

Annexure-I

**IN THE COURT OF ADDITIONAL SESSIONS JUDGE-IX,
PALAMAU AT DALTONGANJ**

Present:

Abhas Kumar,
Additional Sessions Judge-IX,
Palamau at Daltonganj
(JO Code JH02113)

Date of Judgment: 7th day of April, 2025

District: Palamau

S.T. Case No. 591 of 2022

**[G.R. Case No. 893/2022 arising out of Chhatarpur P.S. Case
No. 39/2022]**

Prosecution	State [through Satyendra Kumar]
Represented by	Praveen Kumar Singh, Addl. Public Prosecutor,
Accused	1. Ranjan Kumar @ Tikra , aged about 27 years, Son of Jitu Ram, male resident of village Bagaiya, P.S. Chhatapur, District Palamau
Represented by	Sri S.S.P. Deo, Advocate

Annexure-II

Date of offence	22.02.2022
Date of FIR	26.02.2022
Date of Charge-sheet	22.05.2022
Date of Framing Charges	15.12.2022
Date of Commencement of evidence	04.04.2024

Date on which Judgment reserved	06.03.2025
Date of Judgment	07.04.2025
Date of Sentencing Order, if any	08.04.2025

Accused Details:

Rank of the Accused	Name of the Accused	Date of Arrest	Date of Released on Bail	Offences charge with	Whether acquitted or convicted	Sentence Imposed	Period of Detention Undergone during Trial.
A-1	Ranjan Kumar @ Tikra	30.03.2022	-		Convicted	Seven Years	3 yrs 7 days

Annexure-III

List of prosecution/Defence/Court Witnesses

A. Prosecution

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, (Panch Witness, other Witness)
PW-1	Satyendra Kumar	Informant/Injured
PW-2	Bishun Ram	Uncle of informant
PW-3	Dilip Ram	Brother of informant
PW-4	Dipak Kumar	Brother of informant
PW-5	Gaya Ram	Father of informant
PW-6	Sima Devi	Independent witness
PW-7	Maina Devi	Wife of informant
PW-8	Vijay Kumar Ramani	I.O.
PW-9	Awdhesh Kumar	Doctor
PW-10	Mukesh Kumar Gupta	Constable

B. Defence Witness, if any: None

Rank	Name	Nature of Evidence (Eye Witness, Police Witness,
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		Expert Witness, Medical Witness, (Panch Witness, other Witness)

C. Court witness, if any : No

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, (Panch Witness, other Witness)

List of Prosecution/Defence/Court Exhibits

A. Prosecution:

Ext. P-1	signature of informant on fard beyan
Ext. P-1/1	signature of Bablu Kumar as witness on fard beyan
Ext. P2	signature of Deepak Kumar on seizure list
Ext. P-3	Formal FIR
Ext. P-1/2	Fard beyan
Ext. P1/3	Endorsement on Fard beyan
Ext.P 2/1	Seizure list
Ext- P4	Injury Report
Ext-P5	Letter No. 47, dated 10.01.2025

D. Material Exhibit:

Sl. No.	Exhibit Number	Description
1	Ext. M.O. I	Front piece of cartridge

1. Above named accused Ranjan Kumar Alias Tikra is facing trial for offence u/s 307/120B of the IPC & 27 of Arms Act.

Factual Matrix

2. The Prosecution case as per the fard beyan of victim Satyendra Kumar, son of Gaya Ram, village Bagaiya, P.S. Chhattarpur is that on 22.02.2022 at 7.45 P.M. in the evening when he was at his grocery shop (Kirana Dukan) at his village Bagaiya, three boys on motorcycle came at his shop, Ranjan Kumar Tikra accused was seated in the middle of the motorcycle and two other boys were there on motorcycle. One remained seated on the motorcycle itself and other two including accused Rajan Kumar Tikra came on shop. The other one who was approx of age 20-25 years asked for Gutka and when he was giving gutka, accused Rajan Kumar alias Tikra came from behind and fired at him by pistol with the intention of killing him which hit him on upper part of his left eye which injured him and all three fled way and after hearing his shouting, people including his family members came and took him to sub-divisional Hospital Chhatarpur, from where after primary treatment he was referred to Daltonganj Sadar Hospital and from there for better treatment to Ranchi where he was admitted to Ram Pyari Super Specialty hospital on 2 AM night at 22.02.2022 where he was under treatment. He gave his fard beyan on 25.02.2022 at 11.30 A.M in Rampyari Hospital Ranchi's ICU Bed No.

