

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**  
**Cr. Appeal (S.J.) No. 783 of 2007**

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[Against the judgment of conviction and sentence dated 29.05.2007 passed in Sessions Case No. 106 of 2005 by the learned 1<sup>st</sup> Addl. Sessions Judge, Pakur.]

1. Md. Bulbul Sk., S/o. Md. Nasiruddin, R/o. Vill.- Sitas Nagar, P.S.- Pakur (T), Dist.- Pakur, Jharkhand.
2. Md. Mustaque Ali, S/o. Md. Faizul Haque, R/o. Vill.- Rahaspur, P.S.- Pakur (M), Dist. – Pakur, Jharkhand.
3. Md. Abdul Khair, S/o. Abdul Kalam Sk., R/o. Vill.- Chandrapara, P.S.- Pakur(M), Dist.- Pakur, Jharkhand.
4. Md. Tafijul Haque, S/o. Tazmul Haque, R/o. Vill.- Navada, P.S.- Pakur (M), Dist.- Pakur, Jharkhand.

... .. **Appellants**

**Versus**

The State of Jharkhand

..... **Respondent**

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**CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

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For the Appellants : Mr. Indu Shekhar Gupta, Advocate  
For the State : Mrs. Nehala Sharmin, Spl.P.P.

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**J U D G M E N T**

**Dated: 06<sup>th</sup> May, 2026**

1. Heard Mr. Indu Shekhar Gupta, learned counsel for the appellants and Mrs. Nehala Sharmin, learned Special P.P.
2. This criminal appeal is directed against the judgment of conviction and sentence dated 29.05.2007 passed in Sessions Case No. 106 of 2005 by the learned 1<sup>st</sup> Addl. Sessions Judge, Pakur, whereby and whereunder, the appellants have been convicted under Sections 147, 448, 353 & 188 of the I.P.C. and sentenced to undergo S.I. for six months each for the offences under Sections 147, 448 & 353 of the I.P.C and S.I. for one month for the offence under Section 188 of the I.P.C. All the sentences were directed to run concurrently.

**Factual Matrix:-**

3. The factual matrix giving rise to this appeal is that on 21.02.2005 at about 9:00 A.M., when the Election Officer-cum-

S.D.O., Pakur was disposing of his election official works sitting in the courtyard of his Government residential quarter alongwith his staffs. It is alleged that Md. Moinuzama @ Munna Mustaque alongwith approximately 150 persons trespassed in his campus forming an unlawful assembly armed with lethal weapons. They abused the informant and challenged him to come out from his residence. On protest of all the staffs, Munna Mustaque threatened to kill the informant. It is further alleged that Md. Moinuzama @ Munna Mustaque alongwith 5 to 6 persons, armed with pistol and bomb, trespassed into the residence of Election Officer-cum-S.D.O., Pakur Md. Moinuzama @ Munna Mustaque ordered one person to fire on the informant, which fortunately missed. In the meantime, police was informed by the telephone by someone, on which police arrived at the place of occurrence and chased the mob and caught hold Md. Moinuzama @ Munna Mustaque and other four accused persons in the campus.

4. On the basis of above occurrence, typed report of the Election Officer-cum-S.D.O. Pakur was submitted in the police station, where police registered as Pakur (M) P.S. Case No. 41 of 2005 for the offences under Sections 148, 147, 149, 353, 307, 188, 448, 504, 506 & 171 of the I.P.C. and Section 27 of the Arms Act against five named accused persons and 150 unknown persons.
5. After completion of investigation, the charge-sheet was submitted against all the five named accused persons and after taking cognizance, the case was committed to the court of Sessions, where Sessions Case No. 106 of 2005 was registered. After conclusion of trial, the impugned judgment and sentence has been passed, which has been assailed by the above four named accused persons in this appeal.
6. It appears that altogether eight witnesses have been examined by the prosecution: -

|        |                |
|--------|----------------|
| P.W.-1 | Subal Mandal   |
| P.W.-2 | Sher Ali       |
| P.W.-3 | Manoj Kr. Modi |

|        |                                      |
|--------|--------------------------------------|
| P.W.-4 | Santosh Kr. Nanda                    |
| P.W.-5 | Dhiren Das                           |
| P.W.-6 | Methias John Murmu                   |
| P.W.-7 | Ashok Kr. Sharma (Informant)         |
| P.W.-8 | Sudama Singh (Investigating Officer) |

Apart from the oral evidences, following documentary evidences have also been adduced on behalf of the prosecution, i.e.:-

(i) Exhibit-1: Typed Letter of the Election Officer-cum-S.D.O. Pakur being Memo No. 428 dated 21.02.2005 on the basis of which F.I.R. was registered.

