IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (DB) No. 1024 of 2017
With
Criminal Appeal (DB) No. 1252 of 2017

(AGAINST THE JUDGMENT OF CONVICTION DATED 01.04.2017 AND ORDER OF SENTENCE DATED 04.04.2017 PASSED BY LEARNED ADDL. SESSIONS JUDGE-VIII, PALAMAU AT DALTONGANJ IN SESSIONS TRIAL NO. 145 OF 2016).

Anil Pal son of Rampyare Pal, resident of Murumatu, P.O Pandu, P.S. Pandu, District- Palamau, at present resident of village Badi, P.O Manika, P.S.- Manika, District- Latehar, Jharkhand. …**Appellant**(Cr. A 1024 of 2017)

Pintu Soni @ Pintu Kumar Soni, son of Subhash Soni, resident of village Pochi, P.O Daltonganj, P.S. Sadar Daltonganj (Satbarwa), District- Palamau, Jharkhand. …**Appellant**(Cr. A 1252 of 2017)

Versus

The State of Jharkhand … **Respondent** (in both cases)

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For the Appellant(s): Mr. A.K. Kashyap, Sr. Advocate.
Ms. Supriya Dayal, Advocate.
For the State : Mr. Pankaj Kumar, P.P.
Mr. Bhola Nath Ojha, Spl.P.P.

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P R E S E N T

SRI ANANDA SEN, J.
SRI PRADEEP KUMAR SRIVASTAVA, J.

J U D G M E N T

Dated: 06.10.2026
By Court:

Both criminal appeals are directed against the Judgment of conviction dated 01.04.2017 and order of sentence dated 04.04.2017 passed by learned Addl. Sessions Judge-VIII, Palamau at Daltonganj in Sessions Trial No. 145 of 2016, whereby both appellants have been found guilty of charges under Section(s) 364A/34 of Indian Penal Code and have been convicted and sentenced to rigorous imprisonment for

life i.e. imprisonment for the remaining period of their natural life and to pay fine of Rs.25,000/- for offence under Section 364A/34 IPC and in default of payment of fine, they shall further undergo R.I. of one year and period of detention already undergone by the convicts shall be set off against the sentences imposed.

2. Learned senior counsel for the appellants submits that the FIR was registered against unknown persons and the appellants were not named in the FIR. He further submits that no T.I. Parade has been conducted to identify the convicts for committing the offence as alleged. He further submits that there are no eye witnesses in this case. He further submits that the occurrence took place on 25.12.2014 but the formal FIR was lodged on 23.9.2015 i.e. after the delay of about 09 months, and this delay in lodging the FIR has not been explained properly. He also submits that the prosecution has not been able to prove its case beyond the shadow of reasonable doubt. On these grounds, he prays for acquittal of the appellants.

3. Learned counsel representing the State opposing the prayer of the appellants, submits that the prosecution has been able to prove its case beyond shadow of reasonable doubt against the appellants under Sections 364A/34 IPC by leading oral evidence as all the witnesses have supported the prosecution case. They further submit that there is nothing to disbelieve the evidence of the prosecution witnesses. They also add that the informant has identified the accused in Court. They lastly submit that the prosecution has been able to prove its case against the accused persons. On the aforesaid grounds, they submit that the impugned judgment of conviction and order of sentence passed by the learned court is justified and should not be interfered with.

4. The case of the prosecution is based upon the written report dated 26.12.2014 given by the informant –Mohit Kumar Dubey who stated that the victim (Radhe Shyam Tiwary) was working for Tata Motor Finance and has been assigned the area falling within the districts of Daltonganj, Latehar and Garhwa. While collecting the recovery amounts

of the Finance, the victim reached the home of the informant on 25.12.2014 at about 11:00 a.m., on his motorcycle from a village Ankita. At about 9:30 p.m., the victim called from his mobile No. 9835062411 to the mobile of one Rinku Dubey and requested him to communicate to his home that he will not be returning that night. Thereafter, Rinku Dubey informed this to neighbour Bisram Tiwary who in turn, informed the informant party. Thereafter the informant started making calls on three numbers of the victim i.e. on 943155385, 9835062411 and 9386180186 but the response was that these numbers were switched off. At about 9:38 p.m. the informant was able to connect and the phone was received by the victim who appeared very terrified. He told him that some persons have abducted him and were demanding a ransom of Rs.5,00,000/-. Again at about 10:13 p.m, a phone call came from mobile No. 9835062411 of the victim to the mobile of the informant 9534013498 telling to arrange rupees five lakh as demanded and the informant will be contacted at any time on the next day and the matter should not be informed to the Administration or else the victim will be killed. On 26.12.2014 at about 11:48 a.m. and 1:48 p.m., similar calls were received with similar threats. Thereafter, the victim talked with one employee of Tata Finance and also to one of his relatives.