17. On the basis of fard beyan, FIR No. 39/22 P.S. Chhattarpur dated 26.02.2022 was lodged.

3. The I.O. investigated the case and after completion of investigation submitted charge sheet No 71/22 dated 22.05.2022 against accused Ranjan Kumar Tikra u/s 307/34 IPC read with section 27 of Arms Act and investigation against two unknown was kept pending.

4. After submission of charge sheet, Ld. Magistrate took cognizance of the said offences against the accused persons facing trial and since offence u/s 307/34 of IPC r.w. sec. 27 of the Arms Act, was exclusively triable by the Court of Sessions after supply of police papers, present case was committed to the Court of Sessions.

5. After hearing both sides charge under section 307/120B of IPC & sec. 27 of the Arms Act were framed against the accused facing trial on 15.12.2022 which were read over and explained to him in Hindi to which he pleaded not guilty and claimed to be tried.

6. After closure of prosecution evidence the accused was questioned u/s 313 Cr.P.C in which he denied all the incriminating circumstances brought against him in prosecution evidence.

7. The defence case is total denial of occurrence.

8. The only question that comes up for consideration is whether the prosecution has been able to bring home the charges levelled against the accused beyond all reasonable doubts?

ANALYSIS AND FINDINGS

9. Altogether Ten (10) witnesses have deposed on behalf of the prosecution which are as follows:

Rank	Name	Nature of Evidence (Eye Witness, Police Witness, Expert Witness, Medical Witness, (Panch Witness, other Witness)
PW-1	Satyendra Kumar	Informant/Injured
PW-2	Bishun Ram	Uncle of informant
PW-3	Dilip Ram	Brother of informant
PW-4	Dipak Kumar	Brother of informant
PW-5	Gaya Ram	Father of informant
PW-6	Sima Devi	Independent witness
PW-7	Maina Devi	Wife of informant
PW-8	Vijay Kumar Ramani	I.O.
PW-9	Awdhesh Kumar	Doctor
PW-10	Mukesh Kumar Gupta	Constable

10. On behalf of prosecution following documentary evidence has been exhibited:

Ext. P-1	signature of informant on fard beyan
Ext. P-1/1	signature of Bablu Kumar as witness on fard beyan
Ext. P2	signature of Deepak Kumar on seizure list
Ext. P-3	Formal FIR

Ext. P-1/2	Fard beyan
Ext. P1/3	Endorsement on Fard beyan
Ext.P 2/1	Seizure list
Ext- P4	Injury Report
Ext-P5	Letter No. 47, dated 10.01.2025

11. Let me begin with discussing the evidence of prosecution. PW1 Sateyendra Kumar is the victim/injured witness/informant of the case and has deposed that on 22.02.2022, at 7.30 P.M. when he was at his shop, three men came on bike and out of them Ranjan Kumar Tikra demanded Gutka from him and as he was giving the gutka to him, he took out his pistol from his waist and fired at him with the intention to kill him and the bullet hit him at his left eye and the bullet/pallet got stuck inside his forehead/eye part and his left eye got badly injured and there was profuse bleeding from it and after noise his family members and neighbours came and accused person fled from there and two other men apart from Ranjan alias Tikra were outside his shop and he could not recognize them. He further deposed that he was taken to Chhatarpur Government Hospital from where he was sent to Daltonganj, Sadar Hospital after giving primary aid/treatment and from there he was sent to Rampyari Hospital Ranchi, where he underwent treatment for 15 days. He further stated that his fard beyan was recorded in the Rampyari Hospital Ranchi. On which he signed after the same was read over to him and he recognized his sign which is marked Ext-P1 and on the fard beyan his son Bablu also signed as witness whose signature he recognized, same was marked as ExtP1/1.

