

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1094 of 2017

Patanue Mandal, Son of Late Nakesh Mandal, Resident of village-
Gobargarhi, Purabtola, Beganganj, Post-Office and Police Station-
Rajmahal, Dist.-Sahibganj Petitioner

Versus

1. The State of Jharkhand
2. Sapan Mandal, S/o-late Patanu Mandal, R/o-Gobargarhi, Purab Tola,
Beganganj, P.O+P.S.-Rajmahal, Shinghbhum
.... Opp. Parties

For the Petitioner : Mr. Raja Ravi Shekhar Singh, Advocate
For the State : Mr. Rajneesh Vardhan, A.P.P.

PRESENT

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

Dated: 08th May, 2026

1. Heard Mr. Raja Ravi Shekhar Singh, learned counsel for the petitioner and learned A.P.P.
2. The instant criminal revision is preferred against the judgment dated 12.06.2017 passed in Cr. Appeal No.48 of 2014 passed by the learned Additional Sessions Judge-III, Rajmahal, whereby and whereunder the judgment of conviction and sentence dated 27.05.2014 under section 324, 342 and 447 of IPC has been upheld in connection with Rajmahal P.S. Case No.242 of 2009, corresponding to G.R. No.447 of 2009. Subsequently, T.R. No.303 of 2014, which has been passed by learned Judicial Magistrate 1st Class, Rajmahal.

Factual Matrix:-

3. Factual matrix giving rise to this appeal is that on 10.11.2009 at about 7:00 am, while the informant was taking breakfast, the accused persons, namely Patanu Mandal (petitioner), Chhedan Mandal, Avinash Mandal,

Shamloti Devi armed with *hasuwa*, *farsa* and *lathi* came there and started abusing the informant by forcing him to withdraw the case filed against them from the police station. Upon which, the informant denied to withdraw the case, then all the accused persons started assaulting the informant and Patanu Mandal (petitioner) inflicted a *hasuwa* blow upon the head of the informant with intention to kill him as a result of which the informant received head injuries and unconsciously fell down on earth. In course of assault, the accused, Chedan Mandal forcefully took Rs.19,000/- from the pocket of the informant and all the accused persons tied the informant around a tree and Shamloti Devi started pressing the neck of the informant saying that she will kill him. Upon hearing *hulla*, the locals came there and rescued the informant.

4. On the basis of aforesaid information, Rajmahal P.S. Case No.242 of 2009 was instituted for the offences under sections 447, 341, 324, 504/34 of IPC. After completion of investigation, charge-sheet was submitted against the petitioner. On the above, learned court pleased to take cognizance of offences against the accused persons and charges were framed, read over and explained to the accused persons in Hindi, to which they pleaded not guilty and claimed to be tried.
5. Prosecution has examined altogether 6 witnesses in this case and several documentary evidences have also been adduced.

6. On the other hand, no oral or documentary evidence has been adduced by the defence. The case of defence is denial from occurrence and false implication.

Submission on behalf of petitioner:-

7. Learned counsel for the petitioner without touching the merits of the judgment has confined himself towards non-extension of the benefit of section 4 of Probation of Offenders Act. It is submitted that altogether 4 accused persons were jointly tried and out of them, three has been given the benefit of Probation of Offenders Act for the same offence but the learned trial court without specifying any special reasons to be recorded in writing has failed to extend the same benefit to the petitioner. Admittedly, it was the first offence of the petitioner, although, there are allegations against the petitioner that he has assaulted the informant by sharp-cut weapon but the injuries were found simple in nature, which was also corroborated from the evidence of the doctor (P.W.5). Therefore, there is no valid reason given by the learned trial court except that there was direct allegation against the petitioner in assaulting the injured person. The petitioner deserves the benefit of section 4 of the Probation of Offenders Act.

Submission on behalf of the State:-

8. On the other hand, learned A.P.P. has defended the impugned judgment on merits but on the point of non-extension of the benefit of Probation of Offenders Act, it is fairly admitted that it was the first offence of the

petitioner, hence, appropriate order may be passed after dismissing the revision petition.

Analysis, Reasons and Decision:-

9. I have gone through the impugned judgments of court below in the light of rival contentions of the respective parties.

10. It appears that the injuries sustained by the injured is sharp cutting wound on frontal region of scalp measuring 1" x ¼" x 18" and another sharp-cutting wound at right parietal region of scalp measuring ½" x ¼" x 1/8", which were opined to be simple in nature and out of four accused persons, three has been given the benefit of Probation of Offenders Act except the present petitioner, who was the main assailant in this case. However, the petitioner has taken plea that it was the first offence of the petitioner but the learned trial court has not recorded any special reason for non-extending the benefit of Probation of Offenders Act. The occurrence was of the year, 2009 and from the occurrence, 1 ½ decades have elapsed, therefore, considering his age, antecedent and character, the petitioner deserves the benefit of section 4 of Probation of Offenders Act.

11. In view of the above facts and circumstances, the conviction of the petitioner is hereby upheld but so far the sentence awarded by the trial court as upheld by learned appellate court to the above named petitioner is concerned, is modified and the trial court is directed to release the petitioner extending the benefit of Section 4 of Probation of Offenders

Act, 1958 upon furnishing bond of Rs.10,000/- (Rs. Ten Thousand) with one sureties with condition to maintain peace and good behavior for one year from the date of furnishing the bond.

12. In case of violation of terms and conditions of the bond, the petitioner shall be called upon to receive the sentence of imprisonment already awarded to him by the learned trial court. The petitioner is also directed to appear before the concerned trial court within **two months** from the date of this judgment and furnish the required bond, failing which, the petitioner shall be called upon by learned trial court to furnish the said bond.

13. If the bond is not furnished within above stipulated time, the learned Trial Court shall issue notice upon the appellant to secure his attendance for furnishing the bond.

14. In view of above discussion and reasons, this appeal is **dismissed** on merits with modification of sentence as stated above

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

16. Let a copy of this order along with Lower Court Record be sent back to the concerned trial court for information and needful.

(Pradeep Kumar Srivastava, J.)

Pappu/-

08/05/2026

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