

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.244 of 2019

[Against the Judgment of conviction and Order of sentence dated 30.11.2018, passed by the learned District & Additional Sessions Judge - II, Bokaro in Sessions Trial No.288 of 2018, arising out of Chas P.S. Case No.137 of 2018 (G.R. No.812 of 2018)]

Rahul Kumar Ram, aged about 20 years, Son of Babulal Ram, resident of Village - Dom Para Basti, Near Sadar Hospital Chas, P.O. & P.S. B. S. City, District - Bokaro (Jharkhand).
..... **Appellant**

Versus

The State of Jharkhand **Respondent**

PRESENT
HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mrs. Vandana Singh, Advocate
For the State : Mr. Satish Kr. Keshri, A.P.P

Order No.04/ Dated: 28th April, 2026

1. Heard Mrs. Vandana Singh, learned counsel for the appellant and Mr. Satish Kumar Keshri, learned A.P.P.
2. The present appeal is directed against the Judgment of conviction and order of sentence dated 30.11.2018, passed by the learned District & Additional Sessions Judge - II, Bokaro, in Sessions Trial No.288 of 2018, arising out of Chas P.S. Case No.137 of 2018 (G.R. No.812 of 2018), whereby the appellant has been convicted for the offence under Section 411 of the Indian Penal Code (IPC) and has been sentenced to undergo rigorous imprisonment for one year with fine of Rs.10,000/- (Ten thousand) and in default of fine, further rigorous imprisonment for three months.
3. The prosecution story, in short, is based on the written application of the informant namely, Raju Kumar Bouri,

alleging therein that in the intervening night of 12/13.06.2018, he was sleeping in his home and at around 02:00 A.M in the night, he felt that somebody had entered in his house and had taken his belongings. When he searched for his things, he found that his two Jeans and Redmi-4 mobile phone was missing along with his money bag which was in his pocket.

On the basis of above written application of the informant, Chas P.S. Case No.137 of 2018 dated 14.06.2018 has been registered against unknown under Section 380 IPC and the police, after completing the investigation, has submitted the charge-sheet against the present appellant and the trial court has framed the charge under Sections 380/411/ 413 IPC against the present appellant on 01.09.2018. Thereafter, the case has been committed to the court of Sessions to which the appellant has pleaded innocence and claimed to be tried and accordingly, the trial has commenced.

4. To substantiate the charges, the prosecution has examined altogether 07 witnesses and their depositions, in short, are as follows:-

5. P.W.-1, Saurav Kumar, has stated that he came to know about the incident from his friend namely, Ramesh Kumar Yadav. He appears to be a hearsay witness.

In cross-examination, he has admitted that the accused was not arrested in his presence.

6. P.W.-2, Sagar Dey, has deposed in a similar manner as of P.W.-1. He also came to know about the incident from the informant. He is also a hearsay witness.

7. **P.W.-3, Raju Kumar Bouri,** is the informant and he has supported the prosecution case.

In his cross-examination, he has admitted that the theft articles were given to him in the police station and he does not identify the accused.

8. **P.W.-4, Anil Kumar,** and **P.W.-5, Avinash Kumar Singh** are the seizure list witnesses and they have admitted that the seizure was not made in their presence.

9. **P.W.-6, Nayan Kumar,** is the signatory of Ext.-3, containing the theft articles.

In his cross-examination, he has stated that when he reached the place of occurrence, the accused was apprehended by the police.

10. **P.W.-7, Anil Kumar Jha,** is the Investigating Officer and he has stated that in course of investigation, he has apprehended the accused and recovered two Jeans, one money purse, Adhar Card of Raju Kumar Bauri and three notes of Rs.100/- each.

11. On consideration of above materials on record, the trial Court has acquitted the appellant for the offence under Sections 380/ 413 IPC and has found him guilty for the offence under Section 411 IPC only and sentenced him, as stated above.

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

13. Learned counsel for the appellant has confined her prayer to the sentencing party only. It has been submitted that the general items like two Jeans pants, cash and a mobile

phone have been recovered, but the seizure list witnesses, i.e. P.Ws.- 4 & 5 have stated that nothing has been recovered in their presence.

It has further been submitted by the learned counsel for the appellant that these are general items and the allegation is of the year 2018 and the appellant has remained in custody for about 10 months.

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

14. On the other hand, learned A.P.P has opposed the prayer stating that at the time of trial, two cases were pending against the present appellant.

15. Considering the nature of crime, the age of the appellant and the period of custody undergone by the appellant, the conviction of the appellant is, hereby, upheld and the sentencing part is hereby, reduced to the period already undergone by the appellant.

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

17. The appellant is on bail, hence, he is discharged from the liability of bail bond.

18. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

(Rajesh Kumar, J.)

Jharkhand High Court, Ranchi
Dated, the 28th April, 2026
Chandan/- NAFR
Uploaded on 30.04.2026