

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (S.J.) No. 1383 of 2008

[Against the judgment and order of conviction and sentence dated 21.11.2008/25.11.2008 passed by learned Additional Sessions Judge 5th, FTC, Jamtara in Sessions Case Nos.78 of 2007]

Rohini Marandi, son of Late Chhoba Marandi, resident of Village-Dhobna
Tola Jalimtanr, P.S. Jamtara, District-Jamtara

.....Appellant

Versus

The State of Jharkhand

.... Respondent

For the Appellant : Mr. Nityanand Pd. Choudhary, Advocate
For the Resp.-State : Mrs. Nehala Sharmin, Spl.P.P.

PRESENT

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
JUDGMENT

C.A.V. On 01/07/ 2026

Pronounced On 20/07/2026

1. Heard Mr. Nityanand Pd. Choudhary, learned counsel for the appellant and learned Spl.P.P.
2. Instant criminal appeal is directed against the judgment and order of conviction and sentence dated 21.11.2008/25.11.2008 passed by learned Additional Sessions Judge 5th, FTC, Jamtara in Sessions Case No.78 of 2007, whereby and whereunder the appellant has been held guilty for the offences under sections 307 and 427 of Indian Penal Code and section 4 of Explosive Substance Act and sentenced to undergo R.I. for 4 years for the offence under section 307 of IPC, 1 year R.I. for the offence under section 427 of IPC and 3 years R.I. for the offence under

section 4 of Explosive Substance Act. All the sentences were directed to run concurrently.

Factual Matrix:-

3. Factual matrix giving rise to this appeal is that one Subal Mandal lodged a written report before Office-in-Charge of Jamtara P.S. stating *inter alia* that on 11.01.2007 at about 7:00 pm, while the informant was at his sweet shop situated near Hatia More of village Dhobna, the present appellant suddenly appeared at the shop of the informant and threw a bomb which exploded causing injuries on both legs of the informant and also glass of almirah placed in the shop were damaged. It is further alleged that due to explosion of bomb, the informant sustained injuries and fell down and became unconscious. The villagers assembled but the accused managed to flee away. The motive behind the occurrence is alleged to be a land dispute between the parties.
4. On the basis of above information, Jamtara P.S. Case No.08 of 2007 was registered for the offence under sections 307 and 427 of IPC and sections 3/4 of Explosive Substance Act. After completion of investigation, charge-sheet was submitted against accused person and the case was committed to the court of Sessions, where Sessions Case No. 78 of 2007 was registered. The appellant has denied the charges leveled against him and claimed to be tried.
5. In course of trial, altogether 11 witnesses were examined by the prosecution, namely:-

P.W.1-Tula Mondal

P.W.2-Binod Mohali

P.W.3-Chesto Sahini

P.W.4-Narayan Mondal

P.W.5-Sukumar Mondal

P.W.6-Narayani Mondal

P.W.7-Raju Mondal

P.W.8-Subal Mondal (Informant)

P.W.9-Dr. Bishwanath Chaudhary

P.W.10-Rafique Ansari

P.W.11-Chandra Deo Ram (I.O.)

6. Apart from oral testimony of the witnesses, the following documentary evidences have been adduced by the prosecution.

Ext.1, 1/1, 1/ii-Signature of witnesses on seizure list

Ext.2-Written report

Ext.3-Injury report

Ext.4-Sanction order

Ext.5-Formal FIR

Ext.6-Injury requisition

Ext.7-F.S.L. Report

7. On the other hand, the defence case is denial from the occurrence and false implication due to previous enmity regarding land dispute. The defence has also adduced documentary evidence Ext.A, Ext.A/2 and

Ext.A/3-Certified copies of order dated 10.12.2005, 17.10.2006 and 27.02.2007 of Sub-Divisional Officer passed in R.E. Case No.9 of 2004/2005. But, no oral evidence has been adduced by the defence.

8. Learned trial court after evaluating the evidence available on record held the appellant guilty for the aforesaid offences and sentenced him as stated above, which has been assailed in this appeal.

