

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 1309 of 2004

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[Against the Judgment of conviction dated 06.07.2004 and Order of sentence dated 07.07.2004, passed by learned Additional District and Sessions Judge, Fast Track Court No.1, Gumla in S.T. No.164 of 1999]

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1. Ram Chandra Pujar @ Chandra Munda son of Karma Munda
 2. Ramesh Munda son of Haura Munda
 3. Dinesh Munda son of Budhram Munda
 4. Jitendra Mahto son of Late Mahabir Mahto
- All are resident of village Gutuwa Parsatoli P.S. - Ghaghra,
District - Gumla ... **Appellants**

Versus

The State of Jharkhand

... Respondent

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For the Appellants : Mr. Ashish Kr. Sinha, Adv.
For the State : Mrs. Vandana Bharti, A.P.P.

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PRESENT

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

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JUDGMENT

Dated- 27.04.2026

1. Heard the arguments advanced by Mr. Ashish Kr. Sinha, learned counsel for the appellants as well as Mrs. Vandana Bharti, learned Addl. P.P. appearing for the State.
2. Instant criminal appeal is directed against the judgment of conviction dated 06.07.2004 and order of sentence dated 07.07.2004 passed by learned Additional District and Sessions

Judge, Fast Track Court No.1, Gumla in S.T. No. 164 of 1999, whereby and whereunder all the appellants have been held guilty for the offence under Section 304 Part II/34 of the Indian Penal Code and sentenced to undergo rigorous imprisonment (R.I.) for seven years along with fine of Rs.1,000/- each with default stipulation.

3. Factual matrix giving rise to this appeal as per fardbeyan of deceased Ludra Mahto which was recorded on 17.06.1999 at about 5:45 P.M. at Ghaghra Hospital, is that accused persons Dinesh Munda, Ramesh Munda, Jitendra Mahto and Chandra Munda came to repair the tiles of one co-villager Janak Mahto. While the informant was returning to his home at about 01:00 p.m. after ploughing his field, his younger son Paras Mahto told him that all accused persons have used bamboos belonging to the informant for repairing the house of his neighbour Janak Mahto. Thereafter, informant went to the house of Janak Mahto and found that all the four accused persons were repairing tiles with his bamboos. Upon objection, altercation ensued and the informant assaulted Dinesh Munda with a danda once and fled away. Later in the afternoon at about 02:30 p.m., while

the informant had gone to graze cattle, all the accused persons came there at about 04:00 p.m. holding gupti and Jitendra Mahto was holding lathi. All the accused persons started abusing the informant and one Ramesh Munda stabbed him with gupti on his head and Dinesh Munda stabbed him with gupti on his right elbow and Chandra Munda stabbed him on his left armpit. Jitendra Mahto assaulted him with danda on his whole body due to which he fell down. On alarm being raised, his son Paras Mahto came there, whereupon the accused fled away.

On the basis of above information, initially, Ghaghra P.S. Case No. 43/1999 was instituted under Sections 341, 323, 324 and 325/34 of the I.P.C., but subsequently, upon the death of Ludra Mahto on 21.07.1999 during treatment, the offence was converted into one under Section 302/34 of the I.P.C.

4. After completion of investigation, charge-sheet was submitted against all the accused persons for the offence under Section 302/34 of the I.P.C. Accordingly, cognizance was taken and subsequently, the case was committed to the Court of Sessions where S.T. No. 164 of 1999 was registered.

Charge was framed against accused appellants under Section 302/34 of the I.P.C. which was read over and explained to them, to which they pleaded not guilty and claimed to be tried.

5. In the course of trial, altogether eight witnesses were examined and several documentary evidence were also adduced by the prosecution.

6. On the other hand, no oral or documentary evidence has been adduced by the defence. Although, Chandra Munda in his statement under Section 313 Cr.P.C. admits that on 17.06.1999, he was repairing the tiles of Janak Mahto but has not used the bamboos of Ludra (deceased).

7. After conclusion of trial, the appellants were held guilty for the offence under Section 304 Part II/34 of the I.P.C. and sentenced as stated above which has been assailed in this appeal.

8. Learned counsel for the appellants without touching the merits of the judgment has confined himself towards the quantum of sentence. It is submitted that appellant has been held guilty for the offence under Section 304 Part II/34 of the I.P.C. and sentenced to undergo R.I. for seven years

imprisonment out of which, he has already undergone near about five years' custody during the pendency of trial and post-conviction. This was appellants' first offence and the incident was of the year 1999 and now more than two and a half decades have been elapsed. Therefore, sentence passed by the learned Trial Court may be reduced from seven years to the imprisonment already undergone.

9. On the other hand, learned A.P.P. appearing for the State has defended the impugned judgment on merits. So far as quantum of sentence is concerned, no serious objection has been raised.

10. I have gone through the impugned judgment and order along with the record of the case in the light of rival contentions of the learned counsel for the respective parties.

11. Considering the facts and circumstances of the case, genesis and manner of occurrence under which the offence was committed by appellants, the conviction of the appellants for the offence under Section 304 Part II/34 of the I.P.C. is upheld but so far as sentence is concerned, it is reduced from seven years of R.I. to imprisonment already undergone by them.

12. Accordingly, this appeal is **dismissed on merits with modification in sentence** as stated above.

13. The appellants are on bail, hence, they are discharged from the liabilities of bail bonds. The sureties are also discharged.

14. Pending I.A., if any, stands disposed of.

15. Let a copy of this judgment along with Trial Court record be sent back immediately to the concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated: 27/04/2026

Sachin / **NAFR**

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