

Criminal Appeal (D.B.) No. 395 of 2019

Against the judgment and order of conviction and sentence dated 17.04.2018 passed by Sri Rajeev Anand, learned Additional Judicial Commissioner – XIII, Ranchi in S. T. No. 630 of 2014.

Shankar Handi son of late Narayan Handi, resident of Railway Kuli Colony, Jhoparpatti, PO & PS Railway, Bokaro, Dist. Bokaro, Jharkhand

... .. Appellant

Versus

The State of Jharkhand

... .. Respondent

For the Appellant : Mrs. Pragati Prasad, Advocate
For the Respondent : Mr. Saket Kumar, A.P.P.

Present:

HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

C.A.V. on – 15.01.2026

Pronounced on – 11.03.2026

Per, R. Mukhopadhyay, J.

Heard Mrs. Pragati Prasad, learned counsel for the appellant and the learned A.P.P. for the State.

2. This appeal is directed against the judgment and order of conviction and sentence dated 17.04.2018 passed by Sri Rajeev Anand, learned Additional Judicial Commissioner – XIII, Ranchi in S. T. No. 630 of 2014, whereby and whereunder the appellant has been convicted for the offence under Section 302 of I.P.C. and has been sentenced to undergo rigorous imprisonment for life along with a fine of Rs. 10,000/- and in default in payment of fine, to undergo rigorous imprisonment for 3 months.

3. The prosecution case arises out of the fard beyan of Gayatri Devi recorded on 24.08.2014 in which it has been stated that on the same day, the husband of the informant namely, Shankar Handi (appellant) had gone to sort out garbage and after coming back home went to sleep.

When he got up at 4:00 P.M., the informant asked him to bath which angered Shankar Handi and he assaulted the informant with a brick due to which the informant fled away. It has been alleged that Shankar Handi went away with his two daughters and after some time, when the informant went towards the old water tank, on seeing the informant Shankar Handi started committing assault upon his daughters. When the informant raised a cry of alarm, Shankar Handi caught hold of the legs of one of his daughters namely, Payal and ripped her apart which resulted in her death. This incident was also witnessed by Magal Mukhi.

4. Based on the aforesaid allegations, Bokaro Rail P. S. Case No. 16 of 2014 was instituted for the offence under Section 302 of I.P.C. against Shankar Handi. On completion of investigation, charge-sheet was submitted and after cognizance was taken, the case was committed to the court of Sessions, where it was registered as S. T. No. 630 of 2014. Charge was framed against the accused under Section 302 of I.P.C. which was read over and explained to him in Hindi to which he pleaded not guilty and claimed to be tried.

5. The prosecution has examined as many as 7 witnesses in support of its case.

6. P.W. 1 - Gayatri Devi is the informant who has stated that on the date of occurrence at 3:00 P.M., she was in the Station out of fear as her husband had assaulted her. When her husband had returned from work, she had asked him to take a bath before taking a meal at which he assaulted her and had taken away the children towards the locality where a water tank was situated. He had taken the children to sell them off and when he could not find any purchaser, he tried to strangle one of his daughters and when she rushed to save her daughters, her husband caught hold of the legs of one of his daughters namely, Payal and ripped her apart. Her husband then fled away. When she raised an alarm the people from the locality had arrived. The incident was reported to the police after which her husband was apprehended. Her statement was recorded by the police.

In cross-examination, she has deposed that her husband used to regularly assault her. When the incident had occurred, no other person were present.

7. P.W. 2 – Dr. Ravi Shekhar was posted as a Medical Officer in Sub-divisional Hospital, Chas and on 25.08.2014 he had conducted the autopsy on the dead body of Payal and had found the following injuries:

“Rigor mortis present in all four limbs, eyes closed, mouth closed, tongue inside, nose oozing of blood through nostrils.

External injuries:

1. *Fracture of Cervical bone.*
2. *Fracture of right hip bone.*
3. *Vaginal and perineal tear.*
4. *Bleeding from vagina and anus.*

On dissection:

Skull – Blood and blood clot present in cranial cavity.

