

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr. Appeal (SJ) No. 587 of 2009**

*[Against the judgment of conviction and order of sentence both dated 03<sup>rd</sup> June, 2009 passed by learned 1<sup>st</sup> Additional Sessions Judge, Chaibasa, in Sessions Trial No. 88 of 2008]*

-----

1. Tapan Pradhan, son of Narottam Pradhan, resident of Village-Manikpura, P.O. & P.S.-Jagannathpur, District-Singhbhum (W)
  2. Santosh Lohar, son of Lola Lohar
  3. Konda Pradhan, son of Laxman Pradhan
- Both 2 & 3 resident of Village-Ramchandrapura, P.O. & P.S. Jagannathpur, District-Singhbhum (W)

... .. Appellants

**Versus**

The State of Jharkhand

... .. Respondent

-----

**P R E S E N T**

**Coram: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

-----

For the Appellants : Mr. Shubham Sinha, *Amicus Curiae*  
Mr. Aditya Raj, Advocate  
Mr. Arun Kumar, Advocate

For the State : Mrs. Lily Sahay, A.P.P.

**JUDGMENT**

**Dated: 08<sup>th</sup> May, 2026**

**By Court:** Heard, learned *Amicus Curiae* as well as learned counsel for the appellants and learned A.P.P.

2. Originally this appeal was filed by four appellants out of them one Narottam Pradhan had died during the pendency of this appeal and his appeal was abated vide order dated 24.04.2026. The rest of the surviving appellants have been renumbered.

3. The instant criminal appeal is directed against the judgment of conviction and order of sentence dated 03.06.2009, passed by learned 1<sup>st</sup> Additional Sessions Judge, Chaibasa, in Sessions Trial No. 88 of 2008, whereby and whereunder the appellants namely, Santosh Lohar and Konda Pradhan have been held guilty for the offence under Sections 147, 323 and 341 of the I.P.C. and appellant namely, Tapan Pradhan has been

held guilty for the offence under Sections 148, 324/149 and 341 of the I.P.C. Further, the appellants were extended the benefit of the provision laid down under Section 360 of the Cr.P.C., and were directed to be released upon entering into a probation bond of Rs.10,000/- with two sureties of the like amount each for a period of one year.

### **Factual Matrix**

4. The prosecution case was initiated on the basis of *fardbeyan* of the informant, Ranjit Kumar Dalai (P.W.-3). In the *fardbeyan*, it is alleged that on 03<sup>rd</sup> July, 2007 at 00:10 A.M., when the informant was present at his house situated at Village-Manikpur within the jurisdiction of Jagarnathpur P.S. in the District of West Singhbhum, he suddenly heard hulla on the village road and saw that the villagers namely Narottam Pradhan, Tapan Pradhan, Santosh Lohar, Konda Pradhan and other eight persons were quarrelling over the dumper belonging to his brother and demanding *Rangdari*, otherwise the dumber would be returned. Due to the said dispute, the aforesaid persons started assaulting his brother. Tapan Pradhan who was armed with a sword in his hand, struck a sword-blow on the left side of neck of his brother Biswajit Dalai (P.W.-2) with intention to kill him for which his brother sustained injury and fell down on the ground. Thereafter, other persons assaulted him with Lathi and iron rod. On seeing the villagers, the accused persons fled away. Thereafter, with the help of villagers, the informant took his injured brother to Champua Hospital (Orissa) for treatment, from where he was referred to Cuttack (Orissa) for further treatment.

5. On the basis of *fardbeyan* of informant, Jagannathpur P.S. Case No. 26 of 2007 was registered for the offence under Sections 147, 148, 149, 307, 323, 341 and 385 of the I.P.C.

6. After completion of investigation, the charge-sheet was submitted against the appellants. After taking cognizance, the case was committed to the Court of Sessions for its trial and disposal, where Sessions Trial No. 88 of 2008 was registered. The statement of accused persons was recorded under Section 313 of the Cr.P.C. The case of defence is denial from occurrence and false implication. The learned Trial Court after evaluating the evidence of witnesses examined during trial, held the appellants guilty for the offence under Sections 147, 323, 341, 148 & 324/149 of the I.P.C. and instead of awarding substantive sentence of imprisonment released them on probation of good conduct on entering into a bond of Rs. 10,000/- with two sureties to appear and receive sentence when called upon during period of one year from the date of sentence. In the meantime the accused persons were also directed to keep peace and maintain good behavior.