Submission on behalf of appellant:-

9. Learned counsel for the appellant assailing the impugned order has submitted that learned trial court has committed serious error of law not properly appreciating the evidence led by the prosecution. Admittedly, there is land dispute between the parties, which may also serve a motive for false implication. The informant has alleged that he sustained injuries due to bomb explosion but except bruises and abrasions, there are no injuries on the body of the informant. The informant has also not sustained injuries on the vital parts of the body. The investigation officer has also not found any remains of bomb from the place of occurrence. The medical officer, who has examined the informant, has also opined that the injuries found on the body of the injured may be caused by fire crackers. Therefore, the conviction of the appellant for the offence under section 307 of IPC is absolutely unwarranted, illegal and lacks the required intention/knowledge for constituting the said offence. The prosecution has also failed to prove the explosion of bomb at the shop of the informant-cum-injured. If bomb has been exploded

near the shop of the informant, it might have caused damage to nearby shopkeepers but except the informant, no adjacent shopkeepers have come forward to corroborate the prosecution story. The appellant has been falsely implicated in this case only on the basis of land dispute existing between the parties. Learned trial court has also failed to consider the documentary evidence adduced by the defence and arrived at wrong conclusion. Therefore, the conviction and sentence of the appellant is not justified under law and fit to be set aside, allowing this appeal.

10. In alternative, it is prayed that considering the nature of injuries sustained by the informant, the offence falls under section 324 of IPC and the appellant has remained in custody during trial and post-conviction about 5 months and 16 days. The occurrence is of the year, 2007 and about 20 years is going to pass from the date of occurrence. The appellant has suffered agony of trial for a considerable period of time. The appellant has no criminal background and never convicted for any offence except this case. Therefore, the sentence awarded to the appellant is disproportionate to the offence committed by him, which is also fit to be reduced to the extent of imprisonment already undergone by the appellant.

Submission on behalf of State:-

11. On the other hand, learned counsel for the State has opposed the aforesaid contentions raised on behalf of the appellant and submitted

that the prosecution has been able to prove the offence charged against the appellant and the learned trial court after appreciating the evidence available on record has rightly convicted and sentenced the appellant. Therefore, the impugned judgment suffers from no error of law, calling for any interference in this appeal, which is devoid of merits and fit to be dismissed.

Analysis, Reasons and Decision:-

- 12.I have gone through the record of the case along with the impugned judgment and order in the light of the contentions raised on behalf of both side.
- 13.The only point for determination in this appeal is that **“as to whether the impugned judgment and order of conviction and sentence of the appellant passed by learned trial court suffers from any error of law calling for any interference in this appeal?”**
- 14.Before delving on merits in connection with above points, it is necessary to take brief resume of oral as well as documentary evidence adduced by the prosecution to substantiate the charges leveled against the appellant
- 15.It appears that altogether 11 witnesses were examined by the prosecution.

The sterling witness of this case is the informant-cum-injured-**Subal Mondal**, who has been examined as **P.W.8**. According to his evidence, on the date of occurrence at about 7:00 pm, he was sitting

at his sweet shop and about to close his shop. In the meantime, the present appellant, Rohini Marandi came near his shop and threw a bomb in his shop and due to explosion of bomb, he sustained injuries on his both legs. The accused immediately flew away after hurling bomb. Thereafter, several persons namely, Narayan Mondal, Sukumar Mondal, Tabu Mandal, Chesto Sahani and Binod Mohali assembled at the place of occurrence after hearing the explosion sound of bomb. Then, this witness narrated the incident to them. He has also stated that just adjacent to his shop, his residential house is situated where he resides with his parents, children and family members. After the occurrence, he went to police station from where he was sent to hospital for medical examination. He has lodged written report of the occurrence and the police also came to his shop from where pieces of sutli and damaged articles of shop were seized and seizure list was prepared, which bears his signature as well as witness, Narayan Mondal and he has identified his signature as Ext.1/1. He has further proved his signature on written report marked Ext.2.

In his cross-examination, this witness admits that his house and shop is situated over the forest land without any settlement by any competent authority. He also admits that the accused has also lodged a case for the land in question over which the shop and house of this witness is situated and he has also got the order in his favor and an appeal filed by him is pending. He further admits that at the time of

occurrence, there was no customer at his shop. He further admits that at the time of occurrence, he has no knowledge about the ejection order passed against him by SDO in respect of land in question. He also admits that toward west of his house, the house of the accused persons is situated. He further admits that just after occurrence, the police came and sent him to hospital for treatment. He returned to home in the same night. He further admits that in the next day morning, the police arrived at his shop then, neighbor shopkeepers also assembled and seizure list was prepared. He has denied the suggestion of the defence that he has given false evidence.

P.W.9-Dr. Bishwanath Chaudhary has examined the injured –cum-informant on 11.01.2007 at about 9:00 pm and found following injuries:

- (i) Three abrasions on front of middle portion of left leg, measuring 1/4" x 1/4" each with blood clot and blackening surrounding the skin
- (ii) Lacerated wound on lateral portion of second toe of right foot, measuring 1/2" x 1/4" x 1/4" with blood clot and blackening of surrounding skin
- (iii) Lacerated wound on middle portion of middle toe of right foot, measuring 1/2" x 1/2" x 1/4" x 1/4" with blood clot and blackening of surrounding skin

The above injuries were opined to be simple in nature caused by explosive substance may be bomb explosion.

