2026:JHHC:33542

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.880 of 2022

[Against the Judgment of conviction and Order of sentence dated 29.08.2022, passed by the learned Sessions Judge, Chaibasa in Sessions Trial No.248 of 2018, arising out of Mufassil P.S. Case No.79 of 2018]

Pradhan Sawaiya @ Paplu, Age About 21 years, S/o Harish Sawaiya, R/o Mauza – Gitilipi, P.S. - Mufassil, P.O. - Gitilipi, District – Singhbhum (W) **..... Appellant**

Versus

1. The State of Jharkhand
2. Balmati Sawaiya, W/o Late Pradhan Sawaiya, R/o Gitilipi, P.S. - Mufassil, P.O. - Gitilipi, District – West Singhbhum (Chaibasa), Jharkhand **..... Respondents**

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Asif Khan, Advocate
For the State : Mr. Achinto Sen, A.P.P

Order No.15/ Dated: 23rd November, 2026

1. Heard Mr. Asif Khan, learned counsel for the appellant and Mr. Achinto Sen, learned counsel for the State.

None appears on behalf of the respondent No.02 in spite of valid service of notice.

2. The present appeal is directed against the Judgment of conviction and order of sentence dated 29.08.2022, passed by the learned Sessions Judge, Chaibasa, in Sessions Trial No.248 of 2018, arising out of Mufassil P.S. Case No.79 of 2018, whereby the appellant has been convicted for the offence under Sections 323/ 325 of the

Indian Penal Code (IPC) and have been sentenced to undergo rigorous imprisonment for seven years with fine of Rs.10,000/- (Ten thousand) with default clause for the offence under Section 325 of IPC and one year rigorous imprisonment for the offence under Section 323 of IPC. Both the sentences were directed to run concurrently.

3. The prosecution story, in short, is based on the written application of informant namely, Laxmi Sawaiya, alleging therein that her father-in-law namely, Pradhan Sawaiya was working in ACC Company and after his death his service benefit was paid to his wife namely, Balmati Sawaiya (respondent No.02 in the present appeal), but the accused namely, Pradhan Sawaiya @ Paplu was demanding share out of the amount received by her from the ACC Company on account of death of her husband and due to this reason, on 25.06.2018 the accused came to her having sharp weapon rod at about 8:30 am and starting abusing and assaulting her until she became unconscious. She sustained injuries in her legs and arm and also sustained injuries in her head and finger, when the informant and Yadunath came to rescue her, he assaulted them also. The villagers have taken the injured namely, Balmati Sawaiya to Sadar Hospital, Chaibasa, where she was admitted and got treated.

On the basis of above written report of the informant, Mufassil P.S. Case No.79 of 2018 has been registered against the accused for offence under Sections 341/ 323/

307/ 506 of IPC and the police, after completing the investigation, has submitted the charge-sheet and the trial court has framed the charge under Sections 307/ 323/ 506 of IPC against the present appellant. Thereafter, the case has been committed to the court of Sessions to which the appellant hase pleaded innocence and claimed to be tried and accordingly, the trial has commenced.

4. To substantiate the charges, the prosecution has examined altogether 06 witnesses and their depositions, in short, are as follows:-

5. **P.W.-1, Dinesh Sawaiya,** is an independent witness and he has deposed in his examination in chief that upon *hulla* he approached the place of occurrence and saw that the police was carrying the injured for treatment and has arrested the accused. He heard that that the injured was treated at TMH, Jamshedpur and remained there for about one week. No vital contradiction has come out from his cross examination.

6. **P.W.-2, Balmati Sawaiya,** is also an injured eye witness and she has supported the prosecution story. She has admitted that after the incident, she got treated at TMH, Jamshedpur for one week. She has deposed that the accused is her brother in law and he has assaulted her due to which she has sustained severe injuries.

In her cross examination, no any contradiction has come out.

7. **P.W.-3, Laxmi Sawaiya,** is the informant of this case

and she has identified her signature upon the written report marked as Ext.-1. She has not corroborated the entire facts of the prosecution, and has been declared hostile.

8. **P.W.-4, Sanjay Kumar Singh,** is the Police witness and Investigating Officer of this case. He has deposed that he has investigated in the matter and thereafter, submitted the charge-sheet against the accused.

No contradiction has been found in his cross examination.

9. **P.W.-5, Dr. Abhijit Guha,** is the Medical Officer, who has treated the injured. During medical examination, he has found that the injuries were caused by sharp and hard object and referred the case to the orthopedic department for treatment.

10. **P.W.-6, Dr. Ritesh Kumar,** is another Medical Officer and he has treated the injured and found the injuries grievous in nature. Though he has stated in Para Nos.3 and 4 of his deposition that the injuries was not caused upon any vital part of the body and is not sufficient to cause death.

11. On consideration of above materials on record, the trial Court has found the appellant guilty for the offence under Sections 323/ 325 IPC and sentenced him, as stated above.

12. Being aggrieved by the aforesaid judgment of conviction, the appellant has preferred the present appeal.

13. Learned counsel for the appellant has confined his prayer to the sentencing party only. It has been submitted that it is a family dispute and there is no aggravating circumstances.

In that view of the matter, prayer has been made to reduction of the sentencing part to the period already undergone by the appellant.

14. Learned counsel for the State has produced the custody report of the appellant and from perusal of the same, it appears that with remission the appellant has remained in custody for about six years, two months and ten days.

Let the custody report, submitted by the learned APP, be kept on record.

15. Having heard learned counsel for the parties and from perusal of the record, it appears that the injury is grievous in nature and the injured witnesses are also there and in that view of the matter, the conviction of the appellant is, hereby, upheld.

However, considering the mitigating circumstances, the sentencing part is hereby, reduced to the period already undergone by the appellant.

16. With above reduction in the sentencing part, the present appeal is, hereby, disposed of.

17. The appellant is in custody and as such, he is directed to be released from the jail custody forthwith, if not wanted in any other case.

18. 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 23rd November, 2026
Chandan/- **NAFR**
Uploaded on 25.11.2026