THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Appeal (S.J.) No.454 of 2007

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1. Mahesh Yadav, Son of Late Nepal Yadav
2. Krishna Yadav, Son of Late Dayanand Yadav
3. Sudip Yadav, Son of Prahlad Yadav
4. Bishnu Yadav @ Bishnu Kumar Yadav, Son of Prahlad Yadav

All resident of Village-Amrapara,P.S.-Amrapara, District-Pakur **..... Appellants**

Versus

The State of Jharkhand **..... Respondent**

CORAM: HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellants : Md. Yasir Arafat, Advocate
For the State : Mrs. Nehala Sharmin, Spl. P.P.

Order No.09/Dated: 07.10.2026

1. Heard Md. Yasir Arafat, learned counsel appearing for the appellants and Mrs. Nehala Sharmin, learned Spl. P.P appearing on behalf of the State.

2. It appears from the order dated 29.09.2026 that the appellant no.2, namely, Krishna Yadav had died and therefore, the appeal *qua* appellant no.2 stood abated.

3. The instant Criminal Appeal is directed against the judgment of conviction and order of sentence dated 21.02.2007 passed by the learned Sessions Judge, Pakur in Sessions Case No.146 of 2006, whereby and whereunder the above-named appellants have been convicted for the offence punishable under Section 323/34 of IPC and sentenced to undergo simple imprisonment for six months under Section 323/34 of IPC.

4. The prosecution case is based upon the *fardbeyan* of Rajendra Yadav (informant) stating therein that on 15.03.2006 at about 8:00 PM, the informant was returning home after offering *abir* from his old home near Amrapada

temple. On the way, he met Krishna Yadav's mother, his paternal aunt, and applied *abir* to her. When he reached near the platform, in front of Saroj Mandal's house, he was surrounded by Mahesh Yadav (armed with a daab) along with Sudip Yadav, Vishnu Yadav, and Krishna Yadav (armed with sticks). They abused and threatened him, whereupon Krishna Yadav caught hold of him and Mahesh Yadav struck his head, causing fracture and bleeding. The others also assaulted him with sticks, rendering him unconscious. When his wife Rita Devi and nephew Santosh Yadav attempted to lift him, Sudip Yadav struck Rita Devi on her cheek and Vishnu Yadav assaulted Santosh Yadav. On their cries, villagers assembled and the assailants fled away. The informant, who already had a dispute with the accused persons, was thereafter taken in injured condition by his brother Saryu Yadav to the police station, where the present report was lodged.

5. Upon the aforesaid allegations, an FIR being Amrapara P.S. Case No. 18 of 2006 dated 15.03.2006 was registered under Sections 341, 323, 324, 307, 304 and 34 of IPC against the accused persons. After completion of investigation, charge-sheet was submitted, whereupon the learned Magistrate took cognizance and committed the case to the Court of Sessions. The matter was registered as Sessions Case No. 146 of 2006. Charges were framed against the accused persons under Section 307/34 of IPC, which were read over and explained to them in Hindi, to which they pleaded not guilty and claimed to be tried.

6. The prosecution, in order to establish its case, examined eight witnesses, whereas no witness was adduced on behalf of the defence. The statements of the accused persons were recorded under Section 313 of the Cr.P.C,

wherein they offered only a bare denial. Upon consideration of the evidence available on record, the learned trial court convicted the appellants/accused persons for the offence punishable under Section 323/34 of IPC and sentenced them to undergo simple imprisonment for a period of six months. Being aggrieved from the above judgment of conviction and order of sentence, the appellants preferred the present appeal.

7. **At the outset, learned counsel for the appellants submitted that he is not assailing the judgment of conviction and confined his argument only by challenging the quantum of sentence awarded to the appellants for the offence under Section 323/34 of IPC**. He further submitted that appellants have been awarded sentence to undergo S.I. for six months under Section 323/34 of IPC.

8. It has further been urged on behalf of the appellants that the occurrence pertains to the year 2006 and the appellants have endured the agony of trial for nearly two decades. It is submitted that no useful purpose would be served by sending them back to behind the bar at this stage. Attention has also been drawn to the fact that all the appellants are engaged in work at the bus stand and are the sole breadwinners of their respective families. On these premise, a prayer has been made before this Court to take a sympathetic view and to confine the sentence to the period already undergone by the appellants.

9. Learned Spl. P.P. for the State has opposed the prayer advanced on behalf of the appellants and submitted that the trial court, upon due consideration of the material on record, has rendered a reasoned judgment which suffers from no illegality or infirmity. Thus, it was contended that

no interference is warranted in the order of sentence passed by the learned trial court.

10. This Court, upon consideration of the submissions advanced on behalf of the appellants, is not inclined to examine the present appeal on merits in so far as the correctness of the judgment of conviction is concerned. However, with regard to the quantum of sentence, record reveal that the occurrence pertains to the year 2006 and these appellants have endured the rigours of criminal litigation for nearly two decades. It further transpires that appellant no. 1 has remained in judicial custody for one month and ten days, appellant no. 3 for eight days, while appellant no. 4 has not undergone judicial custody in connection with the present case. It is also borne out that they are the sole breadwinners of their respective families. Having regard to the totality of the facts and circumstances, this Court is of the considered view that the ends of justice would be adequately served by modifying the sentence awarded to these appellants and restricting it to the period already undergone by them. However, this Court finds it appropriate to impose fine upon these appellants.

11. Furthermore, this Court is of the considered view that the ends of justice would be served, if the sentence of simple imprisonment for six months awarded under Section 323/34 of IPC to appellant no. 1, Mahesh Yadav and appellant no. 3, Sudip Yadav be modified to the period already undergone by them and further payment of fine of Rs. 1000/- each.

As the appellant no.4, Bishnu Yadav @ Bishnu Kumar Yadav has not undergone judicial custody, therefore sentence of S.I. for 6 months awarded under Section

323/34 of IPC is modified by payment of fine of Rs. 1000/- only.

12. Accordingly, the impugned judgment of conviction passed by the learned Trial Court is, hereby, **upheld and affirmed**. However, the substantive sentence awarded to these appellants stands modified as stated in preceding paragraph. The above-named appellants are directed to deposit fine amount of Rs.1,000/- each, within two months from the date of receipt of this judgment by the learned trial court, failing which, the learned trial court shall proceed to recover the fine amount in accordance with law.

13. Resultantly, the present appeal being, Criminal Appeal (S.J.) No. 454 of 2007 is, hereby, partly allowed to the above extent.

14. Since, the appellants are already on bail, they are discharged from the liability of their respective bail bonds.

15. Let a copy of this judgment along with the trial Court record be sent forthwith to the concerned court for information and needful.

16. Pending I.A., if any, stands disposed of.

(Arun Kumar Rai, J.)

Dated: 07thOctober, 2026
R.K./Rajnish
N.A.F.R.