

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No. 405 of 2009

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[Against the Judgment of conviction dated 16.04.2009 and Order of sentence dated 17.04.2009, passed by learned 5th Additional Sessions Judge (F.T.C.), Dumka in Sessions Case No.167 of 2008 (corresponding to G.R. Case No.585 of 2008)]

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Ram Shankar Thakur son of Late Muso Thakur, resident of village Saraiyahat Basti, P.O. and P.S. : Saraiyahat, District : Dumka
... **Appellant**

Versus

The State of Jharkhand
... **Respondent**

.....

For the Appellant : Mr. S.P. Roy, Adv.
For the State : Mr. Fahad Allam, A.P.P.

.....

P R E S E N T
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

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JUDGMENT

Order No.04/Dated- 08.04.2026

1. Heard the arguments advanced by Mr. S.P. Roy, learned counsel for the appellant as well as Mr. Fahad Allam, learned Addl. P.P. appearing for the State.

2. Instant criminal appeal is directed against the judgment of conviction dated 16.04.2009 and order of sentence dated 17.04.2009 passed by learned 5th Additional Sessions Judge (F.T.C.), Dumka in Sessions Case No. 167 of 2008 (corresponding to G.R. Case No. 585 of 2008), whereby and

whereunder the sole appellant has been held guilty for the offence under Section 324 of the Indian Penal Code and sentenced to undergo rigorous imprisonment (R.I.) for two years.

3. Prosecution case arises out of written information dated 22.04.2008 lodged by the prosecutrix (P.W.10), a minor girl aged about 12 years, wherein she has alleged that on that day at 11 AM, while she was returning from the field after easing herself, the accused Ram Shankar Thakur (appellant) intercepted her, forcibly dragged her to a maize field and committed rape. Upon raising alarm, her sister (P.W.7) reached the place of occurrence, whereafter the accused fled away. The matter was reported to her father (P.W.8), who accompanied her to the house of the accused, whereupon altercation ensued. It is further alleged that the accused, along with others, abused them and assaulted her father with lathi, causing injuries including fracture wound on his head and back, in presence of villagers.

On the basis of above information, Saraiyahat P.S. Case No. 89 of 2008 was registered for the offences under Sections

341, 323, 325, 376 and 504 of the Indian Penal Code against the accused persons.

4. After completion of investigation, charge-sheet was submitted against the accused persons including this appellant for the aforesaid offences. Accordingly, cognizance was taken and subsequently, the case was committed to the Court of Sessions where Sessions Case No. 167 of 2008 (corresponding to G.R. Case No. 585 of 2008) was registered. Charges were framed against this appellant under Sections 376, 325/34 and 504/34 of the I.P.C. while against other accused persons under Section 325/34, 504/34 of IPC which was read over and explained to them, to which they denied and claimed to be tried.

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

6. On the other hand, one oral evidence and several documentary evidence were also adduced by the defence.

7. After conclusion of trial, the appellant was held guilty for the offence under Section 324 of the I.P.C. and sentenced as stated above which has been assailed in this appeal.

8. Learned counsel for the appellant without touching the merits of the judgment has confined himself towards quantum of sentence. It is submitted that appellant has been held guilty for the offence under Section 324 of the I.P.C. and sentenced to undergo R.I. for two years out of which, he has already remained in custody for one year and one month. This was appellant's first offence and there was domestic dispute between the parties who happens to be gotia of this appellant. This case was instituted in the year 2008 now both parties have settled in the main stream of life. Therefore, sentence of the appellant may be reduced 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, the conviction of the appellant for the offence under Section 324 of the I.P.C.

is upheld but so far as sentence is concerned, it is reduced from two years of R.I. to imprisonment already undergone.

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

13. The appellant is on bail, hence, he is 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 to the concerned Trial Court for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated: 08/04/2026

Sachin / **NAFR**

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