

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 852 of 2017

Manna Kumar Yadav @ Munna Yadav, S/o-Suresh Yadav, R/o-Village-
Deepatoli Saldega, P.O. & P.S.-Simdega, Dist.-Simdega, Jharkhand
... .. Petitioner

Versus

The State of Jharkhand Opp. Party

For the Petitioner : Mrs. Nanda Kumari, Advocate
For the State : Mr. Shree Prakash Jha, A.P.P.

PRESENT

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

Dated: 07th May, 2026

1. Heard Mrs. Nanda Kumari, learned counsel for the petitioner and learned A.P.P.
2. The counter affidavit submitted at Bar by Mr. Shree Prakash Jha, learned A.P.P. is accepted. Let the same be kept on record.
3. The instant criminal revision has been preferred against the judgment dated 07.02.2017 passed by learned Additional Sessions Judge, Simdega in Cr. Appeal No.38 of 2015, whereby and whereunder the appellate court has dismissed the appeal preferred against the judgment of conviction and sentence dated 04.08.2015 passed by learned Judicial Magistrate 1st Class, Simdega in Simdega P.S. Case No.24 of 2012 corresponding to G.R. Case No.78 of 2012 whereby and whereunder learned trial court has convicted the petitioner for the offence under sections 411 of I.P.C. and sentenced him to undergo R.I. for 2 years.

Factual Matrix:-

4. Factual matrix giving rise to this criminal revision is that on 18.02.2012 at night, the informant came to his house and mistakenly forgot to lock the door and went to sleep. On the next day morning, the informant woke up and found his clothes scattered in the room and cash of Rs.400, one mobile phone with SIM Card bearing No.9973684520 and one wrist watch kept on the fridge were stolen by unknown thief. The informant got information that from the house of his neighbour, Gariyan Sachanidra, S/o-Late G. R. D. Choudhary, two mobile phones containing with SIM Nos.7488055577 and 9430779511 have also been stolen by the unknown thief by burgling his house through the window.
5. On the basis of above, Simdega P.S. Case No.24 of 2012 has been registered against unknown miscreants. During course of investigation, stolen articles have been recovered from the possession of the petitioner and after investigation, charge-sheet has been submitted against him for the offence under section 380 and 411 of IPC.
6. In course of trial altogether, 5 witnesses have been examined by the prosecution namely:-
 - P.W.1-Deepak Puri (informant)**
 - P.W.2-Gariyan Sachindra**
 - P.W.3-Bimal Baa**
 - P.W.4-RAdheshyam Prasad**
 - P.W.5-Maheshwari Prasad (I.O.)**
7. Apart from oral evidence the prosecution has also adduced the following documentary evidence, which are as under:-

Ext.1-Written Application

Ext.1/1-Endorsement of case registration by Parmeshwar Prasad on written application

Ext.2-Handwritting & Signature of Maheshwari Prasad in seizure list

Ext.3-Memo of arrest in the handwriting with signature of Maheshwari Prasad

Material Ext.-1- Titan watch

Material Ext.II-Samsung Mobile

8. No oral or documentary evidence has been adduced by the defence.

Submission on behalf of petitioner:-

9. Learned counsel for the petitioner has submitted that it was specifically pleaded by the petitioner at the time of hearing on the point of sentence that it was the first offence and there is recovery of one wrist watch and two mobile phones from the possession of the petitioner for which he has been severely punished for R.I. of 2 years. Even, no T.I. Parade of the said material has been conducted by the Investigating Officer and the seized articles were restored/delivered to the victim/informant by the order of the court.

Learned counsel for the petitioner without touching on merits of the judgment and concurrent findings recorded by the concerned trial court and the appellate court has confined himself towards the quantum of sentence and submitted that during trial and post-conviction, the appellant has remained in custody for three months and one week. Considering the nature of offence committed by the petitioner, he has

sufficiently been punished for his guilt. The occurrence is of the year 2012 and about 1 ½ decades has been elapsed. The petitioner has come in the main stream of his life. Therefore, sending the petitioner again to jail custody for remaining period of sentence in such a trivial matter, would not meet the ends of justice and disproportionate to the offence committed by him. Hence, sentence of the petitioner may be reduced to the imprisonment already undergone by him.

Submission on behalf of State:-

10. On the other hand, learned A.P.P. has opposed the aforesaid contentions raised on behalf of the petitioner. Defending the judgement on merits, he has submitted that there are concurrent findings of the courts below and there is recovery of the stolen articles from the house of the petitioner, hence, there is no merits in this revision and fit to be dismissed.

Analysis, Reasons and Decision:-

11. I have considered the rival contentions of the parties and also perused the impugned judgment.

12. It appears that altogether 5 witnesses have been examined by the prosecution.

P.W.1-Deepak Puri is the informant-cum-victim. According to him on 19.02.2012, when he woke up in the morning, he found domestic articles scattered in the room and also cash of Rs.400/-, golden Titan watch, Samsung mobile stolen from his house. He further deposed

that he also learnt about the theft of two mobiles from the house of his neighbour, Gariyan Sachindra. He identified the written report in his handwriting and signature marked as Ext.1 and he received stolen articles from the court, which is marked as Material Ext.I & II.

P.W.2-Gariyan Sachindra is the victim of the theft. According to him, on 19.02.2012 when he woke up in the morning, he found his two phones missing. After sometime, he learnt about the theft in the house of P.W.1, Deepak Puri (Informant). There is nothing in his cross-examination except he simply admits that he did not produce the purchase receipt of mobiles and express no knowledge about the thief.

P.W.3-Bimal Baa has been declared hostile by the prosecution and expresses no knowledge about the occurrence.

P.W.4-Radheshyam Prasad has also stated nothing about the occurrence.

P.W.5-Maheshwari Prasad is the Investigating Officer and he has identified the case registration in the handwriting of Officer-in-charge-Parmeshwar Prasad marked as Ext.1/1. Acting upon the theft report, he received a secret information about selling some mobile by Manna Kumar Yadav (petitioner). Thereafter, he raided the house of the petitioner and recovered Samsung mobile and two other mobile phones as well as one wrist watch from his house. He identified the seizure list as Ext.2 and also identified the arrest Memo in his handwriting and signature as Ext.3.

In his cross-examination, he admits the recovery of stolen articles from the house of the petitioner. However, no T.I. Parade has been conducted for recovered articles.

13. In view of the aforesaid discussion and reasons, I do not find any merits in this revision, therefore, the conviction of the petitioner is upheld. At the same time, it is quite obvious that there was recovery of two mobile phones and one Titan wrist watch from the house of the petitioner, which has also been restored/delivered to the victim and the petitioner has already remained in custody for 3 months and 7 days in course of the trial and it was the first offence of the petitioner, therefore, I feel inclined to reduce the sentence passed against the petitioner. Accordingly, the petitioner is sentenced to imprisonment for the period already undergone by him.

14. This criminal revision is dismissed on merits with modification in the sentence as stated above.

15. The petitioner is on bail, as such, he is discharged from the liability of bail bond and sureties are also discharged.

16. Pending I.As., if any, is disposed off.

17. Let a copy of this order be sent to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Pappu/-

07/05/2026

Cr. Rev. No.852 of 2017