

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No.1052 of 2005

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Satin Hansda S/o Panay Hansda resident of village-Sahajpur, P.S.-
 Jamtara, Subdivision & District-Jamtara

.....Appellant

Versus

The State of Jharkhand

.....Respondent

CORAM: HON'BLE MR. JUSTICE SANJAY PRASAD

For the Appellant : Mr. Shubham Sinha, Amicus Curiae,
 For the State : Mr. Shiv Shankar Kumar, APP

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ORAL JUDGMENT IN COURT

Order No.28/29th January 2026

1. This Criminal Appeal (SJ) has been filed on behalf of the appellant by challenging the judgment of conviction and sentence dated 30.07.2005 passed in Session Case No.142/87/07/04 by Sri Indra Deo Mishra, learned 2nd Addl. Sessions Judge, Jamtara by which the appellant has been convicted for the offences under Sections 147,148 and 307 of I.P.C and sentenced to undergo R.I. for One (01) year and R.I. for Two (02) years and R.I. for Five (05) years respectively.

However, all the sentences have been directed to run concurrently.

2. The another appellant Karu Marandi (deceased) had died and his name has been deleted vide order dated 16.05.2024 passed by the Co-ordinate Bench (Justice Ambuj Nath as then His Lordship was) of this Court.

3. The fard-beyan of Informant Shyam Hembrem was recorded by A.S.I. Ram Pratap Yadav on 31.03.1983 at village Sahajpur, P.S. Jamtara, Distt.-Jamtara, who stated that there is old enmity due to land dispute with the villager Satin Hansda. The Informant has instituted the case of paddy cutting in Jamtara Police

Station as well as in the Jamtara Court for paddy cutting. One case has also been filed in the Court for cutting of Neem tree. Due to said cases the accused persons used to threaten him. It is further stated that before two days of occurrence accused persons had also threatened him to kill him. Even on 10.03.1983 at about 11/12 a.m. Karu Marandi and Satin Hansda came in his courtyard (Angan) through opened door and told to come out from the house and threatened to kill him. It is further alleged that the accused persons told him that the informant has created trouble by instituting several cases and further threatened to kill him. It is further alleged that the Informant had seen 3-4 persons and out of them he has identified Satin Hansda and Karu Marandi in the light of lantern through window. Both of them had a bomb. He has not identified other three persons. While the informant had seen through the window that said Satin Hansda and Karu Marandi came near the window saying that they would kill him. Thus, the Informant concealed himself anyhow but the accused persons had thrown a bomb through the window. However, the bomb did not hit him and blasted in the wall and the Informant received injury in the leg. In the meantime, his son-in-law Motilal started shooting after climbing end roof through bows and arrows. Thereafter accused persons fled-away after leaving a live bomb. In the morning his son-in-law Babulal came and kept the bomb in a bucket full of water and had collected splinters and other particles of exploited bomb and kept in a paper and handed over to the police.

4. Learned counsel for the appellant submitted that the impugned judgment and sentence passed by the learned Trial Court below is illegal and not sustainable in the eye of law. It is submitted that the appellant is innocent and has not committed any offence and the allegations levelled against the appellant are false

and concocted. It is submitted that there is previous enmity between both the sides with regard to the paddy cutting and also submitted that the appellant had not threatened the Informant. It is submitted that no independent witnesses have been examined by the prosecution and except the interested witnesses, none has supported the prosecution case. It is submitted that the PW-1 namely Motilal Hembrem, i.e. the son of the Informant, who is an interested witness and has supported the prosecution case and whereas PW-2 namely Babli Murmu, i.e. the wife, PW-3 namely Sona Muni Murmu, i.e. the daughter-in-law of the Informant are the interested witnesses and hence their evidence is not reliable. It is submitted that the PW-4 is the Informant himself in this case, whose evidence is also doubtful and contradictory to the evidence of PW-1 namely Motilal Hembrem, PW-2 namely Babli Murmu, and PW-3 namely Sona Muni Murmu. It is submitted that the PW-5 is Advocate Clerk of APP and he has proved the injury report of the Informant marked as Exhibit-1. It is submitted that the PW-6 is also another Advocate Clerk, who has proved the formal FIR and signature of ASI marked as Exhibit-2 and Exhibit-3. It is further submitted that the injury report demolishes the prosecution case as the Informant has alleged that he has sustained injury due to throwing of bomb by the appellant whereas the injury report reveals that the injury was caused by hard and blunt substance and the entire prosecution case is demolished. It is submitted that even the injury report is dated 14.03.1983 i.e the delay of four (04) days and hence injury report is doubtful and not validly proved and hence the appellant may be acquitted.

