

IN THE COURT OF ADDL. SESSIONS JUDGE-II, KATIHAR <i>Present:- Asutosh Rai, Addl. Sessions Judge-II, Katihar</i> <i>[DATE OF JUDGMENT- 11th May 2026]</i> <i>[S. Trial No. 37/2020]</i> <i>POLICE STATION- Azamnagar (O.P.-Salmari)</i> <i>F.I.R. No . 129/19 u/s- 302 of the I.P.C.</i>	
<i>Complainant/Informant</i>	<i>State of Bihar through informant namely Anita Uraon W/O Tinku Uraon R/O- Village-Tahirpur, P.S.-Azamnagar (O.P.-Salmari), Distt-Katihar</i>
<i>Represented By</i>	<i>Sri Azaj Alam, Id. A.P.P.</i>
<i>Accused</i>	<i>1. Ranjit Uraon, S/o-Late Genda Uraon, aged about 32 years, R/O-Village-Tahirpur, P.S.-Azamnagar (O.P.-Salmari), Distt-Katihar</i>
<i>Represented By</i>	<i>Sri Kishore Kumar, Id. advocate</i>

<i>Date of Offence</i>	<i>21-05-19</i>
<i>Date of F.I.R.</i>	<i>21-05-19</i>
<i>Date of Charge-sheet</i>	<i>31-07-19/13-08-19</i>
<i>Date of Framing of Charge</i>	<i>07-02-20</i>
<i>Date of Commencement of evidence</i>	<i>10-03-21</i>
<i>Date of which judgment is reserved</i>	<i>08-05-26</i>
<i>Date of Judgment</i>	<i>11-05-26</i>
<i>Date of Sentencing Order, if any</i>	<i>Yes, u/s- 304-Part-II of the I.P.C.</i>

JUDGMENT

1. The above named accused Ranjit Uraon stands charged for the offence punishable us/ 302 of the I.P.C. as leveled against him.

CASE OF PROSECUTION/BRIEF FACTS:

2. As per the written report of the informant namely Anita Uraon prosecution case in nutshell is that informant namely Anita Uraon lodged an

written report before SHO Azamnagar (O.P.-Salmari) police-station alleging therein that today, i.e. on dt. 21-05-19, at around 12:30 O'clock an information was received that her mother had been murdered. When she arrived at her parental's house situated at village Tahirpur from her in-law's house situated at Harischandrapur, Bengal, her mother was lying dead in the courtyard. Her younger sister, Somu Kumari aged about 12 years old, told the all incident that in the morning, the Sarpanch of Salmari came for a Panchayat, but the Panchayat meeting could not be held. After departure of the Sarpanch her cousin uncle, Ranjit Uraon S/O late Gundra Uraon committed murder to her mother at about 10:00 O' clock by way of assaulting by the Pasat (back portion) of spade. Informant has further alleged that her father has been ill for a long time and is unable to walk. Her cousin uncle, Ranjit Uraon, used to visit her house. During his visits, verbal abuse and scuffle had taken place. Panchayats were held several times regarding this matter. Today, the Sarpanch came to hold a Panchayat meeting regarding the assault. However, for some reason, the Panchayat meeting could not held and he went away. After going away the people, Murder of her mother was committed by away of assaulting. The name of her mother was Samoli Devi aged about 50 years old.

INSTITUTION OF CASE/ INVESTIGATION/ ENQUIRY

3. On the basis of written report of informant namely Anita Uraon formal F.I.R bearing Azamnagar (O.P.-Salmari) P.S. case No. 129/19 u/s 302 of the I.P.C. was instituted against accused persons namely Ranjit Uraon and after investigation I.O. of this case submitted charge sheet No. 75/2024 u/s 302 of the I.P.C. against the F.I.R. named accused namely Ranjit Uraon.

4. On receipt of aforesaid charge-sheet Id. A.C.J.M.-VI Katihar took cognizance of the offence u/s 302 of the I.P.C. against the accused namely Ranjit Uraon and having seen that the section 302 of the I.P.C. as leveled against the aforesaid accused person is exclusively triable by the court of sessions, Id. A.C.J.M.-VI, Katihar supplied the Xe-rox copy of police papers as per requirement of section 207 of the Cr.P.C. to the aforesaid accused person and Id. A.C.J.M.-VI, Katihar committed the case record to the court of Sessions for further trial. Later on, as per order of the District and Sessions Judge, Katihar case record came to my court file for further trial and disposal.

CHARGES AGAINST ACCUSED PERSON

5. Later on, on appearance of the accused namely Ranjit Uraon before the court and after considering the materials available on record and on hearing the ld. A.P.P. for State as well as ld. counsel for the aforesaid accused person, my ld. Predecessor court framed the charges u/s 302 of the I.P.C. in written against the aforesaid accused person and the contents of the same were read over and explained to the aforesaid accused person in hindi to which he denied and pleaded to be not guilty and claimed to be tried. Hence the trial.

