

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (S.J.) No. 358 of 2024

Romba Dodrai, S/o Kamal Dorai, R/o Village- Kutam, P.O. & P.S.-Torpa,
District-Khunti Appellant

Versus

The State of Jharkhand ... Respondent

CORAM: HON'BLE MR. JUSTICE GAUTAM KUMAR CHOUDHARY

For the Appellant : Mr. Ritesh Kumar, Advocate

For the State : Mr. Santosh Kumar Shukla, APP

Order No. 05 / Dated : 28.07.2025.

I.A. No.604 of 2025.

1. Heard, learned counsel for the appellant on the aforesaid I.A. filed for suspension of sentence and grant of bail during pendency of the instant Cr. Appeal.
2. As per the prosecution case set out in the self-statement of the Officer-in-Charge, Torpa PS on 22.08.2017 in the evening at 5:40 on a secret information, police party conducted raid near the school where the appellant was apprehended and from whose conscious physical possession a country made pistol loaded with 9 mm cartridge was seized. On the basis of the self-statement Torpa PS Case No. 52/2017 was registered under Section 25(1-A) (1-B) a/ 26(ii) of the Arms Act.
3. Police on investigation, found case true and submitted charge sheet and after cognizance, the sole accused was put on trial under Section 25(1-A) 25(1-B) a/26 (ii)/35 of the Arms Act.
4. It is submitted by the learned counsel on behalf of the appellant that all the seizure list witnesses were official witnesses and there is vital contradiction in the statement between P.W.1 at Para-8 and P.W. 2 at para 8 and 12 and P.W.-3 at para 4.
5. Learned A.P.P for the State has opposed the prayer for bail.
6. Having considered the submissions advanced on behalf of the both sides, this Court is of the view that there is no law that the evidence of police witnesses should be approached with initial distrust as held by the Hon'ble Apex Court in the case of **Govt. of NCT of Delhi v. Sunil & Anr, (2001) 1 SCC 652**

21. We feel that it is an archaic notion that actions of the police officer should be approached with initial distrust. We are aware that such a notion was lavishly entertained during the British period and policemen also knew about it. Its hangover persisted during post-independent years but it is time now to start placing at least initial trust on the actions and the documents made by the police. At any rate, the court cannot start with the presumption that the police records are untrustworthy. As a proposition of law the presumption should be the other way around. That official acts of the police have been regularly performed is a wise principle of presumption and recognised even by the legislature. Hence when a police officer gives evidence in court that a certain article was recovered by him on the strength of the statement made by the accused it is open to the court to believe the version to be correct if it is not otherwise shown to be unreliable. It is for the accused, through cross-examination of witnesses or through any other materials, to show that the evidence of the police officer is either unreliable or at least unsafe to be acted upon in a particular case. If the court has any good reason to suspect the truthfulness of such records of the police the court could certainly take into account the fact that no other independent person was present at the time of recovery. But it is not a legally approvable procedure to presume the police action as unreliable to start with, nor to jettison such action merely for the reason that police did not collect signatures of independent persons in the documents made contemporaneous with such actions.

7. Further, since the seizure was made from the conscious physical possession, provision of Section 100 of the Cr.P.C. will not apply.

I do not find it is a fit case for suspension of sentence to the appellant and accordingly, the aforesaid I.A. stands dismissed.

(Gautam Kumar Choudhary, J.)

Sandeep/Pawan/ -