It is further submitted that due to non-examination of Investigation Officer, the appellant is seriously prejudiced as he could not take the defence on the point of throwing of bomb. It is

submitted that the defence of the appellant has also not been considered by the learned Trial Court below and hence the impugned judgment and sentence may be set aside and the appellant may be acquitted.

5. On the other hand, learned APP has opposed the prayer of the appellant. It is submitted that the judgment and sentence passed by the learned Trial Court is fit and proper and no interference is required. It is submitted that the PW-1 namely Motilal Hembrem, PW-2 is Babli Murmu and PW-3 is Sona Muni Murmu who are the son, wife and daughter-in-law of the Informant, have fully supported the prosecution case. It is submitted that the PW-4 is the Informant, who has also supported the prosecution case and stated that he has identified the appellant and one another accused namely Karu Marandi (deceased) for throwing bomb on his house on the date of occurrence at night. It is submitted that the Informant was threatened by the appellant and said Karu Marandi (deceased) for withdrawing the case. It is submitted that although the Investigation Officer and Doctor have not been examined but the Injury report has been proved by PW-5 who is an Advocate Clerk whereas the PW-6 has proved the formal FIR. It is submitted that the Informant has stated during evidence that he had sustained injuries due to splinter of bomb and hence there is no illegality in the impugned judgment and sentence passed by the learned Trial Court and this criminal appeal may be dismissed.

6. Having heard learned counsel for both the sides and from perusal of the records of this case, it transpires that the Informant has lodged the FIR on 11.03.1983 against the appellant and one Karu Marandi (deceased) for throwing bomb upon him for the offences under Sections 147, 148, 307 of IPC and Section 4 and 5 of the Explosive Substance Act.

7. It transpires that the police had submitted the chargesheet against the appellant and one Karu Marandi (deceased) on 07.07.1983 before the learned C.J.M Jamtara under Section 147, 148, 307 of IPC.

Thereafter, the learned C.J.M had taken cognizance against the appellant and one Karu Marandi (deceased) under Section 147, 148, 307 of IPC on 29.07.1983.

8. After supplying the police papers to the accused persons, the case was committed to the Court of Sessions.

9. Thereafter, the charges had been framed against the appellant and one Karu Marandi (deceased) for the offences under Section 147, 148, 307 of IPC on 09.04.1990 by the learned Addl. Sessions Judge, Dumka to which they pleaded not guilty and claimed to be tried.

10. During trial, the prosecution got examined six (6) witnesses in support of its case, who are as follows:-

- (i). PW-1 is Motilal Hembrem,
- (ii). PW-2 is Babli Murmu,
- (iii). PW-3 is Sona Muni Murmu,
- (iv). PW-4 is Shyam Hembrem (Informant),
- (v). PW-5 is Dhananjay Bhandari (formal) and
- (vi). PW-6 is Sarat Kumar Yadav (formal).

11. The prosecution case in support of its case got marked the following Exhibits which are as follows:-

- (i). Ext. 1 is the Injury Report,
- (ii). Ext.2 is Fardbeyan and
- (iii). Ext.3 is Formal F.I.R

12. Thereafter, the appellant and one Karu Marandi (deceased) were examined under Section 313 of Cr.P.C. on 17.07.1992 by the learned Trial Court and to which they had

denied the circumstances put forth before them.

13. The Defence in support of their case got examined three (03) witnesses, who are as follows:-

- (i). D.W.-1 is the Chand Hembrom,
- (ii). D.W.-2 is the Govind Murmu and
- (iii). D.W.-3 is the Sibbu Hembrom.

14. Thereafter, the learned Trial Court, after considering the case of both the sides, has convicted the appellant and one Karu Marandi (deceased) as mentioned above and sentenced them on different grounds as mentioned above. Therefore, the appreciation of evidence of prosecution witnesses is necessary.

15. From perusal of the evidence of the Informant i.e. PW-4, it would appear that he has tried to support the prosecution case by stating that while he was sleeping in the house on the date of occurrence at around 10.00 pm, the accused persons entered into his house and exploded the bombs during which he had identified 3-4 persons including the two accused persons i.e. the appellant and one Karu Marandi (deceased) and due to which the informant had sustained injury on his leg from bomb splinter. Thereafter, his son started shooting arrows from his bow then the accused persons fled away and he kept one bomb in the water bucket which was not exploded.