PROSECUTION EVIDENCE

6. In order to substantiate its case prosecution side has examined altogether six (06) witnesses in the support of its case. They are:-

RANK	NAME	NATURE OF EVIDENCE
1	PW-01-Md.Ansar	Hearsay witness
2	PW-02-Sanjeev Kumar Uraon	Hearsay witness
3	P.W.-03-Ramrekha Suman	Expert witness
4	P.W.-04-Somu Kumari	Eye witness
5	P.W.--05-Anita Uraon	Informant to this case
6	PW-06-Jagdev Uraon	Hostile witness

7. On the behalf of the prosecution following documentary evidences were also brought on the record in the support of its case :-

Sr. No.	Exhibit Number	Description
1	Ext-1	Postmortem report of deceased to this case namely Samoli Devi
2	Ext-2	F.S.L. Report

STATEMENT OF ACCUSED

8. After conclusion of the prosecution evidence, the statement of the accused person namely Ranjit Uraon was recorded under section 313 of the Cr.P.C. respectively and all incriminating evidences were put to him but he denied veracity of prosecution evidences with the contentions that he is innocent and he has falsely been implicated in this case.

DEFENCE EVIDENCE

9. While accused person has neither examined any witness nor adduced any

documentary evidences in his defense.

10. Now, the point for consideration is whether the prosecution has been able to prove its case against the aforesaid accused person beyond the shadow of all reasonable doubts or not ?

FINDINGS

11. From perusal of the case record it is evident that in order to substantiate its case prosecution has examined altogether six (06) witnesses and has also adduced some documentary evidences on record. At the outset it would be expedient to observe firstly the oral testimony of P.W.-04 Somu Kumari who is none else but the eye witness of this case, P.W.-04 has stated in her examination-in-chief that the incident occurred two years and seven months ago. It was the time of 10:30 A.M. of morning. At that time she was with her mother at her maternal home. Her mother is Samoli Devi. Ranjit Uraon came with a spade and hit her mother's head. Her mother died. The dead-body was taken for post-mortem. The police had arrived. Her sister, Sunita Devi, came from Harischandrapur. The police took her statement. P.W.-04 has further stated that Ranjit Uraon is her cousin-uncle. It is notable that there is no dispute on the identity.

Further in her cross-examination P.W.-04 has stated that she could not tell the name of her cousin's uncle and Fufa of her own family. From the house of Ranjit, her house is situated 20 feet far away. Between Ranjit and her house is the house of Shankar, There is also house of Niranjana, and there is also the house of her uncle Khurchan. P.W.-04 has further stated that she raised an alarm but no body came, and even after the incident anybody did not come. She saw to the Ranjit by committing assaulting from a distance of 05 feet. She went to rescue but she did not sustain hurt.. The police had arrived at place of occurrence. She went alone to the police station after that police came. She went at police station at about 10:30 O'clock. She gave a statement to the police in evening on the same day of the incident. She gave her statement at the police station at about 8:00 P.M. in night. The statement given to the police was not read over to her. The police had prepared a paper for the dead-body. There was dispute of her mother with Ranjit over money. P.W.-04 has further stated that it is not so that she is not aware about the incident and she is implicating Ranjeet Uraon in a false case by giving false testimony.

12. P.W.-06 Anita Uraon who is informant to this case has stated in her examination-in-chief that she is the informant in this case. She had filed this case on Ranjit Uraon. This incident occurred near about four years ago, in 2019. P.W.-06 has further stated that her younger sister, Somi Kumari informed her that her mother had been murdered by her uncle by hitting spade on her head. She received the information at about 12:30 P.M in day, at that time she was at her in-laws' house. Upon receiving the information, she arrived at her parental house around 8:00 P.M. and saw that her mother was lying dead in the courtyard. The age of her sister Somi Kumari is 12 years. her sister told her that a Panchayat was held and after going to the Panchayat, her mother was done to death. Her mother was murdered at 10:30 O'clock in day. At that time her father was ill. The accused, Ranjit Uraon, is her uncle in relation and used to visit her parental house. Her sister did not tell her that he used to visit and what he used to do. She does not know whether the accused Ranjit had beaten her father before the murder or not. Her sister told her that she had seen to the Ranjit by beating her father. Her deceased mother's name was Semoli Devi, at that time she was about 50 years old. She had complained about this to Salamari police station. P.W.-05 has further stated that whatever she has told, she had written the same thing in the police station, She had put her thumb impression on it, and before her Tinku Uraon had also signed on the written application and her brother Sanjeev Kumar had also signed the on the said application. The police took her statement again. P.W.-06 has further stated that Ranjit Uraon is present in the court today. He is her cousin uncle in relation.

During the cross-examination by the defence side P.W.-06 has stated that at the time of incident she was at her in-laws' house. Her younger sister told her about the incident. At the time of the incident her younger sister and father were also at home. After receiving the information, she came home from her in-laws' house. When she came home, her younger sister, her elder mother Nero and her father were at home. There were no people from the neighborhood. After that she started crying after seeing her mother, her younger sister informed the police station and then the police came. Her father age would be 50 years at the time of the incident. Her father was ill due to which she filed an F.I.R.. The petty dispute used to be take place in between her uncle and her family. The police took her statement, that of her younger

sister's, brother, Mukhiya, and the ward member. It is not so that due to property she is implicating the accused namely Ranjit Uraon in a false case.