He further deposed that during treatment/operation the bullet/pallet which was stuck in his forehead, above eye was taken out and in respect of same seizure Memo/list was prepared. He further deposed that his eye was badly injured and artificial eye has been set in his eye and is unable to see from left eye and still treatment is going on and he further recognized the accused who was physically present inside the court. In his cross-examination he deposed that accused Ranjan Tikra is his gotia and belongs to same village and occurrence took place at 7.30 P.M. and three people came out of them two remained outside his shop and they had not masked their face and Ranjan Tikra had also not masked his face and he fired at from close range and it hit his left eye and was stuck inside his head and jaw. He also deposed that when he was taken to Chhattarpour Hospital, Darogaji had come and his name was Shekhar Kumar and he had told the name of the accused but it was not written in Chhattarpur. He also deposed to the effect that the bullet/pallet which was taken out was handed over to the thana/police station people and Doctor had also prepared his injury report. He further stated that his fard beyan was taken in Rampyari Hospital Ranchi and when he returned from Ranchi, his re-statement was taken by Darogaji at his residence. He also stated that approx one year before the occurrence, theft was committed in his shop and allegation of same was against the accused and matter was calmed down by Panchayati but articles stolen and money was not returned. He denied

having falsely implicated the the accused and there was no firing on him and no bullet/pallet was taken out from his body.

12. PW-2 Vishun Ram who is also uncle of victim/injured deposed that at 6-7 P.M. on the day of incident when he was at his residence, on hearing noise, he reached the shop of Satyendra and saw that his eye was injured by bullet. He further deposed that he saw three men riding motorcycle and among them accused Tikra was seated at the last and they fled away. He further stated that Satyendra was sent to Daltonganj for better treatment and sent to Ranchi, thereafter he further recognized accused Tikra who was present through V.C. He also deposed that he saw Tikra from a distance of 4-5 meter. He further denied having falsely given evidence.

13. PW-3 Dilip Ram who happens to be the brother of victim/injured Satyendra Kumar deposed that when he met Satyendra after this incident, he said that Tikra shot at him near his left eye. He further recognized Tikra through V.C. He further deposed that Satyendra was treated at Rampyari Hospital and his injury report was prepared there.

14. PW-4 Deepak Kumar deposed that on 22.02.2022 at 7.30 P.M. he was at his residence and after hearing noise and commotion he came out and saw accused Tikra fleeing away, when he reached at Satyendra's shop, he saw Satyendra lying in injured state and his left eye was profusely bleeding. He further stated that

Satyendra was further referred to Ranchi Rampyari Hospital and where upon operation bullet was taken out from jaw/mouth which was recorded in a seizure Memo on which he also signed as witness and he recognized his signature which was marked as Ext-P1/PW4 which was drawn in Rampyari Hospital. He recognized accused Tikra who was present through V.C. In cross he said that his brother Satyendra had told everything on the spot of occurrence itself.

15. PW-5 Gaya Ram who happens to be the father of informant/victim has deposed before the court that occurrence is of approx two years ago. He was sitting at his house when he heard noise and when he went out he saw Satyendra hit by bullet near his eyes and on asking Satyendra told him that Tikra shot him. He recognized accused who was produced through V.C. He further stated accused had committed theft in the shop of Satyendra which was proved in village panchyati. He further denied having deposed falsely.

16. PW-6 Seema devi deposed that the incident occurred two years ago when at around 7 P.M. she heard that Tikra (accused) has shot Satyendra. She was told the same by Satyendra when she visited the shop after the incident and she found Satyendra was bleeding near his eye and bullet injury was near eye. She further recognized accused who was produced through V.C. in the case and she denied having given false evidence.

