IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 1068 of 2017

Md. Sabir @ Bhola @ Md. Sabbir, Son of Shamo Mian @ Samo Mian, R/o Chouthai Kulhi, P.O. & P.S.-Jharia, Dist. Dhanbad

.... Petitioner

Versus

1. The State of Jharkhand
2.1. Samima Kahtoon, W/o Late Mannawar Quraishi, R/o Near A.G. Church Schook, 19A Gandhi Nagar, Dhanbad

.... Opposite Parties

For the Petitioner : Mr. Aman Ali, Adv.
Md. Zaid Ahmad, Adv.
For the State : Mr. Bishwambhar Shastri, A.P.P.
For the O.P. No. 2 : Mr. Dharmendra Kr. Malityar, Adv.

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

J UDGMENT

C.A.V. on 15.09.2026 **Pronounced on 05/10/2026**

1. Heard the arguments of learned counsel for the petitioner-Mr. Aman Ali and Learned A.P.P. assisted by learned counsel appearing on behalf of opposite party No. 2.

2. The instant criminal revision is preferred against the judgment dated 08th February, 2016 passed in Cr. Appeal No. 121 of 2013 by the learned Sessions Judge, Dhanbad, whereby and whereunder, the learned Appellate Court has upheld the judgment and order of conviction and sentence of the present petitioner dated 25th February, 2013 passed in G.R. No. 2853/2006 and T.R. No. 105/13) by the learned J.M., 1ST Class, Dhanbad, whereby and whereunder, the petitioner has been convicted for the offence under Sections 365 of the IPC and sentenced to undergo R.I. for

two years eleven months along with a fine of Rs. 2000/- with default stipulation.

Factual Matrix:-

3. The factual matrix giving rise to this case is that a written report was filed by the informant stating inter alia therein that on 05.08.2006, at 11:00 PM, in the night, his son (Tinku) was going outside from his house and on query by the informant, his son replied that Md. Sabir @ Bhola (present petitioner) had called him who was waiting for him in the road with his Ambassdor Car. Thereafter, informant's son (Tinku) did not return his home. Then, the informant wrote an application to Dhansar Police Station, on the basis of which, Sanha No. 443/2006 dated 17.08.2006 was registered and in this circumstances, it is alleged that the present petitioner has abducted the son of the informant.
4. On the basis of the above written report of the informant, Dhansar P.S. Case No. 580 of 2006 was registered for the offence under Sections 365 of the IPC against accused (present petitioner).
5. After completion of the investigation, charge sheet was submitted against the accused under the aforesaid section and after supply of police paper, charge was framed and read over and explained to the accused in Hindi to which he pleaded not guilty and claimed to be tried.

6. In the course of trial, altogether 5 witnesses were examined by the prosecution :-

P.W.-1	Parvej Kureisi
P.W.-2	Manouwar Kureisi (Informant)
P.W.-3	Md. Seraj
P.W.-4	Md. Sabir
P.W.-5	Md. Atiq Raja

7. Apart from oral testimony of the witnesses, following documentary evidence has also been adduced by the prosecution:-

Ext.-1	Letter written by Bhola
Ext.-2	C.C. of order dated 07.05.2008 to 03.06.2008 of Dhansar P.S. 306/2008
Ext.-3	Application to D.C. dated 30.08.2007
Ext.-4	C/C of Charge Sheet of Nirsa P.S. Case No. 177 of 2005
Ext.-5	Letter of Sr. B.K. Prasad, President of Dhanbad Bar Association to S.P. Dhanbad
Ext.-6	Letter dated 30.10.2006 to 31.10.2006 to D.C. by Advocate M.A. Raza
Ext.-7	Letter dated 31.10.2006 to Sr. B.K. Prasad by Advocate M.A. Raza

8. On the other hand, one documentary evidence (Ext.-A Sanha) has been adduced by the defence and one witness **D. W. - 1**

Ramanuj Kumar Verma has been examined on behalf of defence.

