2026:JHHC:26906

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1121 of 2017

Ramji Prasad, son of Late Rameshwar Prasad, resident of Village-Harijantoli, P.O. & P.S.-Simdega, District-Simdega

... ... **Petitioner**

Versus

The State of Jharkhand … … **Opp. Party**

For the Petitioner : Mr. Ashutosh Agarwal, Advocate
Mr. Aman Ali, Advocate
For the State : Mr. Pankaj Kr. Mishra, A.P.P.

P R E S E N T

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

Dated: 07th September, 2026

***By Court*:-** Heard Mr. Ashutosh Agarwal, learned counsel for the petitioner and Mr. Pankaj Kumar Mishra, learned A.P.P. for the State.

2. The instant criminal revision has been preferred against the judgment dated 15.05.2017 passed in Criminal Appeal No. 46 of 2013 by learned Additional Sessions Judge, Simdega, whereby and whereunder the learned appellate court has dismissed the appeal by upholding the judgment of conviction and enhanced the sentence from R.I. for two years imposed for the offence under Section 27 of the Arms Act to R.I. for three years, which was filed against the impugned judgment of conviction and order of sentence dated 20.07.2013, passed by learned Chief Judicial Magistrate, Simdega, in G.R. No. 250 of 2009 (T. R. No. 40 of 2013) whereby and whereunder the petitioner has been convicted for the offence under Sections 387/120 (B) of I.P.C. & Section 27 of the Arms Act and sentenced to undergo R.I. for 2 years along with fine of Rs.5,000/- for the offence under Sections 387/120 (B) of the I.P.C. and R.I. for 2 years along with fine

of Rs.5,000/- for the offence under Section 27 of the Arms Act. Both the sentences were directed to run concurrently with default stipulation.

Factual Matrix

3. Factual matrix giving rise to this revision as per written report (Exhibit-3) of the informant, Mukesh Kumar Singh, (P.W.-3) is that on 04.08.2009, he informed the local police that an unknown miscreant was making threatening phone call to his mobile phone bearing No. 9431991961 from mobile phone No. 9798399651. On the basis of the information furnished by him, the local police inquired into the matter. He further alleged that the said miscreant warned him not to inform the police about the matter. Most probably for the said reason, on 20.08.2009, at about 3:30 p.m., when all the children had left his school, one youth parked his motorcycle in front of the school and came near him. He asked the informant to move to a secluded corner. Leaving the school staff behind, the informant went with the said miscreant to a corner, whereupon the miscreant disclosed his name as Ramji Prasad. He further told the informant that he should not identify him, as he was his old student. The informant became frightened nevertheless, despite having identified the petitioner, he remained silent. Immediately thereafter, the said miscreant took out a pistol from his waist and told him that his friends/associates, namely, Sharban Saw and Rupesh Mishra had warned him to collect the levy amount through mobile No. 9798399651. He further questioned why the informant had ignored the warning and demanded that he deliver

the cash amount today, failing which he would lose his life. The informant became extremely frightened and rushed towards the school staff. Thereafter, the said petitioner fled from the spot on his motorcycle towards Saldega. Upon being questioned, the informant disclosed the occurrence to the school staff and stated that the miscreant who had been making threatening phone calls had come to the school. The said miscreant was identified by the school staff. Thus, according to the prosecution, the petitioner along with his other associate accused persons, acting pursuant to a criminal conspiracy, threatened the informant and demanded an extortion amount of Rs. 10,00,000/- (Rupees Ten Lakhs). Thereafter, the informant submitted his written report to the local police station.

On the basis of above written report, Simdega P.S. Case No. 85 of 2009 dated 21.08.2009 was registered for the offence under Sections 387/120 (B) of I.P.C. & Section 27 of the Arms Act.

4. After completion of investigation, charge sheet was submitted against the petitioner for the aforesaid offences and the then learned C.J.M, Simdega took cognizance of the same. The charges were read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

5. In the course of trial altogether five witnesses were examined by prosecution apart from documentary evidence.

6. On the other hand, no oral or documentary evidence has been adduced by the defence.

7. After conclusion of trial, the petitioner was convicted and

sentenced as stated above, which was upheld by learned Appellate Court by enhancing the sentence under Section 27 of the Arms Act against which this criminal revision has been assailed.