17. P-7 Maina Devi who happens to be the wife of informant/victim deposed that incident happened two years ago when at 7 P.M. she was inside her house and heard the sound of gunshot and went to her shop when she saw Satyendra's eye was bleeding and he said that Tikra shot in his eyes and also said that three men came on motorcycle which included Tikra who fled away after occurrence, and he did not recognize this other two. she recognized Tikra who was produced through V.C. She further said that her husband was not completely unconscious after gun injury. She further stated that about Satyendra being transferred from Daltonganj to Ranchi for further treatment. She denied Satyendra having not taken Tikra's name.

18. PW-8 Vijay Kumar Ramani who is the IO of the case who testified that on 26.02.2022 this case being Chhatarpur P.S. case No. 39/2022, was assigned him by the SHO Shekhar Kumar. He further said that formal FIR was drawn by computer Operator upon which then SHO Shekhar Kumar signed and he recognized the same and marked as Ext-P3/PW-8. He stated that fard beyan (written application) is in the writing of ASI Ritlal Yadav and he has signed on it is Exhibit PW-1/2/PW-8 and on the fard beyan the SHO Shekhar Kumar signed which he recognized and was marked as Ext- P1/3/PW-8. He further deposed that at 8 P.M. on 22.02.2022 the then SHO got information that in Gram-Bagaiya one person had been shot at which was conveyed to all senior officers by him and after recording diary

entry No. 23/2022 dated 22.02.2022, he proceeded toward place of occurrence where in the village Bagaiye he was told that one Satyendra Kumar is injured due to gun shot and his family members have taken them to hospital and he was not in a position of giving statement. He further stated that victim was referred to Ranchi Super specialty hospital named Rampyari Hospital for better treatment where he was treated and the same was entered in diary No. 23/2022 dated 23.02.2022. Injured Satyendra's fard beyan in Ram Pyari Hospital was recorded by ASI Ritlal Pd. Yadav which was brought to P.S. Chhattarpur on 26.02.2022 which was recorded in case diary of para 2. He further stated that he had visited and inspected the place of occurrence in village Bagaiya ward No. 8 where in grocery shop on the day of occurrence, during purchase of gutaka, gun injury was stated to have been caused by the accused person. He had further stated about about the chauhadi of the place of occurrence which is 3 km away from P./S.Chhatarpur and map of place of occurrence is recorded at para 4 of case diary. He further stated to have taken statements of witnesses namely Dileep Ram, Gaya Ram, Vishnu Ram Phulmatiya Devi, Seema Devi, Suresh Ram one by one and all witnesses supported the occurrence which was recorded in case diary. He further stated that during investigation restatement of informant Satyendra recorded who fully supported the occurrence and reiterated his earlier version. Witnesses namely Bablu Kumar, Maina Devi,

Deepak Kr's statement, were recorded who fully supported the occurrence. He further stated that during investigation, he collected the pallet of bullet from ASI of Bariyatu P.S. Ranchi, Mr. Munni Choudhary who was handed over the same by the Doctor of Rampyari Hospital Ranchi after the same was taken out from the jaw/head of injured/informant upon operation and was duly recorded in seizure Memo which was in his writing (IO) which was signed by two independent witnesses Bablu Kumar and Deepak Kumar and also ASI of Bariyatu P.S. Munni Choudhary signed on same and he recognized the seizure Memo which was marked as Ext P2/1/PW08 and same was recorded in case diary at para 28 and 29. He further stated that accused Ranjan Tikra was arrested and arrest Memo was duly prepared and during investigation injury report of this injured/informant was obtained and same was made part of case diary. He further stated that after investigation on all points charge sheet u/s 307, 120B IPC r.w. 27 of Arms Act was filed against accused Ranjan Kumar Tikra, vide charge sheet No. 71/2022 dated 22.05.2022 and investigation was kept pending against two unknown accused. He further recognized accused Ranjan Tikra who was produced through V.C. In cross examination he stated that Vishun Ram who is uncle of informant and the witness had not stated in his police statement that Tikra had fired at Satyendra in his eyes and had not given his look. He further in his cross examination said that he had inquired about this quarrel/bad relation

between accused and informant and same was accusation of theft by accused in informant's shop and on panchayati a penalty of Rs. 20,000/- was imposed on Tikra and accused did not pay. He further said in cross examination that Dilip Ram had not said to police that Satyendra had told him that Tikra shot him in his eye and Deepak Kumar had not seen Tikra firing. He further stated that Gaya Ram and Seema Devi did not take name of accused Tikra. He further in his cross stated that injury report was obtained by him from Rampyari Hospital Ranchi and had seen it. He further stated that his statement was not taken at Chhattarpur Hospital or Daltonganj Hospital and injured was referred from Daltonganj Hospital to RIMS. He further stated to have not found spots of blood on the place of occurrence. He lastly in his cross denied having done a shoddy investigation.

