

28.07.2026
Item no. 175.
Court No.8.
AB

CRA 127 of 2021

In the matter of : Gurupada Mahato @ Guru

.....Appellant.

Mr. Moinak Bakshi,
Ms. Niketa Bhattacharjeefor the Appellant.

Mr. Kallol Mondal, ld. PP
Ms. Sagnika Banerjeefor the State.

Dictated by Arijit Banerjee, J.

1. This appeal is directed against a judgment of conviction dated January 27, 2021 and an order of sentence dated January 28, 2021, whereby the appellant was convicted under Sections 450/302 of the Indian Penal Code and was sentenced to suffer imprisonment for life by the learned Additional Sessions Judge, Raghunathpur, Purulia, in S.C. 26/16, S.T. No. 02(11)/16. The appellant was also fined in the sum of Rs.10,000/-, in default to suffer simple imprisonment for six months more.
2. Briefly stated, the prosecution case is that the appellant knocked on the doors of the victim's house in the concerned night around 12/12.30 a.m. The victim opened the door. The appellant went inside. Inside the victim's room, there was a scuffle between the two. The appellant attacked the victim with a 'vojali'. He dealt multiple blows on the victim. At this juncture, the victim's mother and sister, who were sleeping elsewhere in that house, came to the victim's room being alerted by

the scream of the victim. They saw the appellant inflicting injury after injury on the victim with 'vojali'. The victim died as a result of such attack.

3. The appellant was arrested. Charge sheet was issued, inter alia, under Section 302 IPC. Charge was framed under the same section and other sections of IPC. The appellant denied the charges and claimed to be tried. Hence the trial.
4. The prosecution examined 23 witnesses. The defence examined none.
5. P.W.1 is the sister of the victim and an eyewitness to the incident. P.W. 6 is the mother of the victim and also an eyewitness to the incident. They have both deposed in support of the prosecution case.
6. P.W. 17 is the post mortem doctor. His report and evidence reveal that the victim suffered 11 injuries on his body which were caused by a sharp cutting weapon. The offending weapon being a 'vojali' was recovered on the basis of leading statement made by the appellant. Such statement has been marked as Exhibit 12 in the proceedings and is evidence under Section 27 of the Evidence Act.
7. The appellant says that there was no premeditation on his part. The scuffle between him and the victim started suddenly. There is no evidence on record that he was carrying the 'vojali' with him. In his examination under

Section 313 Cr.P.C., very relevant facts were not put to him including that he landed up at the house of the victim at 12/12.30 a.m. on the fateful night. He says that the offence, if any, was committed on the spur of the moment. He was provoked by the victim. At the highest a charge under Section 304 IPC may lie, but definitely not a murder charge.

8. Learned State Counsel has drawn our attention to the depositions of P.W.1, P.W.6 and P.W.17. As already noted above, P.W.1 and P.W.6 are eyewitnesses to the incident. The evidence of P.W.17 being the post mortem doctor supports the prosecution case.
9. As regards the case of the appellant that this was not a case of premeditated killing and, therefore, not murder, the same is not credible. Multiple injuries were inflicted by the appellant on the victim's body. It was not that suddenly having lost temper, one or two injuries were inflicted. It appears from the material on record that the appellant was armed with a 'vojali' and he had covered his face with a towel when he went to the house of the victim.
10. We have read the judgment of the learned Trial Judge carefully. In our opinion, the learned Judge has rightly appreciated the facts and circumstances of the case and correctly assimilated the evidence on record.

11. We also see that P.W.1 and P.W.6 stood firm in their cross examination. Their evidence or credibility could not be shaken.
12. It is the further prosecution case that there was longstanding land disputes between the appellant and the victim and, therefore, there was a clear motive on the part of the appellant to murder the victim. Learned Counsel for the appellant says that this case was really not placed before the learned Trial Court. Be that as it may, we do not see how presence or absence of motive would help the appellant. The other material and evidence on record are such that interference with the judgment and order of conviction and sentence is not warranted.
13. We also notice from the deposition of the Investigating Officer that recovery of the offending weapon and other incriminating material was from a place in the house of the appellant where he had consciously hid such articles.
14. Having considered the entire material and evidence on record, there is no doubt in our mind that the appellant committed premeditated murder of the victim. We find no apparent error in the judgment and order of the learned Trial Court.
15. In the result, the appeal stands dismissed.

16. The judgment and order of the learned Trial Court is hereby affirmed.

17. Let the Trial Court Records be sent down to the Court below with a copy of this order.

(Arijit Banerjee, J.)

(Apurba Sinha Ray, J.)