9. The learned trial Court after considering the evidence available on record held the petitioner guilty for the offence under Sections 365 of the IPC which has also been upheld by the learned Appellate Court in Appeal.

Submissions on behalf of petitioner: -

10. Learned counsel for the petitioner assailing the concurrent findings of the Courts below has contended that the learned trial Court as well as appellate Court has failed to consider the fact that there is a delay in instituting the F.I.R. It has also been submitted by the learned counsel for the appellant that investigating officer of this case has not been examined as a witness which has prejudiced the case of the petitioner. It has further been submitted that the prosecution witnesses who have been examined all are relative of the informant and no any independent witness has been examined to prove the case of the prosecution. Moreover, there is no eye witness to the occurrence. Therefore, both the Courts below have miserably failed to appreciate the evidence available on record and committed gross error of law in holding the petitioner guilty for the aforesaid offence which is fit to be set aside allowing this revision.

Submissions on behalf of the State as well as Opp. Party No. 2:-

11. Per contra, Learned A.P.P. assisted by Opposite Party No. 2 has defended the judgment of learned trial Court as well as the appellate Court on merits by stating that both the Courts below have very wisely and aptly gone through the record of the case and rightly found the petitioner guilty for the offence punishable under Section 365 of the IPC and accordingly convicted and sentenced him and there is no merits in this revision which is fit to be dismissed.

Analysis, reasons and decision:

12. I have gone through the record of case along with impugned judgment passed by the learned Appellate Court as well as trial Court in the light of contentions raised on behalf of respective parties.

13. The sole point for consideration in this revision is as to "whether the conviction and sentence of the petitioner suffers from any error of law, calling for any interference in this revision?

14. I have gone through the oral as well as documentary evidence as available on record and it is apparent from the testimony of the prosecution witnesses that on the date of the occurrence, the present petitioner came and took away informant's son (Tinku) on a Car bearing Registration No. BR-17/6060 and thereafter, Tinku did not return. It has also been stated by the brother and other prosecution witnesses that Bhola had taken

Rs. 50,000/- from Tinku in presence of Parvej Kureshi (P.W.-1) on the promise to return the same but the same was not returned and that led to an altercation between the victim and the accused. The defence witness Ramanuj Kumar Verma also admits the fact that Tinku had gone with the present petitioner who did not return. In view of the above facts, the learned trial Court as well as appellate Court have given concurrent finding of guilt of the petitioner. It also appears that no reasonable explanation has been offered by the petitioner as to what happened with the victim (informant's son) while he was accompanied with him on the fateful night.

15. In the above facts and circumstances of the case, it is an admitted fact that informant's son was taken away by the petitioner on a Car and thereafter the son of the informant did not return nor any explanation has been furnished under Section 106 of the Indian Evidence Act. There is direct allegation against the petitioner and both the Courts below have very minutely dealt with the oral as well as documentary evidence led by the prosecution witnesses and has rightly convicted the petitioner as stated above, warranting no interference in this revision. Therefore, I find no legal substance in the arguments of learned counsel for the petitioner about the concurrent findings of the learned Courts

below regarding the guilt of the present petitioner. Accordingly, this revision **stands dismissed.**

16. Consequently, the bail granted to the petitioner vide order dated 07th August, 2017 during pendency of this revision, is hereby cancelled and he is directed to surrender before the learned Trial Court within two months from the date of this Judgment to undergo the remaining period of sentence awarded to him by the learned trial Court, failing which, the learned trial Court shall take all coercive steps for arrest and detention of the petitioner for sustaining the remaining period of sentence awarded to him.
17. Pending I.A(s), if any, is also disposed of, accordingly.
18. Let a copy of this judgment along with trial Court record be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court at Ranchi
Date:- 05/10/2026
Basant /-**NAFR**
Uploaded On: 06/10/2026