13. P.W.-01 Md. Ansar Alam, has stated in his examination-in-chief that the incident occurred on dt. 21-05-2019. It was the time of 10:30 A.M of day. Ranjit Uraon made telephonic call at about 8:00 O'clock to him and told that a panchayat was to be held. He told him to come at 8:30 A.M. He arrived at 8:30 O'clock on 21-05-2019 at the house of Samoli Devi situated at Tahirpur and saw that that one to two other person had arrived there. The panchayat could not be held, so he returned back. P.W.-01 has further stated that Ranjit Uraon was arguing with Samoli. Ranjit demanded Rs. 50,000/- from Samoli given to her marriage, but Samoli expressed her inability to pay. Samoli accused him of having an illicit relationship. Altercation took place in between them. He scolded him and returned back. P.W.-01 has further stated that at about 12:00 O'clock he came to know that Samoli had been murdered. When he went to the place of occurrence then he saw that Samoli lying dead and the spade lying there in the courtyard. He came to know that Ranjit Uraon had caused murder to the Samoli by hitting her with the spade. He returned back to home. P.W.-01 has further recognized to the accused namely Ranjit Uraon who was present before court.

During his cross-examination, Witness No. 1 has stated that he did not remember Ranjit's mobile number from which he called him. His phone number was 7667417436. At the time of incident her wife was Sarpanch.

14. P.W.-02, Sanjeev Kumar Uraon, has stated in his examination-in-chief that the incident occurred on 21-05-2019. He had gone to harvest paddy. The incident occurred at 10:30 A.M. He had gone to harvest paddy for Ranjit's brother, Gopal. Gopal had gone to the home to bring some goods. When he went to the field, he was shivering. He told him that Ranjit had killed Samoli Devi with a spade, at home. Gopal told him not to go home. Due to fear they did not go there. P.W.-02 has further stated that Ranjit used to visit Samoli's house. There was relationship in between them as brother-in-law and sister-in-law. Later, they had an illicit relationship. P.W.-02 has further recognized to the Ranjit Uraon who was present before court. P.W.-02 has further stated that a day or two day earlier, he had heard the Ranjit by saying to the Samoli to

return the money and he had also heard that if it is not done then he would kill her like a pig.

During his cross-examination, P.W.-02 has stated that Samoli Devi is his close sister-in-law. At the time of the incident he was at the field. He was not at home. He did not see anyone by committing assaulting. Gopal had told him about the incident, but he had not gone to see it.

15. P.W.-03 Ram Rekha Suman has stated in his examination-in-chief that on 21-05-2019 he was posted as a C.M.O. at Sadar Hospital, Katihar and conducted postmortem on the dead body of the Samoli Devi aged about 50 years female, w/o- Rameshwar Uraon and found followings on her person:-

I. A lacerated wound over head and right side of scalp. On dissection of head and neck. Fracture of scalp bone with blood under brain matter.

II. On dissection over thorax-lungs and heart intact and N.A.D.

III. The stomach contain semi digestive food materials with non specific smell.

IV. Uterus- intact, N.A.D.

V. External Genetelia:- N.A.D.

Cause of Death:- haemorrhage and shock due to above mentioned injuries.

Time elapsed since death- within 24 hours.

P.W.-03 has further proved the postmortem report and accordingly same was marked as exhibit-01.

During the cross-examination P.W.-03 has stated that such injury may occur due to falling.

16. P.W.-06 Jagdev Uraon has stated in his examination-in-chief that he doesn't know anything about this incident. He wasn't home at the time of the incident. He had gone to work. The police did not interrogate him.

It would be pertinent to mention here that on the request of the prosecution P.W.-06 was declared to be hostile by the court and after that prosecution cross-examined to the P.W.-06 but in his cross-examination done by the prosecution P.W.-06 has stated that it is not true that he had given a statement to the police that when he came to know about the incident, he went to Ranjit Uraon's house and saw that Samauli's dead body was lying in the courtyard, a spade and a pestle were lying beside it which were covered in

blood and many people were gathered near the dead body and deceased daughter namely Somen Kumari was crying and telling that her cousin uncle Ranjit Uraon started asking for money from her mother Samoli Devi and an argument started between them and Ranjit Uraon killed her mother by hitting her with the butt of the spade. P.W.-06 has further recognized to the accused namely Ranjit Uraon who was present before court. P.W.-06 has further stated that it is not the so that by coming in collusion with the accused he is concealing the truth and giving false testimony.

During the cross-examination by the defence side P.W.-06 has stated that at the time of incident he was not at home. The police did not take his statement regarding the incident, after going to the police he returned from work. Today he has given his testimony voluntarily without any pressure

17. While, accused namely Ranjit Uraon has neither examined any witness nor adduced any type documentary evidence before this court in his defense. But in his statement recorded u/s 313 of the Cr.P.C. aforesaid accused has denied the veracity of the prosecution evidences and has claimed to be innocent.