However, during cross-examination, he admitted at paragraph-6 that he had instituted the case against the appellant and one Karu Marandi (deceased) also and one case was also instituted upon him by Shibbu Hembrom and he claimed to be identified the accused person by lantern light.

16. From the perusal of the injury report of the injured i.e. PW-4 marked as Exhibit-1, however, Exhibit-1 reveals that injuries were caused by hard and blunt substance and the age of the injuries

were three and half days.

17. Although, the injury report has not been proved by the Doctor rather by the Advocate Clerk and the same is not admissible in the evidence.

However, still from the perusal of the injury report it is evident that the injures are caused by hard and blunt object and not due to splinter of bomb.

Thus, the case of the Informant i.e. PW-4 is falsified and not proved.

18. PW-1 namely Motilal Hembrem, i.e. the son of the Informant, has also stated during evidence that he identified the appellant and Karu Marandi by lantern light for throwing bomb upon him. Thereafter, he went to his roof and started shooting the arrows and due to which the accused persons fled away. He also stated that the Officer-In-Charge took the bomb and not seized the lantern.

During cross-examination, he further stated that he had identified the appellant and Karu Marandi by lantern light and accused persons were threatening them to face dire consequences if the Informant would institute a case upon them.

He also admitted in paragraph-11 of his evidence that the accused persons taken possessions of his land and used to cut paddy.

Thus, the evidence of PW-1 namely Motilal Hembrem, also reveals that there is a land dispute between the appellant and the Informant and the land is in possession of the accused persons.

19. It transpires that the PW-2 is Babli Murmu, i.e. the wife, PW-3 is Sona Muni Murmu, i.e. daughter-in-law of the Informant and stated that the similar facts.

However, during cross-examination PW-2 Babli Murmu,

had admitted that when the bomb was exploded then she concealed herself but her husband had not concealed himself.

Thus, there is no possibility for PW-2 Babli Murmu, to see the occurrence and hence the PW-2 Babli Murmu, is not the eye-witness and her evidence is not reliable.

20. Similarly, PW-3 is Sona Muni Murmu, i.e. the daughter-in-law, who stated that she awoke after explosion of bomb thereafter, her husband went to roof and started throwing arrow due to which the appellant and Karu Marandi fled away.

During cross-examination, she stated that she was sleeping and awoke after the explosion and when the accused persons fled away then they opened the door.

Thus, there is no possibility for PW-3 Sona Muni Murmu, to see the occurrence.

21. So far as the evidence of PW-1 namely Motilal Hembrem, is concerned as he shoot the arrows upon the appellants and other accused persons and the same is also not proved as though no arrows was recovered by the Police during investigation and the same has not been brought on record by the Prosecution.

22. It further transpires that the Investigation Officer has not been examined in this case and which has caused prejudice against the defence and FIR has been proved by PW-6, who is a formal witness and hence the evidence of PW-6 is not admissible and PW-6 is not competent to prove the FIR.

23. It further transpires that the Doctor has also not been examined by the Prosecution and thus, even the injury caused by the hard and blunt substance has also not been proved rather the same has been proved by the PW-5, who is not competent to prove the injury report marked as Ext.-1.

24. In view of above, this Court finds that there is

inconsistency and doubt in the prosecution case and there is inconsistency in the evidence of witnesses.

25. Accordingly, the judgment of conviction and sentence dated 30.07.2005 passed in Session Case No.142/87/07/04 by Sri Indra Deo Mishra, learned 2nd Addl. Sessions Judge, Jamtara is set aside.

26. Thus, this Criminal appeal (SJ) No.1052 of 2005 is allowed and the appellant is acquitted for the offence under Sections 147,148 and 307 of I.P.C and also discharged from the liabilities of bail bonds.

27. Let the original Lower Court Records be sent to the learned Trial Court.

28. The learned Member Secretary, Jharkhand High Court Legal Service Committee, Ranchi is directed to pay Rs.5500/- to the Mr. Shubham Sinha as per the scheduled fees fixed by the Jharkhand High Court Legal Service Committee, Ranchi.

29. This Court appreciates the conduct of Mr. Shubham Sinha, learned Amicus Curiae for assisting this, Court.

30. Let a copy of this order be sent to the learned Member Secretary, JHALSA and learned Trial Court.

(Sanjay Prasad, J.)

Dated 29.01.2026

Nishant/-