

IN THE COURT OF ADDL. SESSIONS JUDGE-II, KATIHAR**CASE NO. S. Trial No. 37/2020****ORDER ON THE POINT OF SENTENCE:**

1. The convicts-accused namely Ranjit Uraon was produced before this court from jail custody. Ld. Addl. Public Prosecutor and Id. Counsel for the defence are also present before the court. Since Ranjit Uraon has been held to be guilty for the offence punishable u/s 304-Part-II of the I.P.C. and accordingly he was convicted thereunder. So, coming to the quantum of sentence, heard the convict-accused as per provision of section 235 (2) of the Cr.P.C. and statement of the convict accused was recorded in written and same is kept with record. Further, an opportunity was also given to Id. A.P.P for the State and Id. Defence counsel for the convict to address their respective submissions on the point of quantum of sentence.

2. The convict Ranjit Uraon has pleaded that he has five brothers. His father has already died and mother are alive and her ages is near about 65-70 years. He is unmarried. His family has no other land except residential house. He maintains his family by doing labour work. He is uneducated. There is no other case against him either before this case or after this case. So, keeping in the mind his poverty, above facts and situations minimum punishment be awarded to him.

3. Ld. A. P.P. appearing for the State has submitted that convict-accused has been held guilty for commission of the offence culpable homicide not amounting to murder to the Samoli Devi without rhyme and reason. The brutality of his criminal act is evident from the this facts that aforesaid convict-accused person gave fatal blow of spade at the head of Samoli Devi due to which she got injured seriously and died on spot. Therefore, the convict does not deserve for any leniency and so he deserves for maximum punishment as provided u/s 304-Part-II of the I.P.C.

4. Per contra, Id. defence counsel has prayed for leniency and has submitted that convict-accused is of young age and at present his age is near about 32

years. He was never convicted by any other court and he is having responsibility to look after his family members. He is sole bread earner of the family. Ld. defence counsel has further submitted that accused is very poor and there is no agricultural land in his family. Accordingly, ld. Counsel for defence has prayed for taking leniency minimum punishment be awarded to the convict-accused.

5. I have patiently heard the convict-accused as well as submissions of ld. A.P.P. as well as ld. defence counsel and perused the legal provisions. The punishment for offence of culpable homicide not amounting murder as provided u/s 304 of the I.P.C. which is as under:- Section 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.”

6. No doubt that convict-accused has been convicted u/s 304-Part-II of the I.P.C for committing culpable homicide not amounting murder of Samoli Devi. But in the light of submission made ld. A.P.P. for the state as well as ld. Defence counsel and facts pleaded by the aforesaid convict-accused person, now the question that arises for consideration is what should be the sentence to be awarded to the aforesaid convict-accused. For coming on right conclusion it would be expedient to note mitigating as well as aggravating circumstance of this case related with accused as well crime in question, which is as follows:-

Mitigating Circumstances:- The mitigating circumstances of this case is as follows :-1. Convict is not hard core criminals, 2. He is not threat/ menace to

the Society, 3. Prosecution has not brought his criminal antecedent/background on the record 4. There is nothing on record to show that he is antisocial elements, 5. Jail authority has never made complaint against the convict-accused, 6. The State has failed to prove that he is incapable of being reformed, 7. He has been in Jail custody from near about 07 years, 8. There is every probability that the convict-accused can be reformed and rehabilitated.

Aggravating Circumstances:- Aggravating circumstances of this case as follows:-1. Convict-accused caused the culpable homicide not amounting murder of one helpless lady. 2. Convict-accused committed alleged offence against his close relative only due to non-payment of dues amount.

7. In the case in hand, weighing the mitigating circumstances the following facts are manifest:- that 1. Convict is not hard core criminals, 2. He is not threat/ menace to the Society, 3. There is nothing on record to prove his bad criminal antecedent. 4. Further there is nothing on record to show that he is antisocial elements, 5. His conduct in Jail has been satisfactory, 6. The State has failed to prove that he is incapable of being reformed, 7. He has been in Jail custody for about more than 06 years, 8. There is every probability that the convict-accused can be reformed and rehabilitated. There is no material before this court to show that he can be threat to the society. Moreover there is very good chances of his reformation as he has learnt sufficient lessons from it. Thus, looking to the matter from all angles and after giving my serious consideration to the whole matter, it is ordered

Ordered

(i) Convict- accused namely Ranjit Uraon is sentenced to undergo rigorous imprisonment for ten (10) years and to pay a fine of Rs. 5,000/- for the offence punishable under section 304-Part-II of the I.P.C and in default of payment of fine, he shall further under go simple imprisonment for a period of (03) three months only.

