

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 481 of 2009

[Against the judgment of conviction and order of sentence dated 08.04.2009 and 09.04.2009, respectively, passed by learned Additional Sessions Judge, Fast Track Court No.III, Palamau at Daltonganj, in S.T. No. 324 of 2000]

Rajendra Uraon, son of Late Mahavir Uraon, resident of Village-Hirlong,
P.O.-Sagalim, P.S.-Panki, District-Palamau (Jharkhand)

... .. **Appellant**

Versus

The State of Jharkhand

... .. **Respondent**

P R E S E N T

HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Surendra Prasad Sinha, Advocate

For the State : Mr. Naveen Kumar Ganjhu, A.P.P.

J U D G M E N T

Dated: 08th May, 2026

By Court: Heard, Mr. Surendra Prasad Sinha, learned counsel for the appellant and learned A.P.P.

2. The instant criminal appeal is directed against the judgment and order of conviction and sentence dated 08.04.2009 and 09.04.2009, respectively, passed by learned Additional Sessions Judge, Fast Track Court No.III, Palamau at Daltonganj, in Sessions Trial No. 324 of 2000, whereby and whereunder the appellant has been convicted for the offence under Section 307 of the I.P.C. and has been sentenced to undergo rigorous imprisonment for five years along with fine of Rs.1,000/-. In case of non-payment of the fine, a separate sentence of one month's simple imprisonment has been imposed.

Factual Matrix

3. The factual matrix giving rise to this appeal is that on 20.06.1999, at about 08:00 P.M., the informant was sitting at the door

of his house and his wife Sundri Devi (P.W.-1), was cooking food nearby. At that time, accused Rajendra Uraon came with a *Tangi* and assaulted the informant on the head with the intention of kill him. The informant's wife, Santu Yadav (P.W.-3) and other persons present nearby witnessed the occurrence and snatched the *Tangi* form the hand of accused. Thereafter, the informant was taken to Panki Hospital for treatment. Motive behind the occurrence was stated that informant used to cultivate the land of Natthu Uraon on share of produce while accused appellant want to cultivate said land on share of produce in place of informant.

4. On the basis of *fardebayan* of informant, Panki P.S. Case No. 27 of 1999, was registered for the offence under Sections 324 and 307 of the I.P.C. After completion of investigation, charge-sheet was submitted against above named accused for the aforesaid offences. After taking cognizance, the case was committed to the court of Sessions where S.T. No. 324 of 2000 was registered. The appellant denied the charges leveled against him and claimed to be tried. The case of defence is denial from allegations and false implication in the instant case.

5. The prosecution has examined altogether seven witnesses in this case and several documentary evidences have also been adduced.

6. On the other hand, no oral or documentary evidence has been adduced on behalf of defence.

7. After conclusion of the trial, the impugned judgment was passed which has been assailed in this appeal.

8. Learned counsel for the appellant submits that there was dispute

between the appellant and the injured P.W.-6, Rambrich Uraon (now deceased), about taking of the land of Natthu Uraon on the basis of share of produce. The injured used to cultivate the land of Natthu Uraon on share of produce while accused appellant want to cultivate said land on share of produce in place of informant. It is alleged that a single *Tangi* blow was given by the present appellant, causing some injuries which was found to be grievous in nature by the doctor who examined him. As such, there was no intention to cause murder by giving the assault to the injured. The appellant has already remained in custody for about six and half months. It is further submitted that the occurrence is of the year 1999 and the sole injured died in the year 2021, while his wife is still alive. The appellant is ready to pay compensation of Rs.25,000/- to the wife of injured Rambrich Uraon (now deceased), as victim compensation. Therefore, sentence passed against the appellant may be reduced to the extent of imprisonment already undergone by him.

9. On the other hand, learned A.P.P. has defended the impugned judgment of conviction and order of sentence on merits and submitted that the learned Trial Court has rightly convicted the appellant and there is no merit in this appeal, therefore, this appeal is fit to be dismissed.

10. I have perused the case record along with impugned judgment in the light of contentions raised on behalf of both side. I have also given anxious consideration towards the ocular testimony of witnesses available on record.

11. Since the learned counsel for the appellant has confined himself

towards the sentence of the appellant only therefore, the conviction of the appellant under Section 307 of the I.P.C. is upheld.

12. So far the sentence of the appellant is concerned, it appears that occurrence is of the year 1999 and more than 26 years have elapsed and appellant has settled in the mainstream of life, therefore, considering the facts and circumstances of the case, nature of offence committed by the appellant, his age, antecedents and character and also that the appellant has remained in custody for about six and half months and this was the first offence committed by the appellant and he has never previously been convicted of any offence, I feel inclined to reduce the sentence of appellant to the period already undergone instead of imprisonment of five years as awarded by the learned Trial Court. The appellant is also directed to pay compensation amount of Rs.25,000/- to the wife of the injured Rambrich Uraon (now deceased).

13. The compensation amount of Rs. 25,000/- shall be deposited before the concerned Trial Court within two months, failing which the learned Trial Court shall take all necessary steps to realize the compensation amount from the appellant. The compensation amount, when realized, the learned Trial Court shall call upon the victim (P.W.-1), wife of Rambrich Uraon (now deceased) and shall give the compensation amount to her after proper identification.

14. In view of the above, this appeal is **dismissed on merits with modification in sentence** to the extent mentioned above.

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

16. Pending I.A(s), if any, is also disposed of accordingly.
17. Let a copy of this judgment along with Trial Court Record be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

08.05.2026

Arpit

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