In cross-examination, this witness clearly admits that no iron particles were present in the wound as referred above. He has opined that this type of wound might be possibly caused by firecrackers and firecrackers also contain explosive substance.

P.W.1-Tula Mondal is the wife of the informant and she has attempted to become an eye-witness to the occurrence as against the version contained in the written report of the informant. According to her evidence, at the time of occurrence, she along with her mother-in-law was present in the sweets shop. In the meantime, Rohini Marandi came towards the shop and threw bomb due to which her husband sustained injuries on his legs and fell down. She further states that after hearing the sound of explosion, the adjacent shopkeepers and villagers, namely, Sukumar Mondal, Binod, Chesto and others arrived at the place of occurrence, but the accused managed to flee away from the scene. Her husband went to police station in the night itself and lodged this case.

In her cross-examination, she fairly admits that in connection with her shop and house, a dispute is going on with the accused for last 15 years and litigation is also going on but there is no knowledge that ejection order has been passed against her husband by SDO. She has

denied the suggestion of the defence that she is not an eye-witness to the occurrence and has given false statement.

P.W.2-Binod Mohali has expressed no knowledge about the occurrence except that he heard from the villagers that a bomb was exploded in the shop of Subal Mondal.

P.W.3 Chesta Sahini has stated that his shop is also situated at a distance of 100 yards from the shop of the informant. He further states that he heard sound of explosion at about 7:00 pm, then rushed towards the shop of Subal Mondal and shop glass was broken and Subal Mondal has sustained injuries on his legs. He came to know from Subal Mondal that Rohini Marandi has thrown bomb at his shop. Therefore, this witness is also not an eye-witness to the occurrence.

P.W.4-Narayan Mondal has also heard the sound of explosion from the distance of 200 yards then, he went to the shop of Subal Mondal where several persons were assembled. He also saw the injuries on both legs of Subal Mondal. The informant, Subal Mondal told him that Rohini Marandi has thrown bomb at his shop. In the next day morning, the police arrived at the place of occurrence and in his presence, some partly burnt jute strings (sutli) and iron pieces were seized and he has proved his signature on seizure list as Ext.1.

In his cross-examination, he categorically states that the police has not interrogated with him about the occurrence rather the seizure list was prepared in the next day morning and his signature was

taken. He himself has not seen any seized articles mentioned in the seizure list. He also admits that a case is going on before SDO between the accused and the informant.

P.W.5-Sukumar Mondal also came to know from the informant about the bomb blast at his shop. His shop is also situated at a distance of 40-50 ft. from the shop of the informant. He himself claimed to have heard a sound of bomb explosion rather just after the occurrence, he came to know from the informant about bomb blast and injuries on the leg of informant.

In his cross-examination, he categorically admits that he himself has not seen who exploded the bomb at the shop of the informant and which side the accused flew away. He also admits that there is a land dispute going on between the accused and the informant.

P.W.6 Narayani Mondal is the mother of the informant. She has also projected herself to be an eye-witness to the occurrence against the version contains in the written report of the informant. She claims to be present at the shop at about 7:00 pm and the accused having a bag in his hand threw a bomb on his son causing injuries on his both legs.

P.W.7 Raju Mandal is also a shopkeeper adjacent to the shop of the informant and states that at about 7:00 pm, he heard sound of explosion and went to the shop of Subal Mondal and saw the informant injured but who exploded the bomb could not be identified. However, this witness has been declared hostile by the prosecution.

P.W.10 Rafique Ansari is an assistant of MESO office at Jamtara and proved the permission for prosecution on Explosive Substance Act against the accused marked Ext.4.

P.W.11-Chandradeo Ram is Investigating Officer of this case. He has proved the Formal FIR as Ext.5. He has recorded restatement of the informant and visited the place of occurrence and inspected the same. The place of occurrence is brick made and roofed by tiles house of Subal Mondal situated at Dabona More. He saw the glass of almirah broken. He also prepared seizure list of half burnt jute strings(sutli), iron pan about 15 in numbers and prepared the seizure list in presence of witnesses, which is marked as Ext.1/2. He also issued requisition for medical examination of the informant, Subal Mondal, which is marked Ext.6. He has recorded the statement of witnesses, who are adjacent residents to the place of occurrence and finding sufficient evidence against the accused submitted charge-sheet against him for the offence under sections 307 and 427 of IPC and Sections 3/4 of Explosive Substance Act.