Neck – Fracture of first and second cervical bone

Heart – Right chamber full of blood left chamber empty, all other viscera of lungs, liver, spleen and kidneys were congested.

Stomach contains semi digested food and gases present.

Uterus – small and empty.”

The cause of death was opined to be due to head injury, cervical bone injury and spinal cord injury. The post mortem report has been proved and marked as Exhibit 1.

8. P.W. 3 – Arvind Kumar has stated that when he returned back from work at 6:30 P.M., he saw Gayatri Devi crying and also found the body of the daughter of Gayatri Devi having been ripped apart. Gayatri Devi had disclosed that her husband had committed the murder.

In cross-examination, he has deposed that he had not witnessed the occurrence. The police had not recorded his statement.

9. P.W. 4 – Guja Gashi has stated that when he returned home, he had heard a commotion and when he went to see the commotion, he had seen the dead body of the daughter of Gayatri Devi. Gayatri Devi had disclosed that her husband had committed her murder.

In cross-examination, he has stated that his statement was not recorded by the police.

10. P.W. 5 – Magal Mukhi has stated that after sorting garbage when he returned home, he had seen that the daughter of Shankar Handi

has been murdered. The wife of Shankar Handi had disclosed that Shankar Handi had ripped apart her daughter leading to her death.

In cross-examination, he has deposed that he had not witnessed the murder.

11. P.W. 6 – Munna Bauri has stated that on coming to know that Payal has been ripped apart, he had gone to the police station and had found the dead body of Payal lying with the legs ripped apart.

In cross-examination, he has deposed that there was never any dispute between Shankar Handi and his wife. The police had never recorded his statement. He had not seen the occurrence.

12. P.W. 7 – Kheli Ghashi has stated that when he returned home, he had learnt that Shankar Handi has committed the murder of his daughter by ripping her apart.

In cross-examination, he has deposed that he cannot say from whom he had heard about the incident. He had never seen any scuffle between Shankar Handi and Gayatri Devi. He had further deposed that Shankar Handi is a decent person.

13. The statement of the accused has been recorded under Section 313 Cr.P.C. in which he had denied his complicity in the murder of his daughter.

14. It has been submitted by the learned counsel for the appellant that the case of prosecution is based on the solitary eye-witness account of P.W. 1, but her evidence suffers from inherent contradictions and absurdity. It has been submitted that the fard beyan of P.W. 1 has not been exhibited by the prosecution and hence the genesis of the occurrence has not been proved.

15. Learned A.P.P. for the State has submitted that the evidence of P.W. 1 has been corroborated by the post mortem report and hence the appellant being the person who has committed the murder has been proved beyond any reasonable doubt.

16. We have heard the learned counsels for the respective sides and have also perused the trial court records.

17. The allegation on the face of it appears to be brutal and grotesque as the appellant being the father of the victim had ripped her

apart causing her death. Though, P.W. 1 is the solitary eye-witness to the occurrence, but her evidence cannot be brushed aside simply on such score. P.W. 1 has been candid enough to state that there was no other person present when the incident had occurred and her evidence seems to be in consonance with the fard beyan and there has been no major deviation to disbelieve her testimony. The ocular evidence has been fully corroborated by the medical evidence. Merely because the fard beyan of P.W. 1 has not been exhibited, the same shall not be fatal to the prosecution, since P.W. 1 has categorically stated about her fard beyan being recorded by the police and her thumb impression was also taken over it. The non-examination of the Investigating Officer would not act as a deterrent to the prosecution case as the defence has failed to prove that such non-examination of the Investigating Officer has caused prejudice to the defence. The appellant has failed to explain the circumstances leading to the death of her daughter as it has been established by virtue of evidence of P.W. 1 that the deceased was with the appellant when the murder had taken place.

18. The evidence of the prosecution unerringly points to the guilt of the appellant which fact has correctly been appreciated by the leaned trial court and having found no merit in this appeal, the same is hereby dismissed.

19. Pending I.A., if any stands closed.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court at Ranchi
The 11th day of March, 2026
R. Shekhar/NAFR/Cp. 3
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