18. Heard the both parties at length and perused the entire case record as well as the oral and documentary evidences, as adduced by the both parties on the record. The ld. counsel for defense has submitted as follows:-

(i) That there are inherent infirmities and inconsistencies in the oral testimonies of the prosecution witnesses and they have not given constant and reliable oral testimonies on the point of time and place of occurrence as well as manner and nature of occurrence of this alleged occurrence.

(ii) Ld. Counsel has further submitted that prosecution has further submitted that Material Exhibits- Kudal (spade) was not produced before court. Further Serological report was not produced before court. So there is nothing on the record to prove that blood which was found on the Spade was of the deceased to this case or not.

(iii) Ld. counsel has further submitted that from perusal of the case record it is evident that from the place of occurrence Kudal / Spade (Mark-A) Pidha (Mark-B) adhered with soil and Plastic Dibba (Mark-C) containing some soil were sent before F.S.L. for examination. After examination it was concluded by

the Expert as Blood has been detected in the Exhibits as noted below:-

(i) Exhibits Marked -A- very small area

(ii) Exhibits Marked-C all over

2. Blood could not be detected in the Exhibit Marked-B

3. Serological report on the origin and group of blood would follow.

But there is no serological report on the record. Further there is no positive evidence on record to show that blood which was detected on the Exhibits-A and C are human blood. So prosecution has miserably failed to prove any connection of the said exhibits with this alleged incident of murder of the Somali Devi.

(iv) Ld. counsel has further submitted that P.W.-03 Dr. Ramrekha Suman has clearly stated that such injury may occur due to falling. So it may be easily concluded that Somali Devi had sustained alleged injury due to falling.

(v) Ld. Counsel has further contended that from record it is evident that only P.W.-04 Somu Kumari is the eye witness of this case, who is non else but the own daughter of deceased to this case, so she is very highly interested witness of this case. The ld. Defence counsel has further submitted that P. W.-04 could not name some other relatives and further from her oral testimony it is quite clear that no one came after she raised an alarm, which cast much doubt on the oral testimony of P. W.-04. So any reliance could not be placed on the oral testimony of such interested witness.

(vi) Lastly, learned counsel has submitted that if the entire case of prosecution is accepted as to be true and if it is assumed that the accused had caused the death of the deceased namely Samoli Devi, also then at the most the this case may fall within the ambit of section 304 part-II of the I.P.C. because alleged act of accused was not done with intention rather alleged act was done by accused without premeditation and in a sudden fight which allegedly took on the point of due amounts given by the accused to the deceased to this case namely Samoli Devi. Further, from record it is quite clear that accused never took any undue advantage or acted in a cruel or unusual manner.

19. On the other hand, the ld. A.P.P. appearing for the State has argued that PW-4 is an eyewitness who has supported the prosecution case. He further submitted that said witness is very natural witness. Ld. A.P.P. has further

submitted that Ext-01-Postmortem report and Ext-02 F.S.L. go to support the prosecution case. He has further argued that it well settled law that oral testimony of sole witness is sufficient to hold the conviction, if his/her oral testimony is cogent and reliable. While P.W.-04 Somu Kumari has given the vivid picture of the alleged occurrence. Furthermore, P.W.-04 Somu Kumari was subjected to lengthy cross-examination by the defense side, but from said cross-examination, any material facts could not elicited which may falsify the case of prosecution. Furthermore, oral testimony of P.W.-03 Dr. Ramrekha Suman (Expert witness) as well as Ext-1-Postmortem report and Ext-2 F.S.L. report fully corroborate the prosecution case. He has further submitted that though prosecution agency has neither produced the material exhibits Spade nor serological report before this court but it is well settled law that any latches committed by the prosecution agency did not have contrary effect on the merit of prosecution case. While from the record it is evident that P.W.-04 Somu Kumari is very natural witness of this case who has clearly deposed before this court that accused namely Ranjit Uraon came with spade and he hit on the head of her mother by spade due to which her mother died. Further Ext-01-postmortem report as well as to the some extent Ext-02 F.S.L. report corroborates the oral testimony of prosecution witnesses. So prosecution has fully succeeded to prove its case u/s 302 of the I.P.C. beyond the all shadows of reasonable doubt. So accused namely Ranjit Uraon may be held guilty for the commission of the offense punishable u/s 302 of the I.P.C.

DISCUSSION ON EVIDENCES & FINDINGS & REASON OF FINDINGS

20. Now the court will analysis the evidences brought on the record by the prosecution side as well as defense side and the contention of the both parties. First of all court would , like to deal with respect to the charge u/s 302 of the I.P.C. as leveled against the accused persons namely Ranjit Uraon Since the aforesaid accused person has been charged u/s 302 of the I.P.C. so the question before this court as to whether accused namely Ranjit Uraon caused culpable homicide to deceased to this case namely Samoli Devi with such intention for which he may be held to be guilty for committing the offence of culpable homicide amounting to murder. In order to reach on the right conclusion, it would be proper to observe the section 299 and 300 of the I.P.C. Section 299 of the I.P.C. provides as : 299. Culpable homicide.—

Whoever causes death by doing an act with the intention of causing death, or with the intention of causing such bodily injury as is likely to cause death, or with the knowledge that he is likely by such act to cause death, commits the offence of culpable homicide.

