THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 368 of 2016
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1. Rajendra Prasad Saw, Son of Paltu Saw, Resident of village Telmucho, P.O. & P.S. Mahuda, Dist. Dhanbad
2. Biswanath Lal, S/o Lt. Bajrangi Lal, R/o village Bhelatandh, P.O. & P.S. Jagta, District Dhanbad
3. Jaydrath Kumar @ Jaydrath Kumar Roy, S/o Radhey Shyam Ray, R/o Village Tilaiya, P.O. & P.S. Chitra, District Deoghar … … … **Petitioners**

Versus

The State of Jharkhand … … … **Opp. Party**

For the Petitioners : Mr. Lukesh Kumar, Advocate
For the State : Mr. Rakesh Kumar Sinha, A.P.P.

PRESENT
HON'BLE MR. JUSTICE ARUN KUMAR RAI

J U D G M E N T

C.A.V. on 11.02.2026 **Pronounced on 06.10.2026**

1. Heard Mr. Lukesh Kumar, learned counsel appearing for the petitioners and Mr. Rakesh Kumar Sinha, learned A.P.P. for the State.

2. The present criminal revision is directed against the judgment dated 16.02.2016 passed by the learned Sessions Judge, West Singhbhum, Chaibasa in Criminal Appeal No. 07 of 2016, whereby and whereunder the appeal preferred by the petitioner was dismissed and the judgment of conviction and order of sentence dated 19.12.2015, passed by the learned J.M., 1st Class, West Singhbhum, Chaibasa in C/7 Case No. 122 of 2007, was affirmed. By the said judgment, the present petitioners were convicted for the offence punishable under Section 21 of the MMDR Act and sentenced them to undergo simple imprisonment for one year and to pay fine of Rs. 5,000/- each, with a further sentence of simple imprisonment for two months in default of payment of fine.

3. On 09.12.2007, the Officer-in-Charge, Noamundi Police Station, acting under the Deputy Commissioner's order prohibiting heavy vehicles, seized seven overloaded iron-ore vehicles found plying without valid papers or Transport Challan Form-'D'. The District Transport Officer reported the seizure to the District Mining Officer, who submitted offence reports to the Chief Judicial Magistrate under Section 21 of the Mines and Minerals (Development and Regulation) Act, 1957, the Jharkhand Mineral Transit Challan Regulation, 2005, and the Jharkhand Mineral Dealers Rules, 2007, citing non-production of Transport Challan Form-'D'. Thereafter, the District Mining Officer informed the Chief Judicial Magistrate that inspection of documents confirmed transportation of iron ores without Transport Challan, in violation of the Jharkhand Mineral Transit Challan Regulation, 2005, and Rules 3, 7(a), 6(3), and 7(v) of the Jharkhand Mineral Dealers Rules, 2007, and prayed for cognizance under Section 21 of the MMDR Act, 1957 against the owners of the aforesaid vehicles.

4. Cognizance was accordingly taken on 18.12.2007, on the basis of above complaint under Section 21 of the MMDR Act, 1957, the Jharkhand Mineral Transit Challan Regulation, 2005, and the Jharkhand Mineral Dealers Rules, 2007. The substance of accusation was explained to the accused persons, who denied guilt and claimed to be tried. Upon trial, the learned trial court convicted the present petitioners under Section 21 of the MMDR Act, 1957 and directed them to undergo simple imprisonment for one year and to pay fine of Rs. 5,000/- each, with a default clause of S.I. for two months.

5. Aggrieved by the abovesaid judgment of conviction and order of sentence, the present petitioners preferred Criminal Appeal No. 07 of 2016 before the learned

Sessions Judge, West Singhbhum, Chaibasa. The above appeal was dismissed and the conviction and sentence were affirmed, giving rise to the present revision.

6. Learned counsel for the petitioners assailed the concurrent findings of the courts below on the ground that the petitioners, being merely the owners of the transport vehicles, could not be held liable for the prosecution in the absence of Transport Challan in Form-'D'. It was further contended that, in the absence of seizure witnesses, the prosecution failed to establish the alleged recovery, and both the Trial court as well as Appellate court committed manifest error in treating the seizure as proved solely on the basis of the letter forwarded to the District Mining Officer. On the aforesaid premise, it was urged that the present revision application deserves to be allowed.

7. Per contra, learned A.P.P. appearing for the State submitted that the scope of interference in revisional jurisdiction is extremely limited and does not permit re-appreciation of evidence. It was contended that both the Trial Court and the Appellate Court, upon due consideration of the evidence available on record, have recorded concurrent findings of fact and, therefore, no interference with the judgment of conviction and order of sentence is required.

