), who stated that the injuries are simple, caused by a hard and blunt substance. From the injured witness's evidence, we are of the view that he is an eyewitness to the occurrence. There is no material contradiction in his deposition. The Hon’ble Supreme Court, in ***Balu Sudam Khalde and Anr. Vs. State***

of Maharashtra, report in ***2023 SCC OnLine SC 355*** at para 26 enunciated the legal principles required for appreciation of evidence of an injured eyewitness, which are hereunder:-

> *"26. When the evidence of an injured eyewitness is to be appreciated, the under-noted legal principles enunciated by the Courts are required to be kept in mind:*
> *(a) The presence of an injured eyewitness at the time and place of the occurrence cannot be doubted unless there are material contradictions in his deposition.*
> *(b) Unless, it is otherwise established by the evidence, it must be believed that an injured witness would not allow the real culprits to escape and falsely implicate the accused.*
> *(c) The evidence of injured witness has greater evidentiary value and unless compelling reasons exist, their statements are not to be discarded lightly.*
> *(d) The evidence of injured witness cannot be doubted on account of some embellishment in natural conduct or minor contradictions.*
> *(e) If there be any exaggeration or immaterial embellishments in the evidence of an injured witness, then such contradiction, exaggeration or embellishment should be discarded from the evidence of injured, but not the whole evidence.*
> *(f) The broad substratum of the prosecution version must be taken into consideration and discrepancies which normally creep due to loss of memory with passage of time should be discarded."*
>
> *(emphasis supplied)*

13. Thus, from the facts of this case and the judgment cited above, we are of the view that the evidence of this injured witness can be wholly relied upon.

14. Further, Ext-5 is the seizure list which has been prepared on 06.01.2014 at 9:15 AM; according to the seizure list, a *kudal* (spade) made of iron with a wooden handle, stained with blood, was seized from the house of the appellant in the presence of independent witnesses. PW-3 has proved his signature on the seizure list. Thus, the murder weapon, which is a *kudal* (spade), is also proved.

15. Thus, on the basis of evidence available on record, we find that the prosecution has successfully proved its case against the appellant beyond a shadow of a doubt. The Trial Court has correctly convicted the appellant under Sections 302 & 323 of IPC and punished accordingly.

16. The judgment of conviction and order of sentence of the Trial Court needs no interference, thus, this appeal stands **dismissed**.

17. Pending I.A.(s) if any, stands dismissed.

18. Trial Court Record be transmitted back to the Court concerned.

(ANANDA SEN, J.)

(PRADEEP KUMAR SRIVASTAVA, J.)

HIGH COURT OF JHARKHAND, RANCHI
Dated:- 26th October, 2026
R.S. /S.K.D.
N.A.F.R.
Uploaded on 06/11/2026.