While section 300 of the I.P.C. provides as :-300. Murder.—Except in the cases hereinafter excepted, culpable homicide is murder, if the act by which the death is caused is done with the intention of causing death, or--

(Secondly)-- If it is done with the intention of causing such bodily injury as the offender knows to be likely to cause the death of the person to whom the harm is caused, or—

(Thirdly)--If it is done with the intention of causing bodily injury to any person and the bodily injury intended to be inflicted is sufficient in the ordinary course of nature to cause death, or—

(Fourthly)-- If the person committing the act knows that it is so imminently dangerous that it must, in all probability, cause death or such bodily injury as is likely to cause death, and commits such act without any excuse for incurring the risk of causing death or such injury as aforesaid.

The above exception is subject to the following provisos:--

First. - That the provocation is not sought or voluntarily provoked by the offender as an excuse for killing or doing harm to any person.

Secondly. - That the provocation is not given by anything done in obedience to the law, or by a public servant in the lawful exercise of the powers of such public servant.

Thirdly. - That the provocation is not given by anything done in the lawful exercise of the right of private defence.

Exception 2.--Culpable homicide is not murder if the offender, in the exercise in good faith of the right of private defence of person or property, exceeds the power given to him by law and causes the death of the person against whom he is exercising such right of defence without premeditation, and without any intention of doing more harm than is necessary for the purpose of such defence.

Exception 3.--Culpable homicide is not murder if the offender, being a public

servant or aiding a public servant acting for the advancement of public justice, exceeds the powers given to him by law, and causes death by doing an act which he, in good faith, believes to be lawful and necessary for the due discharge of his duty as such public servant and without ill-will towards the person whose death is caused.

Exception 4.--Culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner.

Exception 5.--Culpable homicide is not murder when the person whose death is caused, being above the age of eighteen years, suffers death or takes the risk of death with his own consent."

So from conjointing reading of the aforesaid provisions of both section it appears that distinction in between culpable homicide not amounting to murder and culpable homicide amounting to murder have been based on the degree of probability of the consequence of the criminal act. Where death is the most probable result of the alleged act of accused and act is caused by accused with intention to cause death of someone, the offence is culpable homicide amounting to murder, and where it is mere probable result of the alleged act of the accused persons, it is culpable homicide not amounting to murder. Further from perusal of the exceptions as given in the foot of section 300 of the I.P.C. it is evident that murder may become culpable homicide not amounting to murder if the murder is caused in those circumstances which have been enumerated under the head of five exceptions of section 300 of the I.P.C.

21. *Now the question rest to decide for court as to whether the prosecution has proved its case against Ranjit Uraon beyond a reasonable doubt. After hearing the Id. A.P.P. as well as Id. defense counsel and after carefully going through the entire record, this Court has appreciated the oral and documentary evidence produced by the prosecution. The prosecution case has been based on the written report lodged by the informant namely Anita Uraon. In her written statement Anita Uraon has stated that on dt. 21-05-19, at around 12:30 O'clock an information was received that her mother had been murdered. When she arrived at her parental's house situated at village*

Tahirpur from her in-law's house situated at Harischandrapur, Bengal, her mother was lying dead in the courtyard. Her younger sister, Somu Kumari aged about 12 years old, told the all incident that in the morning, the Sarpanch of Salmari came for a Panchayat, but the Panchayat meeting could not be held. After departure of the Sarpanch her cousin uncle, Ranjit Uraon S/O late Gundra Uraon committed murder to her mother at about 10;00 O' clock by way of assaulting by the Pasat (back portion) of spade. Informant has further alleged that her father has been ill for a long time and is unable to walk. Her cousin uncle, Ranjit Uraon, used to visit her house. During his visits, verbal abuse and scuffle had taken place. Panchayats were held several times regarding this matter. Today, the Sarpanch came to hold a Panchayat meeting regarding the assault. However, for some reason, the Panchayat meeting could not held and he went away. After going away the people, Murder of her mother was committed by away of assaulting. The name of her mother was Samoli Devi aged about 50 years old.

Further from record it is evident that in order to substantiate its case prosecution has examined altogether 06 witness and has further adduced some documentary evidences on the record. From record it quite clear that prosecution has based its case mainly on the oral testimony of P.W.-04 Somu Kumari who is alleged to be eye witness of this alleged crime of murder of Samoli Devi. P.W.-04 has deposed before this court that that on the day of the incident at around ten thirty in the morning, the accused Ranjit Uraon came to her house with a spade and hit her mother on the head, causing her death. She identified the accused as her cousin uncle and stated that she saw the incident of alleged assaulting from a distance of about five feet. Even, she was subjected to lengthy cross examination, but any material facts could not be elicited from her cross-examination which make cast any reasonable doubt on her oral testimony. Though, defence side has pointed out that she could not name some other relatives and that no one came after she raised an alarm, but said facts is not sufficient to destroy the credibility of her oral testimony. Further, P.W.-05, Anita Uraon who is the informant of this case has clearly deposed before this court that after reaching the parental house she found her mother to be dead. She has further stated that her another daughter Somu Kumari told all the matter to her and further stated that her uncle gave a blow