8. Heard learned counsel for the parties.

9. This Court has also perused the materials available on record, including the judgments rendered by the learned Trial Court as well as the learned Appellate Court.

10. It is well settled that, while exercising revisional jurisdiction, this Court does not sit as a court of appeal and cannot re-appreciate or reassess the evidence for the purpose of arriving at a conclusion different from that

concurrently recorded by the courts below. Interference in revision is warranted only where the impugned findings suffer from patent illegality, manifest perversity, jurisdictional error, or result in a gross miscarriage of justice. In this regard, reference may be profitably made to the judgment of the Hon'ble Supreme Court in ***State of Kerala v. Puttumana Illath Jathavedan Namboodiri***, reported in ***(1999) 2 SCC 452***. The relevant paragraph of the judgment reads as under: –

> ***5.*** *… In its revisional jurisdiction, the High Court can call for and examine the record of any proceedings for the purpose of satisfying itself as to the correctness, legality or propriety of any finding, sentence or order. In other words, the jurisdiction is one of supervisory jurisdiction exercised by the High Court for correcting miscarriage of justice. But the said revisional power cannot be equated with the power of an appellate court nor can it be treated even as a second appellate jurisdiction. Ordinarily, therefore, it would not be appropriate for the High Court to reappreciate the evidence and come to its own conclusion on the same when the evidence has already been appreciated by the Magistrate as well as the Sessions Judge in appeal, unless any glaring feature is brought to the notice of the High Court which would otherwise tantamount to gross miscarriage of justice. On scrutinizing the impugned judgment of the High Court from the aforesaid standpoint, we have no hesitation to come to the conclusion that the High Court exceeded its jurisdiction in interfering with the conviction of the respondent by reappreciating the oral evidence. ……*

11. Adverting to the facts of the present case, Raghav Nandan Prasad (P.W.-1), District Mining Officer, deposed that upon inspection of the dealers' registration register, Form-'D' Challans issued from his office, and other papers produced by the District Transport Officer (P.W.-3), he found no document evidencing mining lease, license, or dealership for transportation of iron ores, and accordingly lodged the complaint. S.I. Udai Kumar (P.W.-2) corroborated with P.W.-1, stating that seven heavy vehicles were intercepted and none of the drivers possessed the complete documents relating to their respective vehicle and authorizing the carriage of the material. Despite directions were issued to the vehicle owners to produce the requisite papers, they defaulted, leading to recommendation for action to the District Transport Officer, Chaibasa. Suresh Kumar Dudani (P.W.-3), District Transport Officer, affirmed by his letter

that he had verified the vehicular documents and found the case to be one of transportation of iron ores without Form-'D' Challan, and accordingly recommended for action to the District Mining Officer, Chaibasa.

12. The present petitioners who being the owner of the transport vehicles, in their respective statements under Section 313 Cr.P.C had simple denied the allegation leveled against them. It is undisputed that the appellants are neither lease-holders nor licensees of mining operations, nor registered dealers for transportation of iron ores. Their vehicles found loaded with iron ores and seized en route without production of challans or documents, remain unexplained by them, as even the names of their drivers have not been disclosed.

13. In view of the aforesaid legal proposition and the discussion made in the preceding paragraphs, this Court finds that both the learned Trial Court and the learned Appellate Court have concurrently recorded the finding regarding the guilt of the present petitioners for the offence punishable under Section 21 of the MMDR Act, 1957. Nothing has been brought on record on behalf of defence to substantiate that the vehicles plying en route had valid challan or documents with respect to the seizure of the iron ores. Consequently, the concurrent findings of fact recorded by the Trial Court and Appellate Court do not warrant interference in exercise of the revisional jurisdiction of this Court.

14. However, it appears from the record that the occurrence is of the year 2007 and that the petitioners have endured the rigours of criminal litigation for about 19 years. It further transpires that the petitioners have also remained in judicial custody in connection with the present case. 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 the petitioners and restricting it to the period already undergone by them.

15. **Accordingly**, the impugned judgments of conviction passed by the learned Trial Court and affirmed by the learned Appellate Court are **hereby upheld and affirmed**. However, the substantive sentence awarded to the petitioners stands modified to the period already undergone by them. The sentence of fine, however, shall remain unaltered, including the default clause. The petitioners are directed to deposit the fine amount, if not already deposited, within ten weeks from the date of receipt of this judgment by the learned trial court, failing which, the learned trial court shall proceed in accordance with law.

16. Resultantly, the present revision being, Cr. Revision No. 368 of 2016 is, **partly allowed**, to the above extent.

17. Since, the petitioners are on bail, they are discharged from the liability of their bail bonds.

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

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

(Arun Kumar Rai, J.)

Abhishek
Dated: 06.10.2026
A.F.R.