

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 874 of 2005

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1. Ram Jatan Sao, S/o Ram Swarath Sao, R/o village Banduwa, Police Station Manika, District Latehar
 2. Ayodhya Sao, S/o Late Bital Sao
 3. Aditya Sao, S/o Dhaneshwar Sao
 4. Kamesh Ganjhu. S/o Late Chaman Ganjhu
 5. Jagdish Ganjhu, S/o Late Chaman Ganjhu
 6. Rajpati Prajapati, S/o Sarhul Prajapati
 7. Muneshwar Sao, S/o Late Jatan Sao
- All are residents of village Jhabar, Police Station-Balumath, District-Latehar
- **Appellants**

Versus

The State of Jharkhand

..... **Respondent**

With

Cr. Appeal (S.J.) No. 907 of 2005

Raghu Sao, S/o Late Brij Sao, residents of village Jhabar, Police Station-Balumath, District-Latehar

... .. **Appellant**

Versus

The State of Jharkhand

..... **Respondent**

CORAM:HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellants	: Mr. A. K. Chaturvedi, Advocate Mr. Krishna Kumar Mishra, Advocate
For the State	: Mr. Tarun Kumar, A.P.P. (Cr. Appeal (S.J.) No. 874 of 2005) : Mrs. Nehala Sharmin, Spl.P.P. (Cr. Appeal (S.J.) No. 907 of 2005)

J U D G M E N T

Dated: 17th June, 2026

1. An Affidavit dated 18.02.2025 filed by the State reveals that appellant No.1- Ram Jatan Sao has been murdered and appellant No.7- Muneshwar Sao has died on 30.06.2012 in RIMS, Ranchi and post-mortem report of appellant No.1 and a copy of the certificate regarding the death of the appellant No.7 issued by the Mukhiya of the concerned panchayat along with a copy of the dead body carrying certificate issued by RIMS, Ranchi have been annexed with the

affidavit. Considering the same, since no substitution application is on record, hence the Cr. Appeal No. 874 of 2005 for appellant No.1- Ram Jatan Sao and appellant No.7- Muneshwar Sao, stands abated.

2. Since both the appeals arise out of common judgment and order, hence these are heard together and are being disposed of by common judgment.
3. Heard Mr. A. K. Chaturvedi, learned counsel for the appellants and Mr. Tarun Kumar, learned APP in Cr. Appeal (S.J.) No.874 of 2005 and Mrs. Nehala Sharmin, learned Spl.PP in Cr. Appeal (S.J.) No.907 of 2005 for the State.
4. These criminal appeals are directed against the judgment and order of conviction and sentence dated 13-14.07.2005 passed in S.T. No. 407 of 1999 by the learned Addl. Sessions Judge, Fast Track Court, Latehar, whereby and whereunder the appellants have been convicted under Sections 147, 365/120B of IPC and sentenced to undergo R.I. for two years under Section 147 of IPC and three years under Section 365 of IPC along with a fine of Rs. 2000/- each with default stipulation.

Factual Matrix

5. The factual matrix giving rise to this appeal is that on 25.07.1998 at about 6 am, the informant's father while they were working in the field asked him to bring breakfast for them whereupon the informant proceeded for his house and in the meantime, he noticed 10-12 persons were coming towards them who caught hold his father. Raghu Sao caught hold of waist of the informant's father

whereas Aditya Sao, Muneshwar Sao, Kameshwar Ganjhu, Jagdish Ganjhu, Nandkeshwar Singh, Rampati Prajapati, Ramjatan Sao and Ayodhya Sao and 3/4 unknown started taking away the informant's father towards jungle. The accused namely Raghu Sao also called the informant whereupon the informant fled away. The accused persons were not armed with any weapon. The informant has also alleged that the accused persons had taken his father towards jungle in order to commit his murder.

6. On the basis of fardbeyan, Balumath P.S. Case No. 29 of 1998 was registered for the offence under Section 147, 364/120B of the IPC. After completion of investigation, the charge-sheet was submitted against the accused persons and after taking cognizance, the case was committed to the court of Sessions, where S.T. No. 407 of 1999 was registered.
7. It appears that altogether thirteen witnesses have been examined by the prosecution: -

P.W.-1	Ram Chandra Sao (Son of the victim)
P.W.-2	Ashok Kumar (Son of the victim)
P.W.-3	Lacho Devi (wife of the victim and the mother of the Informant)
P.W.-4	Bindeshwar Sao (Victim as well as the father of the informant)
P.W.-5	Siyanand Sao (Co-villager)
P.W.-6	Jai Prakash Singh (Co-villager)
P.W.-7	Vijai Sao @ Vijay Prasad
P.W.-8	Deo Pal Prasad
P.W.-9	Raghunandan Sao

P.W.-10	Kundan Prajapati
P.W.-10-A	Bishwanath Rai
P.W.-11	Satish Kumar
P.W.-12	Manoj Kumar Gupta

8. Apart from oral evidence, following documentary evidences have also been adduced on behalf of prosecution.

Ext.-1	Fardbeyan
Ext. 1/1	Endorsement on fardbeyan by I.O.- Bishwanath Rai.
Ext. 1/2	Endorsement on formal FIR by I.O.- Bishwanath Rai.
Ext. 2	Letter No. DR-114/05 dated 03.04.2005.

