

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J) No.248 of 2019

[Against the Judgment of conviction and Order of sentence dated 02.02.2019, passed by the learned Additional Sessions Judge – 1st -cum- Special Judge, F.T.C., Bokaro, in Sessions Trial No.263 of 2017, arising out of Chandankiyari P.S. Case No.120 of 2015 (G.R. No.1696 of 2015)]

Ravan Singh Choudhary, aged about 28 years, Son of Umesh Singh Choudhary, Resident of Village – Kalikapur, P.O & P.S. - Chandankiyari, Dist. - Bokaro, Jharkhand.

..... **Appellant**

Versus

The State of Jharkhand

..... **Respondent**

PRESENT

HON'BLE MR. JUSTICE RAJESH KUMAR

For the Appellant : Mr. Rakesh Kumar, Advocate
For the State : Mr. Saket Kumar, A.P.P

Order No.05/ Dated: 09th July, 2026

1. Heard Mr. Rakesh Kumar, learned counsel for the appellant and Mr. Saket Kumar, learned counsel for the State.
2. The present appeal is directed against the judgment of conviction and order of sentence dated 02.02.2019, passed by the learned Additional Sessions Judge – 1st -cum- Special Judge, F.T.C., Bokaro, in Sessions Trial No.263 of 2017, arising out of Chandankiyari P.S. Case No.120 of 2015, corresponding to G.R No.1696 of 2015, whereby the appellant has been convicted for the offence under Section 498 of the Indian Penal Code (in short IPC) and has been sentenced to undergo rigorous imprisonment for two years with fine of Rs.10,000/- (Ten thousand) and in default

thereof, further sentenced to undergo two months imprisonment.

3. The prosecution story, in short, is based on the written report of the informant (P.W.-1), stating therein that on 21.06.2015 at 9 to 9.30 P.M., the daughter-in-law of the informant (victim) came out from the house for natural call but she did not return back. The informant has searched her. Further finding no clue, the informant informed to the parent of victim, but she could not be traced out. Further the informant came to know from the father of victim that one Ravan Singh Choudhary the co-villager of victim had always used to talk with the victim prior to her marriage and he was pressurizing to marry with her for which a *pancahyati* was convened but the matter has not been negotiated. It is further alleged that after marriage, the said person also gave threatening to son of the informant and asking him to release the victim otherwise he will kidnap the victim. Thus, the informant suspects that Ravan Singh Choudhary associated with his brother-in-law Pandav Mahatha have kidnapped the victim. Then the informant gave a written report to the police on 22.06.2015 but no action was taken thereafter, he gave an application to the Superintendent of Police, Bokaro.

On the basis of above information of the informant, Chandankiyari (Barmasia) P.S. Case No.120 of 2015 under Sections 363/ 366/ 498/ 34 IPC has been registered against the present accused-appellant and one Pandav Mahatha

and the police, after completing the investigation, has submitted the charge-sheet under Sections 363/ 366/ 498/ 34 IPC only against the present appellant. The trial court has framed the charge on 19.02.2008 under Sections 366/ 498 IPC. 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 06 witnesses and their depositions, in short, are as follows:-

5. **P.W.-1, Niranjana Mahatha,** is the informant of the case and he has supported the prosecution case. He has deposed that there is no divorce between his son and daughter-in-law.

In cross-examination, he has admitted that he has not seen talking between his daughter-in-law with another in matrimonial home rather he came to know about the accused from his *Samdhi* Jhabu Singh. Thus, he has adduced his evidence as hearsay.

6. **P.W.-2, Jhabu Singh Choudhary,** is the father of D.W.-1 the victim. He has deposed in his chief examination that his daughter was married in the year 2014 and thereafter, she went to her matrimonial home. On the point that his daughter went out to any other place, he turned hostile.

In cross-examination, he has stated that a panchayati

was convened in the matter. He came to know about the missing of his daughter on phone call and he has not seen his daughter being escaped with whom.

7. **P.W.-3, Lakhan Mahatha,** is the co-villager and he has deposed that the marriage was performed in the year 2014. He has heard that the victim has gone with the accused in the year 2015. He has not identified the accused.

In cross-examination, he has deposed that he has not seen the occurrence of escaping of victim with the accused. Even, he has no knowledge regarding whereabouts of the victim.

8. **P.W.-4, Bikrama Mahatha,** is the husband of D.W.-1 and he has also supported the prosecution story. He has proved Ext.-1 and Ext.-1/1 (Typed copy of written report).

In cross-examination, he has stated that he has not seen his wife escaping with the accused, rather he came to know about the incident from his father-in-law. He has deposed that after marriage, his wife remained in her matrimonial home only for one month.

