IN THE HIGH COURT OF JHARKHAND AT RANCHI
Criminal Revision No. 654 of 2015

Yasir Raja @ Manjar S/O Jiyaur Rahman, Resident of Village- Jaintgara, P.O. & P.S. Jaganathpur, District- West Singhbhum **..... Petitioner**

Versus

The State of Jharkhand **.....Opposite Party**

For the Petitioner : Mr. Nisith Kr. Sahani, Advocate
For the State : Mr. V.S. Sahay, A.P.P.

PRESENT
HON'BLE MR. JUSTICE ARUN KUMAR RAI

J U D G M E N T

C.A.V. on 28.01.2026 **Pronounced on: 06.10.2026**

1. Heard Mr. Nisith Kr. Sahani, learned counsel appearing for the petitioner and Mr. V.S. Sahay, learned A.P.P for the State.

2. The present criminal revision is directed against the judgment dated 29.04.2015 passed by the learned Sessions Judge, West Singhbhum, Chaibasa in Criminal Appeal No. 11 of 2015, whereby and whereunder the appeal preferred by the petitioner was dismissed and the judgment of conviction and order of sentence dated 28.01.2015, passed by the learned S.D.J.M., Sadar, Chaibasa in G.R. No. 185 of 2013, was affirmed. By the said judgment, the petitioner was convicted for the offence punishable under Section 414 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for two years and to pay a fine of Rs. 1,000/-, with a further sentence of rigorous imprisonment for two months in default of payment of fine.

3. Jaganathpur P.S. Case No. 21 of 2013 was instituted under Section 414 of IPC and Sections 4/21 of the MMDR Act against the petitioner (herein), being the owner of the vehicle, and its driver (since acquitted), on the basis of the self-statement of the Officer-in-Charge, Jaganathpur Police Station (P.W.-4). The prosecution case is that, on 10.04.2013, acting on confidential information, the informant proceeded to the place where a pick-up van bearing Registration No. JH-05AP-7232 was parked and, upon search, recovered about two tonnes of iron ores concealed beneath 500 kg of iron scraps. Upon completion of investigation, charge-sheet was submitted and cognizance was taken. Thereafter, charges under Section 414 of IPC and Sections 4/21 of the MMDR Act were framed against the present petitioner and the driver. Upon trial, the learned trial court convicted the present petitioner (owner of the vehicle) under Section 414 of IPC and sentenced him to undergo rigorous imprisonment for two years and to pay fine of Rs.1,000/-. However, the co-accused who was the driver of the vehicle was acquitted of the charges by the learned trial court.

4. Aggrieved by the judgment of conviction and order of sentence, the present petitioner preferred Criminal Appeal No. 11 of 2015 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.

5. Learned counsel appearing on behalf of the petitioner assailed the concurrent findings recorded by the courts below on the ground that the seizure witnesses had categorically denied the search and seizure having been

effected in their presence. It was further contended that, in the absence of any independent witness supporting the alleged recovery, the courts below committed a manifest error in holding the recovery to be proved solely on the basis of the testimonies of the police officials. On the aforesaid premise, it was urged that the present revision application deserves to be allowed.

6. 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 reappreciation 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.

7. Heard learned counsel for the parties.

8. 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.

9. It is well settled that, while exercising revisional jurisdiction, this Court does not sit as a court of appeal and cannot reappreciate 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. …….*

10. Adverting to the facts of the present case, it transpires that the prosecution has examined altogether nine witnesses in support of its case. The seizure-list witnesses, namely Ganesh Prasad (P.W.-2) and Mujahid Hussain (P.W.-3), have duly proved their signatures appearing on the seizure list, which were marked as Ext.-1 and Ext.-1/1, respectively. However, both the witnesses resiled from their respective earlier statement to the extent that they did not support the prosecution case that the alleged search and seizure had been conducted in their presence.

11. So far as the members of the police raiding party are concerned, Subodh Kumar Yadav (P.W.-4), the informant-cum-Officer-in-Charge, proved his self-written statement together with the endorsement bearing his signature, which was exhibited as Ext.-3. In his deposition, he consistently reiterated the facts disclosed in the written report and categorically stated that the seizure list was

prepared in the presence of the seizure witnesses. The testimony of Constable Sahendra Paswan (P.W.-8) and Manoj Kumar Singh (P.W.-9), who were members of the same raiding party, substantially corroborates the evidence of P.W.-4. Both these witnesses have unequivocally deposed regarding the seizure of the aforesaid ores and the preparation of the seizure list in the presence of P.W.-2 and P.W.-3.