19. PW-10 Mukesh Kumar Gupta, constable deposed that on the order of SHO Chhattarpur SI Prashant Pd. vide letter No. 47/2025 dated 10.01.2025 seized Exhibit of Chhattarpur P.S. case No. 39/2022 after verifying the same from Malkhana Register, was produced before court. The aforesaid letter 47/2025, dated 10.01.2025 was marked as Exhibit P5/PW10. He further stated that seized exhibit is sealed packed in a transparent plastic on which Chhattarpur P.S. case No. 39/2022 and MR.18/2022 is written and on white paper seal and sign of court of Sh. Parmanand Upadhyay is put. Also 1P No. 22/224 UHM D 37067 Satyendra Kumar, aged 40 male B. word ICU II/fourth flor

ICU.DOA/Category 23.02.2022-1.07 written. That on the order of this court the same was opened from which pallet (Goli ka agra bhag) was found which was marked as M.O. Exhibit-1/PW-10. He in his cross examination stated that he did not have personal knowledge of this case concerned and the material object exhibit was kept in Malkhana.

20. PW-9 Dr. Awdhesh Kumar had deposed that on 23.02.2022 he was working in Rampyari Hospital Ranchi as Doctor and on same date Satyendra Kumar was brought his father name was Gaya Ram, vill-Bagaiya, P.S. Chhatarpur, Dist-Palamau and patient had told him that somebody had shot him. He examined the said patient and found following injury:

- i. Bullet injury in left eye.
2. Bleeding present.
3. Nature of Injury-Grievous in nature.
4. General Examination-patient conscious and oriented.

This injury report written and signed by him which is marked as Ext.P4/PW9.

He in his cross examination said that he could not say the size of injury because at that time it was not visible and medically he could not say by which weapon this patient was injured. He also stated that the date on which patient was brought, on the same day injury report was prepared at 2 A.M. (night) after starting the treatment. He denied

having got it made by his staff and not made himself and also denied the injury report being fake.

21. Ld. Addl. P.P. has argued that there is direct evidence of eye witnesses which was unshaken and other witnesses account have consistently supported the prosecution case. The injury is by gunshot on vital part of body and Bullet/Pallet/Agrabhag has been duly recovered from body of informant after operation, therefore, case for conviction u/s 307, 27 of Arms Act is proved beyond reasonable doubts.

22. The learned defence counsel argued that informant PW 1 stated before court that accused shot him with firearms but there is no corroboration of independent witness or by medical evidence and accused is implicated merely on the basis of suspicion. Defence further argued that FIR was lodged belatedly on 25.02.2025 which creates suspicion about prosecution case and also informant PW1 did not give statement before police in Chhatarpur or Daltonganj. Further argument of defence is that injury report does not correspondent to oral evidence of informant and doctor did not give opinion that injury was by gunshot. All the witnesses are related witnesses and no independent witness and testimony of sole witness cannot be accepted as they were on inimical term and on proper scrutiny, it is clear that prosecution has failed to prove its case beyond reasonable doubts.

23. In order to bring home the charge u/s 307 IPC prosecution has to establish following ingredients:

- i. Death of human being was attempted.
- ii. such act was done by the accused with intention of causing death or with intention of causing such bodily injury
- (iii) the accused knew to be likely to cause death or (iv) was sufficient in the ordinary course of nature to cause death or that the accused attempted to cause death by doing an act known to him to be so imminently dangerous that it must in all probability cause death, or
- (v) such bodily injury as it likely to cause death. In the offence u/s 307 of IPC all ingredients of offence of murder are present except death of deceased. In other words the prosecution should make out facts and circumstances as envisaged in section 307 IPC. Unless it can be said that the intention and knowledge of the accused was to cause such bodily injury as would come within the scope of section 300 IPC, he can not be found guilty u/s 307 IPC.