of spade on the head of mother and thereby caused murder to her mother. Further, P.W.-01 Md. Ansar has stated that he had gone to the house of deceased for a panchayat and he has stated that he saw that Ranjit Uraon was arguing with Samoli and further stated that later on he saw that Samoli Devi was laying dead in the courtyard and spade was laying there. Further, it came into knowledge that Rajit Uraon has committed murder to the Samoli Devi by hitting the spade upon her. Further, P.W.-02 Sanjeev Kumar has also stated that 01 to 02 days before he had seen to the Ranjeet by saying to the Samoli Devi to return the amount otherwise he may kill to her like a pig, if money was not returned. Further, P.W.-03 Dr. Ramrekha Suman has proved the Ext.-01-postmortem report and has further stated that there was a lacerated wound over head and right side of scalp. On dissection of head and neck. Fracture of scalp bone with blood under brain matter. Further, P. W.-03 has clearly opined that cause of death is hemorrhage and shock due to above mentioned injuries. Though, in his cross-examination P.W.-03 has stated that such injury may occur due to falling. But from perusal of Ext.-01 Postmortem report it is quite clear that no other injury was found on the body of deceased at the time of postmortem. While, if the deceased had fallen on the hard surface then some other injuries just like abrasion must have been occurred on the body of deceased. But from perusal of the postmortem report it is quite clear that there was no other injury except to head injury on the dead body of the deceased. So, it is quite clear that injuries didn't occurred to the deceased due to the falling on the hard surface rather said head injury was caused by accused namely Ranjit Uraon by hitting the spade on the deceased's head as alleged by the prosecution witnesses. Though, the P.W.-06 Jagdev Uraon has not supported the case of prosecution but the oral testimony of P. W.-04 Somu Kumari and P. W.-03 Dr. Ramrekha Suman as well as Ext.- 01 Postmortem Report and Ext.- 2 F.S.L. Report are sufficient to prove the case of prosecution that non else but Ranjit Uraon gave a blow of spade on the head of Samoli Devi due to which she sustained head injury and died on spot.

22. Now the most important question rest to decide as whether the accused caused the offence of culpable homicide amounting to murder or he caused the offence of culpable homicide not amounting to murder. So, this court will

proceed to examine whether the facts of this case make out an offence under Section 302 of the I.P.C. or u/s- 304-Part-II of the I.P.C. No doubt that to prove an offence to be murder under Section 302 of the I.P.C., the prosecution is under obligation to prove that the accused had the intention to cause death or had the intention to cause such bodily injury which the offender knows is likely to cause death, or the injury caused was sufficient in the ordinary course of nature to cause death, or the act was so imminently dangerous that it must in all probability cause death.

23. While from record it appears that the facts of this case is that the accused came at the house of Samoli Devi and gave a blow of back portion of Spade on the head of Samoli Devi due to which she got injured and died on spot. But it is not the case of the prosecution that Ranjit Uraon repeatedly gave the blow of the spade on the head of Samoli Devi. Further, Ext.-01 Postmortem report also goes to show that there was only one lacerated wound on the head of Samoli Devi. Further, from records it is evident that there was dispute between the accused and deceased on the point of some dues amount. Furthermore, prosecution has never alleged that murder was caused with pre-planned murder. The incident happened all of a sudden on the spur of the moment due to dues amount. It is not the case of prosecution that with intention to kill to the Samoli Devi accused gave a blow of spade upon Samoli Devi. Furthermore, if the accused had any intention to cause murder to the Samoli Devi, he must have gave a blow of spade on the side of sharp edged of said spade or he must have inflicted repeated lethal blow upon the Samoli Devi. But accused had not done so, So, said facts go to prove that there was no intention of accused to cause death to the Samoli Devi. However, the accused being the closed relative of the deceased was in well knowledge that he is hitting a 50-year-old woman on her head with a Spade is an such act which may cause death to the Samoli Devi. No doubt that the head is a vital part of the body. No doubt that any common people of society may presume that hitting on the head with force by spade can cause death. So, it may be easily presumed that the accused had the knowledge that his act was likely to cause death, even if he did not intend to cause death. Further, from perusal of Ext.-01 Postmortem Report it is evident that there was lacerated wound on the right