On the basis of aforesaid *fardbeyan*, Sadar *Satbarwa* P.S. Case No. 581/2015 dated 23.9.2015 was registered for the offence under Section(s) 364A IPC against the unknown persons. After investigation, the police submitted charge-sheet against the appellants. Thereafter the cognizance of the offence was taken against the appellants for the offence under Sections 364A/34 IPC and the case was committed to the Court of Sessions. Since the appellants pleaded not guilty, charges were framed under Sections 364A/34 of the Indian Penal Code and they were put on trial.

5. The prosecution in order to prove its case has examined five witnesses, who are as follows:-

P.W.1- Radhey Shyam Tiwary (victim)
P.W.2- Mohit Kumar Dubey(informant)
P.W.3- Rajmani Yadav

P.W.4- Birbal Ram
P.W.5- Rabinder Singh (I.O of this case).

6. Some documents were also exhibited in this case, which are as follows:-

Ext.1- Written report of the informant.
Ext.1/1- Forwarding on the written report in the handwriting of Officer-in-Charge of Satbarwa O.P and the endorsement made thereon by S.I. Nageshwar Rajak, which is marked as Ext. 1/1.
Ext.2- Formal FIR
Ext.3- The production-cum-seizure list

7. After closure of prosecution evidence, the statements of the appellants were taken under Section 313 Cr.P.C.

8. The Trial Court, after considering the oral and documentary evidence, convicted the appellants for committing the offence under Sections 364A/34 of the Indian Penal Code and sentenced as stated above.

9. From the evidence, led by the prosecution, we find that **P.W.1 (Radhey Shyam Tiwary**) is the victim, who was an employee of Tata Finance on the date of occurrence. He deposed that on 25.12.2014 (Thursday) at about 2:00-3:.00 p.m, the occurrence took place. He deposed that on that day, he collected an amount of Rs.31,800/- from customer Arvind Singh and then he was waiting for a bus, when his friend- Kunal Dubey called him over phone and told him to bring his motorcycle which was lying in Chandwa, but how the victim abandons bus journey and started his journey on motorcycle from Chandwa has not been explained. He stated that on the way after meeting his other customers, he reached a place- *Dubiyakhand,* and again started his journey for seeing one Manaur Ansari, but while he was on the way at about 3:00 p.m, he reached near a river, while 5-6 armed miscreants stopped him and he was blind folded with a cloth round his eyes and then he was made to sit in the middle of the Motorcycle and according to him the Motorcycle drove for about one hour. He further deposed that the miscreants talked to each other on phone and thereafter he was

made to walk for about half an hour or 45 minutes through paddy fields and bumpy streets after which they all reached a village and when the victim asked for water he was made to bow down before a bore-well then he was made to sit by the side of small bridge where all the miscreants assembled again and instructed him to make a phone call to his house but he could not contact. After that, a call was made to the informant in which, he informed about his abduction and the ransom demand of Rs.10,00,000/-. He further deposed that the informant forwarded this information to his cousin Bishram Tiwary, thereafter the nephew of this witness Mohit Kumar Dubey called him and on which, he talked to his mother. He also deposed that the miscreants also talked to the Manager of Tata Finance namely Pravin Singh. He also deposed that one of the miscreants Anil Pal (one of the appellants herein) started frightening him and told him to deliver all cash with him to him and in return, he would see that he is not beaten, thus he gave his personal cash Rs.4,000/- as well as cash of Rs.31,800/- collected from the company. He further deposed that after 2-3 hours he was taken inside a jungle and in the morning all the miscreants assembled when he talked to his mother on phone. He further deposed that on Monday evening i.e. after four days when he was picked up, the miscreants started taking him on Motorcycle and when he asked as to where he was being taken, he was told that he was about to be let off and set free and when he quarried about his own motorcycle, he was told that he will find the same near the gate of one Amrit Hotel and then at about 7:00 p.m,. he was dropped in the village called *Lablabe* from where he somehow reached *lablabe* road from where he boarded a small truck and reached *Redma Chowk.* He further deposed that he was looking for his family members since, he was told by the abductors that his family members will be present there to receive him. He denied the suggestion that no ransom of Rs.10,00,000/- was demanded and in order to swindle the collection amount, he has deposed falsely. It has come that he has not seen the accused after the occurrence.

P.W.2 (the informant) deposed as stated by him in his written

report that on 25.12.2014 at 9:30 p.m, Rinku Dubey informed that the victim will not be returning home that night then he kept trying for a call on three mobile numbers of the victim but all in vain as the phone was switched off. At 9:38 p.m, contact could be established and he found the victim in frightened state and told him that he has been abducted for ransom of rupees five lakh. Thereafter, he went to Chandwa Police Station where he gave information to the Officer-in-Charge regarding the occurrence. He further deposed that he identified the written report which is marked as Ext.-1. He also deposed that the victim returned home on 29.12.2014.