In deciding the intention of the accused the court must consider following ingredients: (i) Nature of weapon used (ii) The part of the body of the victim chosen by the accused in attack (iii) The number of blows administered (iv) The force used by the assailants.

24. In the light of above settled principle I have perused the record and found that the informant/injured who is sole eye witness has duly stated before the court that it was accused Ranjan Kumar Tikra who

had shot at him and which injured his eye. Other witnesses have also stated that they saw accused Ranjan Tikra fleeing from the place of occurrence. The identity and presence of accused at the place of occurrence as well as his firing at injured/informant is duly proved by ocular evidence. The Doctor has duly proved the injury report which is exhibit P4 and stated that gunshot injury was there and same was grievous. The Bullet/Pallet taken after operation of injured/informant had been handed over to policeman ASI Bariyatu Ranchi in presence of two independent witnesses and seizure Memo was duly prepared which has been exhibited as Exhibit P2/1/PW8. I.O. has duly investigated and filed charge sheet and has fully explained the prosecution case before the court with proper documents exhibited and material witnesses duly deposed. Material object exhibit is produced in court. It is true that most of the witnesses are related witnesses but their evidence is not unworthy of credence and only thing is that court has to scrutinize that evidence in a more cautious, closure and vigorous manner. The delay in lodging FIR is duly explained by the circumstances as the injured had to be rushed to Ranchi for better treatment which caused delay in lodging FIR. Although motive is not necessary where direct evidence is present, but in this case motive of previous enmity is also apparent because accused was allegedly involved in theft in the shop of informant and there was strained relation between the two for the same reason. As far as minor

discrepancy/ contradiction in the evidence of the witnesses are concerned those are immaterial. As far as lack of independent corroboration and conviction on the basis of sole witness is concerned, law in this regard is fairly well settled to the effect that evidentiary value of a injured witness has higher value because normally an injured would not try to shield the real culprit and as far as conviction on the basis of sole witness is concerned, it is trite that it is quality of evidence and not quantity which matters and conviction on the basis of sole witness can be recorded if his/her testimony inspires confidence. In this regard, it is apt to reproduce relevant extract of judgement of Hon'ble Supreme Court in **Balu Sudam Khalde & another Vs. State of Maharashtra, 2023 SCC online SC 355** which is as follows:

26. "When the evidence of an injured eye-witness 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 eye-witness 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 shield 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 is 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."

25. "While appreciating the evidence of a witness, the approach must be whether the evidence of the witness read as a whole appears to have a ring of truth. Once that impression is formed, it is undoubtedly necessary for the Court to scrutinize the evidence more particularly keeping in view the deficiencies, drawbacks and infirmities pointed out in the evidence as a whole and evaluate them to find out whether it is against the general tenor of the evidence given by the witness and whether the earlier evaluation of the evidence is shaken as to render it unworthy of belief".

25. It has also been observed by the Hon'ble Supreme Court in **Syed Ibrahim V. State of A.P. (2006) 10 SCC 601** that normal discrepancies in evidence are those which are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition such as shock and horror at the time of occurrence and those are always there however honest and truthful a witness may be. Material discrepancies are those which are not normal, and not expected of a normal person. Courts have to label the category to which a discrepancy may be categorized while normal discrepancies do not corrode the credibility of a party's case, material discrepancies do so." In the present case also there is no major contradiction noted in the testimony of the prosecution witnesses. Their testimonies are cogent and convincing. There is no reason to doubt their testimonies.

26. In the light of above analysis undoubtedly actus reus of causing gunshot injury is duly proved, as far as intention and knowledge is concerned, the same has to be gathered from nature of weapon used, part of body attacked force used, etc. It is also clear that it was premeditated. It caused grievous hurt and was imminently dangerous to the life of the injured.