9. On the other hand, no oral evidence evidences have been adduced on behalf of defence, however the following documents has been adduced on behalf of defence.

Ext. A	Certified copy of <i>ex-parte</i> order of T.S. No. 89/84.
Ext. A/1	Certified copy of decree of T.S. No. 89/84
Ext. B	Certified copy of judgment of C. Case No.64/95.
Ext. B/1	Certified copy of judgment of S.T. No.52/79.
Ext. B/2	Certified copy of T.A. No.29/87.
Ext. B/3	Certified copy of order sheet of T.A. No. 29/87.
Ext. C	Certified copy of complaint petition of C. Case No.64/95.
Ext. D	Certified copy of charge.
Ext. E to E/5	Certified copy of probation bonds in C. Case No. 64/95.
Ext. F	Certified copy of F.I.R. of G.R. Case No. 294/77.

Ext. G Certified copy of charge sheet of G.R. Case No. 294/1977.

Ext. H Certified copy of sale deed No. 707 dated 15.05.04.

Submissions on behalf of the appellant:-

10. Learned counsel for the appellants has submitted that appellants have been convicted for the offence under Sections 147 and 365 read with 120B of IPC for abduction allegedly for getting execution of landed property from him which he wanted to sell to other. The abducted person was released on the same day and the occurrence is of the year 1998 and the appellants were in custody during trial and post-conviction about 22 days and they have never indulged in any other criminal activity. The learned trial Court has declined to extend the benefit under Section 4 of Probation of Offenders Act to the appellants which they deserved being the first offenders. In this regard, a report from concerned District Probation Officer in respect of appellants has been called for which is also made available by the learned APP for the State. Moreover, the alleged occurrence is of the year 1998 and the appellant has maintained peace and settled in his life, hence, the appellants may be extended the benefit of Section 4 of Probation of Offenders Act. Therefore, instead of immediately undergoing the substantive sentence awarded to the appellants, they may be released on furnishing bond under Section 4 of Probation of Offenders Act, 1958.

Submissions on behalf of the State

11. On the other hand, learned APP has defended the judgment of learned trial Court on merits but so far as extension of benefit of Probation of Offenders Act to the appellants is concerned, it is fairly admitted that there is no previous conviction of the appellants and they had no criminal antecedent, hence they have no objection. He has also submitted the custody report of the appellant- Raghu Sao in Cr. Appeal No. 907 of 2005 today itself which is taken on record while the custody report of the appellants in Cr. Appeal No. 874 of 2005 is already on record in the affidavit dated 28.04.2025 by the State.

Analysis, reasons and decision

12. I have gone through the record of the case along with the impugned judgment and order of sentence in the light of the contentions raised on behalf of both sides.

13. It appears that the learned trial court has held the appellants guilty for the offence under Section 147 and 365 read with 120B of the I.P.C.

14. I have given anxious consideration to the genesis, manner and place of occurrence, it appears that admittedly there was previous enmity between the parties. Considering the overall factual background, nature of offence committed by the appellants, age, character and antecedent, it appears expedient in the ends of justice to extend the benefit of Section 4 of the Probation of Offenders Act of 1958, instead of awarding substantive sentence of imprisonment as awarded by the learned trial court.

15. In view of the above, these **appeals are dismissed on merits** with modification in sentence to the extent that instead of undergoing substantive sentence of imprisonment awarded to the appellants by learned Trial Court for the offence under Section 147 and 365 read with 120B of the I.P.C., the appellants are hereby directed to be released on furnishing bond of Rs.5,000/- (Rupees Five Thousand) each with one surety of like amount to the satisfaction of learned trial court under Section 4 of the Probation of Offenders Act, 1958 within two months from the date of this order for maintaining peace and be of good behavior for one year from the date of furnishing the bond.
16. If the bond is not furnished within above stipulated time, the learned trial Court shall issue notice upon the appellants to secure his attendance for furnishing the bond.
17. In case of violation of the terms and conditions of the bond, the appellants shall be called upon to receive the sentence of imprisonment already awarded to him by the learned trial Court.
18. Pending I.A(s), if any, is also disposed of accordingly.
19. Let a copy of this judgment along with Trial Court Record be sent back to the court concerned immediately for information and needful.

(Pradeep Kumar Srivastava, J.)

17.06.2026

Pawan

Uploaded on 22.06.2026