(ii) The period of sentence shall be set off under section 428 of the Cr.P.C. against the period of his detention in jail custody during the trial of this case.

(iii) Fine, if realized, be given to the legal heirs of deceased to this case u/s- 357 of the Cr.P.C.

Let the conviction warrant be prepared accordingly. Convict-accused is

remanded to jail custody to serve the sentence as awarded to him.

8 . **Compensation**:- The legal heirs of the deceased Samoli Devi must have undergone unbearable pain and suffering for the culpable homicide not amounting murder of Samoli Devi. While in the case of Manohar Singh vs. State of Rajasthan AIR, reported in (2015) 3 SCC 449, the Hon'ble Supreme Court observed as follows:- “Just compensation to the victim has to be fixed having regard to the medical and other expenses, pain and suffering, loss of earning and other relevant factors. While punishment to the accused is one aspect, determination of just compensation to the victim is the other. At times, evidence is not available in this regard. Some guess work in such a situation is inevitable. Compensation is payable Under Section 357 and 357-A. While Under Section 357, financial capacity of the accused has to be kept in mind, Section 357-A under which compensation comes out of State funds, has to be invoked to make up the requirement of just compensation.”

So, in view of the above facts, that legal heirs of said deceased namely Samoli Devi must have undergone unbearable pain and suffering for the culpable homicide not amounting murder of Samoli Devi. Therefore, I deem it proper to award compensation to the legal heirs of deceased person under Section 357-A Cr.P.C. The Secretary, District Legal Services Authority, Katihar is hereby requested to pay compensation to the legal heirs of the said deceased namely Late Samoli Devi under the Bihar Victim Compensation Rule/Scheme formulated by the State Government for such cases.

9. Further office, clerk is hereby directed to send a copy of the judgment to the Secretary, District Legal Services Authority Katihar, after obtaining full details of the husband and children of late Samoli Devi, if any or her any other legal heirs from prosecution side for payment of compensation as per rule.

10. Let copy of the judgment be furnished to the convict Ranjit Uraon free of costs forthwith. Office is hereby directed to send a copy of judgment to jail authority also with conviction warrant.

11. Let one copy of the judgment be sent to the Ld. District Magistrate, Katihar in view of the provisions under section 365 Cr.P.C.

12. Destroy the seized articles, in due course of law.

13. Convict-accused is informed about his right of appeal against the judgment and order of sentence either by appointing his own ld. Advocate or through legal aid panel ld. advocate or by way of jail appeal.

14. Given under my hand and seal of this court on this 19th May, 2026 in the open court.

Order of sentence was dictated, corrected and passed/ pronounced by me on 19th May, 2026 in the open court where custody accused namely Ranjit Uraon was produced before court from jail custody and in the presence of ld. defence counsel and ld. A.P.P. for the state.

(Asutosh Rai)
Addl. Sessions Judge -II
Katihar
19-05-2026

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IN THE COURT OF ADDL. SESSIONS JUDGE-II, KATIHAR**Case No. S. Trial No. 37/2020****Accused Details:**

01	Rank of the of accused persons	A-1
02	Name of convict-accused person	Ranjit Uraon
03	Date of Arrest	24-05-2019
04	Date of Release on Bail	N/A
05	Offences charged with	Charge u/s 302 of the I.P.C.
06	Whether Acquitted or convicted	Convicted u/s 304-Part-II of the I.P.C
07	Sentence Imposed	Convict-accused is sentenced to undergo rigorous imprisonment for Ten (10) years and to pay a fine of Rs. 5,000/- for the offence punishable under section 304-Part-II of the I.P.C and in default of payment of fine, he shall further under go simple imprisonment for a period of (03) three months.
08	Fine Payable	The fine imposed shall be payable to the legal heirs of deceased to this case namely Samoli Devi.
09	Period of Detention Undergone during Trial for purpose of section 428 of Cr.P.C.	Convict-accused namely Ranjit Uraon remained in jail custody as under trial prisoner from 24-05-19 till today total (06 Years, 11 Months and 25 Days) only.

(Asutosh Rai)
Addl. Sessions Judge-III
19-05-2026