From the facts of case proved on record, it is clear that death of human being was attempted by accused by firing at his vital part of body and which was done with requisite intention and knowledge and

was sufficient in ordinary course of nature to cause death and was so imminently dangerous that in all probability it would have caused death. Therefore, prosecution has proved its case beyond reasonable doubt and therefore, accused Ranjan Kumar Alia Tikra is held guilty under section 307 IPC (Part II/later part) and convicted accordingly.

Apart from the aforesaid, since gunpallet has been recovered from the body of injured and same is duly proved by witnesses and in the back drop of the fact that gun shot fired by accused is duly proved, the possession and use of prohibited ammunition in violation of section 7 of Arms Act 1959 is proved therefore, accused is convicted u/s 27 of Arms Act, 1959.

Accused Ranjan Tikra is in judicial custody and present in court today and he is sent back to jail to be produced before the court on 08.04.2025 for hearing on the point of sentence. Put up on 08.04.2025 for hearing on the point of sentence.

Pronounced in the open court.

(Dictated & corrected by me)

Sd/-

(Abhas Kumar)
Addl. Sessions Judge-IX
Palamau at Daltonganj
(JO Code JH02113)
07.04.2025

Sd/-

(Abhas Kumar)
Addl. Sessions Judge-IX
Palamau at Daltonganj
(JO Code JH02113)
07.04.2025

HEARD ON THE POINT OF SENTENCE

Convict Ranjan Kumar @ Tikra is present in the court. It is submitted by Learned Addl. P.P. on behalf of the State that offence alleged is very serious and has been committed in a cruel manner. Therefore, highest sentence as punishable u/s 307 IPC and section 27 Arms Act be awarded.

On the other hand, Learned counsel for Defence submits that convict belongs to very weak economic background and is the sole bread earner of the family, therefore, leniency be shown in awarding the punishment.

It is settled law that the sentencing policy, keeps pace with changing time. Undoubtedly, the primary emphasis while deciding the quantum of sentence should be on the gravity or penal value of the offence. However, other guiding elements of rehabilitative justice model, including appreciation of grounds for mitigation of sentence also deserve to be duly considered within the permissible limits of judicial discretion. The awarding of just and proportionate sentence remains the solemn duty of the Courts and they should not be swayed by non relevant factors while deciding the quantum of sentence. Naturally what factors should be considered relevant or non relevant will depend on facts and circumstances of each case and no straight jacket formula can be laid down for the same. (As held in **Surinder Singh Vrs. State of Union Territory of Chandigarh, 2021 SC online SC 1135**).

Considering the argument advanced on behalf of both the sides, and keeping in mind the legal principles that reasonable proportion has to be maintained between seriousness of crime and punishment and at the same time, mitigating factors such as poor economic background, the dependence of the family on the accused for maintenance and

survival etc., this court on consideration of totality of circumstances considers it just and proper to award the accused the punishment in the following manner.

Sl. No .	Offence u/s	Sentence	Fine	Default
1	307 IPC	07 (Seven) years	Rs. 10,000/- (Ten thousand)	S.I. for 03 (Three) months
2	27 Arms Act	07 (Seven) years	Rs. 5,000/- (Five thousand)	S.I. for 03 (Three) months

All sentences shall run concurrently. Half of the fine would go to injured Satyendra Kumar the victim and remaining half to the State as prosecution expenses.

Copy of judgement to be sent to the Deputy Commissioner, Palamau as per the mandate of section 365 Cr.P.C./406 BNSS, 2023.

Before parting, it is ordered that the present matter be sent to DLSA, Palamau for providing compensation to victim/injured Satyendra Kumar on account of injury suffered by him and consequent medical expenses incurred by him.

Pronounced in the open court.

Sd/-

(Abhas Kumar)
Addl. Sessions Judge-IX
Palamau at Daltonganj
(JO Code JH02113)
08.04.2025

Sd/-

(Abhas Kumar)
Addl. Sessions Judge-IX
Palamau at Daltonganj
(JO Code JH02113)
08.04.2025