

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.143 of 2019

[Against the Judgment of conviction and Order of sentence dated 17.01.2019, passed by the learned Additional Sessions Judge - I, Deoghar in Sessions Trial No.375 of 2012, arising out of Madhupur P.S. Case No.130 of 2012 (G.R. No.330 of 2012)]

1. Munna Mahto, aged about 40 years, son of Hari Mahto.
2. Suresh Mahto, aged about 35 years, son of Hari Mahto,
3. Benga Mahto, aged about 45 years, Hari Mahto
4. Nirmala Devi, aged about 60 years, wife of Hari Mahto,
5. Sunita Devi, aged about 40 years, Benga Mahto,
6. Hari Mahto, aged about 70 years, son of Late Jagdish Mahto.

All resident of village - Jamunia Tanr, P.O. & P.S. -
Madhupur, District - Deoghar. **Appellants**

Versus

The State of Jharkhand **Respondent**

PRESENT

HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellants : Mr. Pran Pranay, Advocate
For the State : Mr. Vineet Kr. Vashistha, Spl.P.P

Order No.03/ Dated: 22nd April, 2026

1. Heard Mr. Pran Pranay, learned counsel for the appellants and Mr. Vineet Kumar Vashistha, learned Special P.P.

2. The present appeal is directed against the Judgment of conviction and order of sentence dated 17.01.2019, passed by the learned Additional Sessions Judge - I, Deoghar, in Sessions Trial No.375 of 2012, arising out of Madhupur P.S. Case No.130 of 2012 (G.R. No.330 of 2012), whereby the appellants have been convicted for the offence under Sections 323/34 & 341/34 of the Indian Penal Code (IPC) and have been sentenced to undergo simple

imprisonment for six months under Section 323/34 IPC and one month simple imprisonment for the offence under Section 341/ 34 IPC and both the sentences were directed to run concurrently.

3. The prosecution story, in short, is based on the written application of informant namely, Dhodho Mahto, alleging therein that on 04.07.2012 at 6 P.M, Munna Mahto, Benga Mahto, Suresh Mahto, Hari Mahto came at the Darwaja of the informant and started abusing. The informant told them not to do so on which Benga Mahto started beating him with *lathi* and in the meantime Munna Mahto assaulted him on his head with a *sabal* resulting in bleeding injury and Suresh Mahto and Hari Mahto assaulted him with fists and slaps and Hari Mahto also took out Rs. 3500/- (Rupees three thousand five hundred) from the pocket of the informant and Suresh Mahto snatched his Titan Wrist Watch worth Rs. 800/- (Rupees eight hundred). It is further alleged that Nirmala Devi and Sunita Devi also came and they started pelting stones on the informant as a result he sustained injury on back and chest. The cause of occurrence, as alleged, is that the accused persons do not intend to give share of the informant in the land. The accused persons have taken their share of land in village Fago and they are intending to take his share of land given in village Jamuniya Tanr. It is again alleged that during the course of *marpit* when the son of the informant namely, Gopal Mahto came to his rescue, all the accused persons

also beaten him with fists and slaps.

On the basis of above written application of the informant, Madhupur P.S. Case No.130 of 2012 dated 05.07.2012 has been registered and the police, after completing the investigation, has submitted the charge-sheet and the trial court has framed charge under Sections 307/34, 323/34, 341/34, 379/34, 504/34 against the present appellants on 18.07.2013. Thereafter, the case has been committed to the court of Sessions to which the appellants have pleaded innocence and claimed to be tried and accordingly, the trial has commenced.

4. To substantiate the charges, the prosecution has examined altogether 05 witnesses and their depositions, in short, are as follows:-

5. **P.W.-1, Gopal Mahto**, is the son of the informant and an injured witness. He has stated that on rescue of his father, he was assaulted by the accused. He has also proved the written report (Ext.-1).

In cross-examination, he has admitted that the accused are his *gotias* and two cases are going on between them. He has also stated that there is a land dispute between them.

6. **P.W.-2, Indu Devi @ Sindhu Devi**, is wife of P.W.-1 and she has supported the prosecution story.

In cross-examination, she has stated about the land dispute and the reason behind the institution of the case was property dispute.

7. **P.W.-3, Shanti Devi,** is the wife of the informant and she has supported the incident.

In her cross-examination, she has admitted that there is a partition dispute of land between the parties due to which the case was instituted.

8. **P.W.-4, Dhodho Mahto,** is the informant of the case and he has supported the prosecution story.

In his cross-examination, he has accepted the land dispute between the parties. He has further stated that he was given only one *sabal* blow.

9. **P.W.-5, Dr. Sunil Kumar Marandi,** is the medical officer, who has examined the informant, Dhodho Mahto and injured Gopal Mahto and found the injury simple in nature.

He has opined that the injury may be caused due to fall on hard and blunt object and that may be accidental.

10. The defence has also examined two witnesses in their support i.e. D.W.-1, Fagu Yadav and D.W.-2, Dewanti Devi.

11. On consideration of above materials on record, the trial Court has found the appellants guilty for the offence under Sections 323/34 & 341/34 IPC and sentenced them, as stated above.

12. Being aggrieved by the aforesaid judgment of conviction, the appellants have preferred the present appeal.

13. Learned counsel for the appellants has confined his prayer to the sentencing party only. It has been submitted

that there was a land dispute between the parties, who are *gotias*. Even, the females members have been made accused. The appellants have remained in custody, whose description is as follows :-

Sl. No.	Name of the appellants	Custody period
1	Munna Mahto	04 Months
2	Suresh Mahto	01 Month
3	Benga Mahto	03 Months
4	Nirmala Devi	25 days
5	Sunita Devi	25 days
6	Hari Mahto	01 Month

It has been submitted that the main assailants are the appellant Nos.1 & 3 namely, Munna Mahto & Benga Mahto and both have remained in custody for about four months and three months, respectively. The rest of the appellants have been convicted on the basis of Section 34 IPC. It has further been submitted that the appellant Nos.4 & 5 are females and they have remained in custody for about 25 days. The appellant No.6, namely, Hari Mahto, who is aged about 80 years and no specific allegation has been made against him, has remained in custody for a month.

On the above ground, prayer has been made that the sentencing part may be reduced to the period already undergone by the appellants.

14. On the other hand, learned Special P.P has opposed the prayer, but the above factual matrix has not been disputed.

15. Having heard learned counsel for the parties and

from perusal of record, it appears that no aggravating circumstances have been brought on record, rather there is a land dispute between the parties. The injury sustained is simple in nature and no deadly weapon has been used.

16. In that view of the matter, the conviction of the appellants is, hereby, upheld and the sentencing part is hereby, reduced to the period already undergone by the appellants.

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

18. The appellants are on bail, hence, they are discharged from the liability of bail bond.

19. 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 22nd April, 2026
Ravi-Chandan/- NAFR
Uploaded on 29.04.2026