On the other hand, following documentary evidence has been adduced on behalf of defence.

(i) Exhibit-A : C/c of order dated 03.03.2005 and 17.01.2007 passed in PCR Case No. 53/2005.

(ii) Exhibit-B : C/c of Complaint petition of PCR Case No. 53/2005.

7. After conclusion of trial, the learned Trial Court convicted the appellants for the offences under Sections 147, 448, 353 & 188 of the I.P.C and sentenced them.

**Submissions on behalf of the appellants:-**

8. Learned counsel for the appellants without touching the merits of the judgment has confined himself towards the quantum of sentence awarded to the appellants. It is further submitted that there is no merit in the allegation against the present appellants and it was a case of mob violence consisting of approximately 150 persons, wherein the Election Officer and staff of the election officer were threatened and abused by Munna Mustaque. Therefore, the F.I.R. was lodged and during investigation someone disclosed the name of these appellants and they were arrayed as accused. No specific overact was attributed against the appellants and in spite of that they faced trial and maximum sentence of six months S.I. was awarded each to the appellants for the offences under Sections 147, 448 & 353 of the I.P.C and S.I. for one month

for the offence under Section 188 of the I.P.C. It is further submitted that the occurrence is of the year 2005 and more than two decades have elapsed. It is further submitted that the appellants have remained in custody for two and half months. The appellants have sufficiently been punished for their guilt. Therefore, sentence passed against the appellants may be reduced to the extent of the imprisonment already undergone by them, instead of the sentence of S.I. for Six months awarded by the learned Trial Court.

**Submissions on behalf of the Respondents:-**

9. On the other hand, learned Special P.P. has defended the impugned judgment on merits but so far the sentence awarded to the appellants is concerned, it is submitted that the occurrence is of the year 2005 and more than two decades have passed. Therefore, appropriate order may be passed dismissing this appeal on merits.

**Analysis, discussions and reasons: -**

10. From perusal of the impugned judgment of conviction and sentence and considering the factual aspect of the case, it appears that these appellants including one Moinuzama @ Munna Mustaque forming an unlawful assembly entered into the premises and residence of the Election Officer-cum-S.D.O. violating the order of Section 144 of the Cr.P.C. and made obstruction in discharging in the election work there. They also threatened the election officer and his staffs. The accused persons took the law into their own hands and challenged the authority of Election Officer-cum-S.D.O. by trespassing in the residence and committed serious offence. The learned Trial Court right held the appellants guilty for the offence under Sections 147, 448, 353 & 188 of the I.P.C., so that nobody could dare to commit such type of offence in order to disturb the government work. The learned counsel for the appellants has also not raised any objection against the merits of the judgment of conviction of the appellant, rather confined himself only on the point of sentence awarded to the appellants.

Therefore, the conviction of the appellants for the offences under Sections 147, 448 & 353 of the I.P.C. is upheld.

11. So far as the quantum of sentence is concerned, it appears on consideration of the overall background of the case, present scenario that appellants has remained in custody for almost two and half months, the occurrence is of the year 2005 and more than two decades have been elapsed, I am of the view that the appellants have sufficiently been punished for their guilt. Accordingly, in ends of justice, altering/modifying the sentence of the appellant, they are awarded the sentence of imprisonment already undergone by them as against the sentence awarded by the learned Trial Court.
12. Accordingly, this appeal is **dismissed on merits with modification in sentence** to the extent as mentioned above.
13. The appellants are on bail. As such, they are discharged from the liability of bail bonds and sureties are also discharged.
14. Pending I.A(s), if any, is also disposed of accordingly.
15. Let a copy of this judgment along with Trial Court Record be sent back immediately to the court concerned for information and needful.

**(Pradeep Kumar Srivastava, J.)**

*Jharkhand High Court*

*Dated: 06.05.2026*

*Rahul/NAFR*

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