9. **P.W.-5, Jitu Mahatha,** is the hearsay witness.

10. **P.W.-6, Buduru Orawon,** is the investigating officer of the case. He has investigated the matter. After recording the statements of the informant and other witnesses, he inspected the place of occurrence. He produced the victim in court for recording 164 Cr.P.C statement. He has submitted the charge-sheet against the accused. He has

also identified the endorsement on written report (Ext.-3).
He has proved the formal F.I.R (Ext.-4 & 4/1).

In cross-examination, he has admitted that the age of the victim at the time of occurrence was about 22 years. Further, the victim has not stated before him that the accused had taken her away rather she went with him at her own will.

11. One witness namely, Guirya Devi has been examined on behalf of the defence as D.W.-1, who is a major lady and said to be abducted from the lawful guardian i.e. her husband. Her deposition is as follows :-

- “(1) मैं अपने गाँव से 2015 में चली गई थी। मैं धनबाद चली गई थी। धनबाद से कलकत्ता चली गई। मुझे जब पता चला कि केस हो गया है तब मैं बोकारो आई। मैं कलकत्ता अकेली गई थी। मैं अभी अकेली रहती हूँ।
- (2) मैं रावण सिंह चौधरी के साथ नहीं भागी थी।
- (3) मैंने पूर्व में जो कोर्ट में बयान दी थी वह अपनी मर्जी से दी थी।
- प्रति परीक्षण:- अभियोजन की ओर से
- (4) मैंने जो बयान दिया था उसे मजिस्ट्रेट साहब लिखे थे फिर उस बयान को पढ़कर मैंने अपना हस्ताक्षर किया था। मैं इसे पहचानती हूँ। संपूर्ण बयान को प्रदर्श -5 अंकित किया जाता है।
- (6) रावण सिंह चौधरी को मैं पाँच साल से जानती हूँ।
- (7) आज रावण सिंह चौधरी न्यायालय आया है और मेरा बेटा आयुष उसी के पास है जिसकी उम्र दो वर्ष है।
- (8) मेरा विक्रम महथा से आज तक तलाक नहीं हुआ है।
- (9) मैं शिमला में महेश जाटव के घर में रहती हूँ।
- (10) मेरा बेटा आयुष की जन्म तिथि 30.11.2016 है। इसका जन्म शिमला में हुआ था।
- (11) यह कहना सही है कि मैं मजिस्ट्रेट साहब के सामने 09 जुलाई 2015 को अपना बयान दी थी।
- (12) बयान देने के चार पाँच दिन के बाद मैं शिमला चली गई और वही रहने लगी उसके बाद आज पहली बार यहाँ आई हूँ। मेरा पति विक्रम महथा कभी भी शिमला नहीं आया और मैंने उसे बुलाया भी नहीं विक्रम महथा से अंतिम बार जब मैं घर छोड़कर गई थी तभी मुलाकात हुआ था उसके बाद से आज तक मुलाकात नहीं हुई।
- (13) मैं रावण सिंह चौधरी से शिमला में ही शिव मंदिर में शादी कर ली हूँ।
- (14) आज मैं न्यायालय रावण सिंह चौधरी के साथ ही न्यायालय आई हूँ।

12. On consideration of above materials on record, the trial Court has acquitted the appellant for the offence under Section 366 IPC, and found him guilty for the offence

under Section 498 IPC and sentenced him, as stated above.

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

14. Having heard learned counsel for the parties and from perusal of record, it appears that the alleged victim (D.W.-1) is a married and major lady and she has clearly stated in her deposition that she had gone out of her own will. When there is no influence of will rather if it is free will then Section 498 IPC does not get attracted. Section 498 IPC gets attracted only when the will has been manipulated.

In the present case, the victim lady has herself stated that her will has never been manipulated, rather she has moved out of her own free will and as such, the ingredients of Section 498 IPC does not get attracted in the facts and circumstances of the present case.

15. In view of above discussion, this Court finds that the judgment of conviction is not sustainable as because the alleged victim has moved out of her own free will and being a citizen of India, she has a right to move, as per her own will. Accordingly, the judgment of conviction and order of sentence dated 02.02.2019, passed by the learned Additional Sessions Judge - 1st -cum- Special Judge, F.T.C., Bokaro, in Sessions Trial No.263 of 2017, arising out of Chandankiyari P.S. Case No.120 of 2015, corresponding to G.R No.1696 of 2015 is, hereby, quashed and set aside.

16. In the result, the appeal stands allowed and

accordingly 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 09th July, 2026
Ravi-Chandan/- NAFR
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