12. It further appears from the record that the independent witnesses, namely Bipin Kishore Bobonga (P.W.-1), Sujit Kumar Sahu (P.W.-6) and Dilnawaz Alam (P.W.-7), did not support the prosecution case during trial and were consequently declared hostile by the Court.

13. Merely because the independent witnesses have turned hostile, the prosecution case with regard to the recovery and seizure does not become doubtful *ipso facto*. The evidence of the members of the police raiding party cannot be discarded solely on the ground that no independent witness has supported the prosecution version. It is trite law that the testimony of police personnel stands on the same footing as that of any other witness and, if found cogent, credible and trustworthy, can safely be relied upon notwithstanding the hostility of independent witnesses. In this regard, profitable reference may be made to the decision of the Hon'ble Supreme Court in ***Kripal Singh v. State of Rajasthan***, reported in ***(2019) 5 SCC 646***, wherein it has been held as under: -

> ***21.*** *The submission of the learned Senior Counsel for the appellant that recovery has not been proved by any independent witness is of no substance for the reason that in the absence of independent witness to support the recovery in substance cannot be ignored unless proved to the contrary. There is no such legal proposition that the evidence of* police *officials unless supported by independent witness*

is unworthy of acceptance or the evidence of police officials can be outrightly disregarded.

14. As regards the offence under Section 414 IPC, the provision criminalises voluntary assistance in concealing, disposing of, or making away with property known or reasonably believed to be stolen. Conviction thereunder does not require that the principal offender of theft be traced or convicted. Once the surrounding circumstances objectively warrant a reasonable belief that the property in question is stolen, the prosecution is not required to prove the identity of the thief or the particulars of the theft. The circumstances of recovery sufficiently establish deliberate concealment of stolen property. In this regard, profitable reference may be made to the decision of the Hon'ble Supreme Court in ***Ajendranath v. State of M.P.,*** reported in ***1963 SCC OnLine SC 69***, wherein it has been held as under: -

> 14..... Section 414 IPC makes it an offence for a person to assist voluntarily in stealing or disposing of or making away with property which he knows or has reason to believe to be stolen property. It is not necessary for a person to be convicted under s.414 IPC that another person must be traced out and convicted of an offence of committing theft. The prosecution has simply to establish that the property recovered is stolen property and that the appellant provided help in its concealment and disposal. The circumstances of the recovery sufficiently make out that the property was deliberately divided into different packets and was separately kept.....

15. 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 petitioner for the offence punishable under Section 414 of IPC. Nothing has been brought on record to discredit or impeach the credibility of the testimonies of the members of the police raiding party with respect to the seizure of the iron ores and no iota of evidence has been brought by the present petitioner before

the Trial Court as well as Appellate Court to substantiate the plea of *alibi*. Even otherwise, the petitioner's ownership of the truck having registration no. JH-05AP-7232 is not in dispute, as he himself admitted the same in his statement under Section 313 of the Cr.P.C. So far as the recovery of iron ores is concerned, the same has also not been categorically denied by the petitioner, as no specific contrary suggestion to that effect was put to the prosecution witnesses in cross-examination. Consequently, the concurrent findings of fact recorded by the courts below do not warrant interference in exercise of the revisional jurisdiction of this Court.

16. However, it appears from the record that the occurrence is of the year 2013 and that the petitioner has endured the rigours of criminal litigation for more than 13 years. It further transpires that the petitioner has 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 petitioner and restricting it to the period already undergone by him.

17. **Accordingly**, the impugned judgment 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 petitioner stands modified to the period already undergone by him. The sentence of fine, however shall remain unaltered, including the default clause. The petitioner is 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.

18. Resultantly, the present Criminal revision being, Cr. Revision No. 654 of 2015 is, **partly allowed**, to the above extent.

19. Since, the petitioner is on bail, he is discharged from the liability of his bail bonds.

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

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

(Arun Kumar Rai, J.)

Jharkhand High Court, at Ranchi
Rajnish /- A.F.R.
Dated: 06/10/2026