P.W.3 (Rajmani Yadav) is a hearsay witness who deposed that he heard that there was an abduction for ransom.

P.W. 4 (Birbal Ram) is a shop-keeper, who deposed that when the police administration started searching from him, he came to know that someone has been abducted.

P.W.5 (Rabinder Singh) is the Investigating Officer of this case, who deposed that on 23.9.2015 he was posted in Satbarwa O.P on which date the present case was registered and the investigation was handed over to him. In has further identified the forwarding of the written report of the informant with an endorsement therein and himself took over the investigation of this case. He further deposed that he inspected the place of occurrence which is a barren and lonely place. He also recorded the statement of the informant and other witnesses. He also recorded the statements of the previous I.O of this case. He also deposed that he came to know that the accused persons who are involved in this case were already arrested in Chainpur P.S. Case No. 18/2015 in which their confessional statements were recorded in which, they have admitted their involvement in this present case and in one another case and accordingly they were remanded in this case. He also deposed that he recorded the statements of the victim on 23.09.2015. He further deposed that the place of occurrence was identified before him during investigation by the victim, but this fact has not come in his case diary. He has identified the forwarding on the written report in

handwriting of ASI- Md. Rustam, Officer-in-Charge of Satbarwa TOP and the endorsement made thereon by SI Nageshwar Rajak which is marked as Ext. 1/1. Further the formal FIR is marked as Ext. 2 and the production cum seizure list is marked as Ext.-3, which according to him he received along with the written report.

10. From the aforesaid facts, it appears that the FIR was against unknown and there is no eye witness in this case. Thus the victim is the star witness of this case to establish the guilty of the appellants. The occurrence took place on 25.12.2014 and the formal FIR is lodged on 23.9.2015 i.e. after the delay of about 09 months. In this regard the I.O has deposed that the Superintendent of Police, Latehar transmitting the case to the Superintendent of Police, Daltonganj on 6.5.2015 and from perusal of endorsement it is quite clear that the case was investigated and thereafter there was a jurisdictional dispute, thus the present case was transmitted to the District- Daltonganj. Thus, no prejudice can be said to have been caused to accused.

11. Admittedly, no one has seen the appellants committing the offence as alleged. Further the victim has also not seen the accused as he was blind folded. Further we find that no TIP was conducted in this case. As per the settled position of law, the FIR cannot be said to be an encyclopedia. At the same time when no TIP was conducted the first version of the victim/informant reflected in the FIR would play an important role. It is required to be considered whether in the FIR and /or in the first version the eye witness either disclosed the identity and/or description of the accused on the basis of which, he can recollect at the time of deposition and identify the accused for the first time in the Courtroom. Further, there are some contradictions in the statement of the informant/victim recorded in the form of FIR and in the deposition before the Court, as in the FIR, the informant stated that a sum of Rs.5,00,000/- was demanded as ransom whereas, the victim in his deposition stated that a sum of Rs.10,00,000/- was demanded. It is also to be noted that P.W. 1 (the victim) has specifically and categorically admitted in his cross-examination that he had not seen the accused

before or had any relationship. In that view of the matter conducting of TIP was necessitated but the same was not done in the present case. Thus the appellants cannot be held guilty of the offence as alleged only on the basis of conjectures and surmises.

12. Considering what has been held above, the Judgment of conviction dated 01.04.2017 and order of sentence dated 04.04.2017 passed by learned Addl. Sessions Judge-VIII, Palamau at Daltonganj in Sessions Trial No. 145 of 2016 is set aside. This Court further directs the appellant- **Anil Pal** in Cr. Appeal (DB) No. 1024 of 2017, to be released forthwith form custody, if not required in any other case.

13. It appears that the appellant- **Pintu Soni @ Pintu Kumar Soni** in Cr. Appeal (DB) No. 1252 of 2017 has already been granted bail by the Co-ordinate Bench of this Court vide order dated 05.05.2025 passed in I.A. No. 3636/2025, thus, he and his bailers are discharged from the liabilities of bail bonds.

14. Accordingly, both these Criminal Appeals are **allowed.** Pending interlocutory applications, if any, also stand disposed of.

15. Let the Trial Court Records be sent back to the Court concerned forthwith, along with a copy of this judgment.

(**ANANDA SEN, J.)**

(PRADEEP KUMAR SRIVASTAVA, J.)

Jharkhand High Court, Ranchi.
Dated: the 06th October, 2026.
NAFR/Anu/Cp.-3.

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