side of scalp of the deceased. So, it is clear that the said lethal blow was delivered with sufficient force due to which Somali Devi got injured and died on the spot.. But the fact remains that it was a single blow, delivered on the spur of the moment, without any premeditation. While in several cases the Hon'ble Apex Court has repeatedly held that where a single blow is given on the spur of the moment without any premeditation, the offence may not be murder but culpable homicide not amounting to murder. While, in this case, accused has gave a single blow of back portion of spade not on the side of the sharp edged of said spade. Further, there is no repeated blow on the body of deceased. All said facts point that this is not a case of murder but a case of culpable homicide not amounting to murder. Further, in this regard it would be expedient to observe the exception-04 of the section-300 of the I.P.C. which provides that culpable homicide is not murder if it is committed without premeditation in a sudden fight in the heat of passion upon a sudden quarrel and without the offender having taken undue advantage or acted in a cruel or unusual manner. While, in this case altercation took place on the point of dues amount and due to that very reason accused got angry and in the hit of passion he gave single blow of spade on the head of Samoli Devi. Further, he did not act in a cruel or unusual manner. So, this case may also fall under Exception 4 of section 300 of the I.P.C. So, considering all these facts, this court is of this considered opinion that the prosecution has not proved the offence of murder under Section 302 of the I.P.C. beyond reasonable doubt. However, the prosecution has proved that the accused caused the death of Samoli Devi by hitting spade on her head and no doubt that he had the knowledge that such an act was likely to cause death. Therefore, the accused is guilty of culpable homicide not amounting to murder punishable under Section 304 Part-II of the Indian Penal Code.

24. Hence, next question arises for consideration before this court is as to whether accused person namely Ranjit Uraon can be held guilty for the offence punishable u/s 304- Part-II of the I.P.C. though he has not been charged u/s 304 Part-II of the I.P.C. Hence for proper solution it would be expedient at this juncture, to observe the provision of Section 222 of the Cr.P.C. which reads as follows;

Section 222. When offence proved included in offence charged.

- (1) When a person is charged with an offence consisting of several particulars, a combination of some only of which constitutes a complete minor offence, and such combination is proved, but the remaining particulars are not proved, he may be convicted of the minor offence though he was not charged with it.
- (2) When a person is charged with an offence and facts are proved which reduce it to a minor offence, he may be convicted of the minor offence, although he is not charged with it.
- (3) When a person is charged with an offence, he may be convicted of an attempt to commit such offence although the attempt is not separately charged.
- (4) Nothing in this section shall be deemed to authorize a conviction of any minor offence where the conditions requisite for the initiation of proceedings in respect of that minor offence have not been satisfied. Illustrations

So, from the perusal of the provision of section 222 of the Cr.P.C. it is evident that aforesaid accused person may be held guilty for the offence punishable u/s 304-II Part of the I.P.C. though he has not been charged under said section, because section 304-II part of the I.P.C. provides lessor punishment than the section 302 of the I.P.C.

25. Now, before making any discussion on the merit of the evidences available on record it would be expedient to observe the provision of section 304 of the I.P.C.

Section 304 of the I.P.C. provides as:-304. Punishment for culpable homicide not amounting to murder.— “Whoever commits culpable homicide not amounting to murder shall be punished with imprisonment for life, or imprisonment of either description for a term which may extend to ten years, and shall also be liable to fine, if the act by which the death is caused is done with the intention of causing death, or of causing such bodily injury as is likely to cause death,

or with imprisonment of either description for a term which may extend to ten years, or with fine, or with both, if the act is done with the knowledge that it is likely to cause death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death.”

So, from perusal of the said provision of section 304 Part-II of the I.P.C. it is evident that if the act is done with the knowledge that it is likely to cause

death, but without any intention to cause death, or to cause such bodily injury as is likely to cause death then accused be held guilty for the offence punishable u/s 304 Part-II of the I.P.C.

26. Though, the Id. counsel for defense has submitted that there are inherent infirmities and inconsistencies in the oral testimonies of the prosecution witnesses and they have not given constant and reliable oral testimonies on the point of time and place of occurrence as well as manner and nature of occurrence of this alleged occurrence. Now coming on the aforesaid contention court does not found any force in said submission of Id. Defense counsel because P.W.-04 has given constant and reliable oral evidence and her oral testimony has been corroborated by the medical evidence just like Ext-01 Postmortem report and Ext-02 F.S.L. report and other material witnesses of prosecution except to P.W.-06 have supported the case of prosecution to the some extent. Id. Counsel has further submitted that prosecution has not produced the spade as well as serological report on record. So, the case of prosecution is doubtful. But, court doesn't find any valid ground to through away the case of prosecution only on said ground because it is well settled law that if any latches is committed by the prosecution same will not have any contrary effect on the prosecution case.

27. Id. Counsel has further contended that prosecution has not examined to such independent witness who may support the case of prosecution. But court does not found any force in said contention, because in such civilized society any person does not want to put his leg in witness box until his close relative is involved in the case. So, it may be easily presumed that such type heinous crime the people who were present at the place of occurrence would not be interested to be named as witness of this case. So non availability of independent witness in such type cases is very natural. While it is well settled law that non-examination of independent witnesses is not fatal to the case of the prosecution when other prosecution witnesses are found to be trustworthy and reliable. While from the perusal of the case record it is evident that P.W.-04 Somu Kumari who appears to be very natural witnesses of this case and has given much constant and reliable oral evidence on the point of place, time, manner and nature of occurrence and she has fully supported the case of the

prosecution and has very clearly deposed before this court that accused Ranjit Uraon came at her house and gave a blow of spade on her mother's head due to which she got injured and died on the spot. Further P.W.-03 who is expert witness has proved the Ext-1 Postmortem report and has further opined that there was lacerated wound on the right side of scalp of the dead-body. Further Ext-02 F.S.L. report is also in the support of prosecution case to the some extent.