**Submissions on behalf of appellants: -**

7. Learned *Amicus Curiae* appearing on behalf of the appellants submits that the appellants have been held guilty for the offence under Sections 147, 323, 341, 148 & 324/149 of the I.P.C. It is contended that there was simple allegation of assaulting by sword against appellant No.1. and the other appellants surrounded the injured and assaulted the victim with *lathi* and iron rod. It is further submitted that the prosecution

has not examined the doctor who examined the injured person and even no injury report was brought on record. It is further argued that the Investigating Officer (I.O.), who has investigated the case, has also not been examined as prosecution witness, due to which the place of occurrence could not be proved. It is further submitted that P.W.1, P.W.2 and P.W.3 are own brothers and no independent eye-witness has been examined by the prosecution to prove the occurrence. Therefore, prosecution case cannot be said to be proved beyond all reasonable doubt and the appellants deserve acquittal from the charges. Accordingly, the conviction and sentence of the appellants itself is not justified under law which is fit to be set aside. It is further submitted that taking lenient view and considering the first offence of the appellants they have been extended benefit of Section 360 of Cr.P.C., the appellants have been directed to release upon furnishing probation bond of Rs. 10,000/- with two sureties of like amount each for a period of one year which has also been executed by the appellants on 03.06.2009. Subsequently, the execution of the bond stayed vide order dated 20.08.2009, after expiry of one month from the date of the execution of the bond.

**Submissions on behalf of State: -**

8. On the other hand, learned A.P.P. has opposed the aforesaid contentions on behalf of the appellants and submitted that injured witness P.W.2, Biswajit Dalai, has categorically stated that he was assaulted with a sword blow on left side of his neck by Tapan Pradhan and other appellants had surrounded him and assaulted him by *lathi* and

iron rod. Therefore, there is no illegality and infirmity in the impugned judgment calling for any interference by way of this appeal, which is devoid of merits and fit to be dismissed.

**Analysis, Discussions and Reasons:-**

9. I have gone through the record of the case along with the impugned judgment in the light of contentions raised on behalf of both side.

10. It appears that altogether four witnesses have been examined by the prosecution:-

*P.W.-1-Sujit Kumar Dalai*

*P.W.-2-Biswajit Dalai*

*P.W.-3-Ranjit Kumar Dalai (informant)*

*P.W.-4-Purendra Pradhan*

11. Apart from the oral evidence, following documentary evidence has been adduced by the prosecution:-

*Exhibit-1-Signuate of the informant on fardbeyan*

*Exhibit-1/a-Signature of Purendra Pradhan on fardbeyan*

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

13. From the testimony of witnesses, it appears that the injured P.W.-2 has consistently stated that he was given sword blow on the left side of his neck by the appellant No.1, Tapan Pradhan and the other appellants surrounded the injured and assaulted him with *lathi* and iron rod. Therefore, the learned Trial Court has rightly convicted the

appellant No.1, Tapan Pradhan for the offences under Sections 148, 324/149 & 341 of the I.P.C. and appellant No.2 and appellant No.3 Santosh Lohar and Konda Pradhan for the offences under Sections 147, 323 & 341 of the I.P.C., respectively. Therefore, the conviction of the appellants does not appear to be suffering from any error of law.

14. I further find that the learned Trial Court after considering the over all aspects of the case and the nature of offences committed by the appellants as well as in view of the fact that it was the first offence of the appellants, has taken a lenient view while extending the benefit of Section 360 of Code of Criminal Procedure. The appellants have also executed the probation bond of Rs.10,000/- and a period of bond has already expired on 03.06.2010. Therefore, I don't find any illegality or infirmity in the impugned judgment and order calling for any interference in this appeal. Accordingly, this appeal is **dismissed**.

15. Pending I.A(s), if any, is also disposed of accordingly.

16. I take this opportunity to appreciate the assistance rendered by Mr. Shubham Sinha, learned *Amicus Curiae* and direct the Member Secretary, High Court Legal Services Committee to extend the stipulated fee as per notification of High Court Legal Services Committee to learned *Amicus Curiae*, within a period of four weeks from the date of receipt/production of a copy of this order.

17. Office is directed to ensure that a copy of this order is served upon Member Secretary, High Court Legal Services Committee.

18. 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

Uploaded on 13/05/2026