Submissions on behalf of petitioner: -

8. Learned counsel for the petitioner submits that the impugned judgments passed by learned Courts below are legally unsustainable, perverse and contrary to the material available on record, as the prosecution case is based mainly on interested and hearsay witnesses, there being no independent witness despite availability of several school staff members. It is further submitted that the alleged ransom demand is not corroborated by any Call Detail Record and the mobile number from which the demand was allegedly made belongs to Pradip Mishra and not to the petitioner, while the prosecution itself attributes the demand to one Sharwan Sahu. It is also submitted that no firearm was recovered from the possession of the petitioner and the essential ingredients of Section 27 of the Arms Act is not established. The prosecution has also failed to examine the persons who allegedly identified the miscreants and there are material contradictions and inconsistencies in the prosecution evidence.

In the alternative, learned counsel for the petitioner submits that the occurrence is of year 2009 and more than seventeen years have elapsed since the date of occurrence and the petitioner was granted bail during pendency of this revision vide order dated 30.08.2017 and the petitioner has remained in custody for about eight months during trial and post conviction, therefore, he has sufficiently been punished

for his guilt. It is therefore prayed that the substantive sentence under Sections 387/120 (B) of I.P.C. should be reduced to the imprisonment already undergone by him to meet the ends of justice in this case.

Submissions on behalf of State: -

9. On the other hand learned A.P.P. has defended the impugned judgment of learned Trial Court as well as the Appellate Court on merits. So far as quantum of sentence is concerned, it is submitted that this case is stale one, of the year 2009 and the petitioner has remained in custody for about 8 months, hence appropriate order may be passed for the ends of justice.

Analysis, discussions and reasons:-

10. I have gone through the record of case along with impugned judgments passed by the learned Appellate Court as well as the Trial Court in the light of contentions raised on behalf of respective parties.

11. It appears that the testimony of P.W.3, the informant, clearly shows that the petitioner had come to the school, took him aside and demanded payment of levy/extortion amount of Rs.10,00,000/- on behalf of his associates, extending threat to his life in case of non-payment. His evidence is substantially corroborated by P.W.1. The fact that the informant had earlier received threatening calls from mobile No. 9798399651 is also supported by the call details brought on record as Exhibit-1.

12. Merely because some of the witnesses are related to the informant or because certain discrepancies have appeared in their depositions, the entire prosecution case cannot be discarded. Such

discrepancies do not go to the root of the prosecution case. The evidence of the informant, who is the victim of the occurrence, inspires confidence with regard to the demand of extortion and threat extended by the petitioner. Accordingly, the concurrent finding of conviction recorded by the learned Courts below under Sections 387/120 (B) of the I.P.C. does not warrant interference and is hereby affirmed.

13. However, with regard to the conviction under Section 27 of the Arms Act, the prosecution case stands on a different footing. Admittedly, no firearm was recovered from the possession of the petitioner. The alleged pistol was neither seized nor produced before the Court and there is no ballistic or other convincing evidence to establish the identity or nature of the alleged firearm. P.W.4 and P.W.5 also do not furnish any reliable direct evidence regarding the alleged weapon. In such circumstances, the prosecution has failed to establish the necessary ingredients of the offence under Section 27 of the Arms Act beyond reasonable doubt. The petitioner is, therefore, entitled to the benefit of doubt.

14. Accordingly, the conviction of the petitioner under Section 27 of the Arms Act is set aside and he is acquitted of the said charge.

15. So far as sentence of the petitioner under Sections 387/120 (B) of the I.P.C. is concerned, considering the facts and circumstances of the case, genesis and manner of occurrence under which the offence was committed by petitioner and also considering the fact that the incident is of the year 2009 and more than 17 years have elapsed and

out of two years' imprisonment, he has already undergone about eight months in custody, therefore, I am of the view that no useful purpose would be served by sending the petitioner again in jail for sustaining the rest of the imprisonment. Hence, his sentence is reduced from two years of R.I. to imprisonment already undergone by him.

16. Accordingly, the present criminal revision is **dismissed on merits with modification in conviction and sentence** as stated above.

17. The petitioner is on bail, as such, he is discharged from the liability of bail bond and sureties are also discharged.

18. Pending I.A.s, if any stands disposed of.

19. Let a copy of this order along with Trial Court record be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

07.09.2026
Arpit/Vedanti
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