In his cross-examination, this witness reiterates that he has obtained the charge of investigation on 12.01.2007. He also admits that the seizure list Ext.1/2 bears the date of 11.01.2007 just below his signature which might have been mentioned due to mistake. He also admits that requisition for injured (Ext.6) was issued by him also bears date 11.01.2007 and the injury report (Ext.3) issued by the doctor

(P.W.9) also bears the date 11.01.2007 in the night at 9:00 pm. He further admits that he has not seized broken pieces of glass of almirah and he has also not found spot having marked of blast. He has also sent the seized materials to FSL for chemical examination but the seized materials have not been produced before the court. He has also not obtained FSL report at the time of submission of charge-sheet. He also admits that the FIR was lodged on 12.01.2007 in the morning at about 7:30 am. He has denied the suggestion of the defence that this is a false case and he has conducted a table work investigation and submitted a false charge-sheet against the accused.

16.From the aforesaid discussion of oral testimony of witnesses, it is crystal clear that except the informant-cum-injured, Subal Mondal (P.W.8), there is no eye-witness to the occurrence and the claim of the close relatives of the informant namely, Tula Mondal (P.W.1), wife of the informant and Narayani Mondal (P.W.6), mother of the informant, who have projected themselves to be an eye-witness to the occurrence being present at the shop along with the informant but the same has been emphatically denied by the informant and he has claimed to be present in the shop alone. Other witnesses of facts as discussed above, namely, Binod Mohali (P.W.2), Chesto Sahini(P.W.3), Narayan Mondal (P.W.4), Sukumar Mondal (P.W.5), Raju Mondal (P.W.7) are only hearsay witnesses of the occurrence. The independent seizure list witness, namely, Narayan Mandal also arrived at the place of

occurrence in the next day morning. Another seizure list witness is the informant himself. The informant in his evidence during trial specifically states that it was 7:00 pm, there was no light in the shop and one boy threw bomb from a distance of 10 ft. and immediately flew away. Admittedly, there is land dispute in connection with the land of shop and house of the informant, which belonged to the appellant and eviction order has also been passed by SDO against the informant of this case. The informant has claimed that the glass of sweets almirah was damaged due to bomb blast but the same has not been seized by the Investigating Officer during investigation. In this case, some half burnt jute strings and pieces of iron pan were seized and sent to FSL and the report (Ext.7) confirms that the jute strings were remains of handmade bomb. The injury report of the informant does not show any burn injuries sustained by him rather it was bruises, abrasions and lacerated wounds on both legs with blackening of surrounding skin, which could also not be opined to be caused by any explosion of bomb rather it was also admitted by the doctor (P.W.9), who has examined the injured that the injuries may be caused by firecrackers. It further transpires that the injured/informant himself went to the hospital and also to police station just after the occurrence and lodged a written report. He was also medically examined at about 9 pm, but the FIR was registered in the next day morning. But, no reasonable explanation has been offered by the Investigating Officer, who has signed the seizure list on 11.01.2007

itself. As against it, there is admitted fact that the seizure list was prepared on 12.01.2007.

The informant also admits that there is a land dispute in respect of his house and shop in question and for which litigation was also undergone with the accused. The accused has also filed the order of SDO regarding ejectment of the informant from the land in question. The trend of evidence as projected by the informant himself, who in the FIR says that just after explosion, he became unconscious after receiving the injuries and also in his evidence during trial, he says that one boy has exploded a bomb in his shop and fled away. Therefore, the exact identification of the appellant as perpetrator in the alleged crime is absolutely doubtful. The prosecution story does not find corroboration from any independent source. Since, the evidence of the informant alone does not inspire confidence to be made basis for conviction and there is lack of corroborative evidence from independent source, which has not been considered by learned trial court while appreciating the evidence available on record. As such, I find the impugned judgment passed by learned trial court suffers from serious error of law and based upon non-consideration of evidence of witnesses in right perspective in the light of materials elicited in cross-examination of the witnesses.

17. In view of the above discussion and reasons, I find that the prosecution has miserably failed to prove the guilt of the appellant as perpetrator in

the alleged crime beyond all reasonable doubt. Therefore, the appellant deserves benefit of reasonable doubt.

18. Accordingly, the judgment and order of conviction and sentence dated 21.11.2008/25.11.2008 passed by learned Additional Sessions Judge 5th, FTC, Jamtara in Sessions Case Nos.78 of 2007 is, hereby set aside and the appellant is acquitted from the charges leveled against him. This appeal is **allowed**.

19. The appellant is on bail. He is discharged from liability of his bail bonds and sureties are also discharged.

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

21. 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.)

High Court of Jharkhand, Ranchi

Dated 20 /07 /2026

Pappu/- N.A.F.R.

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