28. While this court finds much force in the submission of Id. defense counsel that that if the entire case of prosecution is accepted to be truthful and if it is assumed that the accused had caused the death of the deceased namely Samoli Devi also then at the most the this case may fall within the ambit of section 304 part-II of the I.P.C. because alleged act of accused was not done with intention but said alleged act was done by accused without premeditation and in a sudden fight which allegedly took on the point of alleged dues amounts. Moreover from record it is evident that accused never took any undue advantage or acted in a cruel or unusual manner. From perusal of the oral testimony of P.W.-04 Somu Kumari as well as every available evidence, which was placed by the prosecution on record it is evident that this alleged incident occurred all of a sudden on the point of alleged dues amount. Further there is no evidence of any pre-planning or premeditation. The accused had no previous enmity with the deceased or her family. These facts squarely bring the case within Exception 4 to Section 300 of the Indian Penal Code. Furthermore from record it is evident that accused gave a single blow of back portion of spade upon the Samoli Devi due to which she got injured and died on spot. So said facts clearly indicate that accused had no intention to cause death to Samoli Devi. The act was committed in a sudden spur of moment without any premeditation. The weapon used was a spade but accused committed alleged assaulting only by the back portion of the said spade. Further Ext-01 Postmortem report shows only single injury on the body of the deceased. So, in the light of above facts court is of this considered opinion that since sudden quarrel took place on the point of dues amount and in that course accused committed alleged offence without pre-planning, So no case is made out u/s 302 of the I.P.C. but in the light of the facts and circumstances of this case, section 304 Part II, of the I.P.C. clearly attracts in this case because the it may be

easily held that accused had the knowledge that his act might cause death but did not have the intention to cause death. Furthermore, the evidence on record establishes that the fight was sudden and occurred without premeditation. So, this Court holds that the offence committed by the accused namely Ranjit Uraon is culpable homicide not amounting to murder.

29. So, having consideration the all facts and circumstances of this case as well as from the discussion as made above, this Court is of this definite view that prosecution has failed to prove its case u/s 302 of the I.P.C. beyond reasonable doubt. However, no doubt that the death of Samoli Devi was caused by the accused namely Ranjit Uraon has been successfully established by the prosecution's evidences . Since, accused namely Ranjit Uraon caused head injury to the Samoli Devi by hitting back portion of the spade due to which Samoli Devi got injured and died on spot. The act was done by the said accused with the knowledge that it was likely to cause death but without any intention to cause death. Therefore, the offence falls under Section 304 Part II of the I.P.C So, in the light of above facts, this court is of this definite view that prosecution has proved its case under section 304-II of the I.P.C. beyond all shadow of reasonable doubts against the accused namely Ranjit Uraon. Accordingly, it is found and held that accused namely Ranjit Uraon is guilty for the offense punishable under section 304-II of the I.P.C. for committing culpable homicide not amounting to murder to the deceased to this case namely Samoli Devi, accordingly accused namely Ranjit Uraon is hereby convicted under aforesaid section. Accused Ranjit Uraon is in custody, so accused is sent back to Mandal Kara, Katihar . Let the case record be fixed on 19-05-2026 for hearing on the point of sentence.

Judgment was dictated, corrected and pronounced by me on 11^h May 2026 in open court in the presence of accused namely Ranjit Uraon as well as in the presence of ld. defense counsel and ld. A.P.P. for the state.

(Asutosh Rai)
Addl. Sessions Judge-II
Katihar
11-05-2026

(Asutosh Rai)
Addl. Sessions Judge-II
Katihar
11-05-2026

Appendix-A

IN THE COURT OF ADDL. SESSIONS JUDGE-II, KATIHAR

S. Trial No. 37/2020

LIST OF PROSECUTION WITNESSES-

RANK	NAME	NATURE OF EVIDENCE
1	PW-01-Md.Ansar	Hearsay witness
2	PW-02-Sanjeev Kumar Uraon	Hearsay witness
3	P.W.-03-Ramrekha Suman	Expert witness
4	P.W.-04-Somu Kumari	Eye witness
5	P.W.--05-Anita Uraon	Informant to this case
6	PW-06-Jagdev Uraon	Hostile witness

LIST OF PROSECUTION EXHIBITS

Sr. No.	Exhibit Number	Description
1	Ext-1	Postmortem report of deceased to this case namely Samoli Devi
2	Ext-2	F.S.L. Report

LIST OF DEFENSE WITNESS

RANK	NAME	NATURE OF EVIDENCE
1	N/A	N/A

LIST OF DEFENCE EXHIBITS

Sr. No.	Exhibit Number	Description
1	N/A	N/A

(Asutosh Rai)

Addl. Sessions Judge-II

Katihar

11-05-2026