

**IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (SJ) No. 73 of 2004**

[Against the Judgment of conviction dated 25.11.2003 and Order of sentence dated 29.11.2003 passed by learned Sessions Judge, Gumla in Sessions Trial No. 267 of 2001]

Madho Munda, son of Late Andu Munda, resident of Village – Parsa, P.S. – Raidih, District – Gumla.

... .. **Appellant**

Versus

The State of Jharkhand **Respondent**

.....

For the Appellant : Mr. Ravi Prakash, Advocate.

For the State : Mr. Rajneesh Vardhan, A.P.P.

.....

P R E S E N T

**HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

J U D G M E N T

C.A.V. on 14.01.2026 Pronounced on 25.02.2026

Per Pradeep Kumar Srivastava, J.

1. Heard Mr. Ravi Prakash, learned counsel for the appellant as well as Mr. Rajneesh Vardhan, learned A.P.P. for the State.
2. The instant appeal is directed against the judgment of conviction dated 25.11.2003 and order of sentence dated 29.11.2003 passed by learned Sessions Judge, Gumla in Sessions Trial No. 267 of 2001, whereby and whereunder, the appellant has been held guilty and convicted for the offence under Section 304 Part-II of the I.P.C. and sentenced to undergo rigorous imprisonment for 10 years.

FACTUAL MATRIX

- 3.** The factual matrix giving rise to this appeal is that on 30.07.2001 at about 8:30 A.M., the fardbeyan of informant Lohrain Mundain was recorded at Sadar Hospital, Gumla stating inter alia that on the last Friday her husband had gone to bring furrow of plough from the house of Laxman Oraon and while he was returning, Madho Munda (appellant) intercepted him and without any reason, started assaulting with a sakhuwa wooden stick on the neck near the courtyard of Fudu Munda. It is alleged that due to assault given by the present appellant, informant-husband fell down and become unconscious. After hearing hulla, the informant went to the place of occurrence and saw her husband in injured condition and in unconscious state in the courtyard of Fudu Munda. The accused fled away from the spot. Thereafter, the injured husband of informant was brought to Sadar Hospital, Gumla in the morning where he got treatment for two days, but could not be saved.
- 4.** On the basis of fardbeyan of informant, Raidih P.S. Case No. 46 of 2001 was registered for the offence under Section 302 of the I.P.C. against the accused-appellant. After completion of investigation, charge sheet was submitted and the case was committed to

the court of Sessions, where S.T. No. 267/2001 was registered. The accused denied the charge and claimed to be tried.

5. After conclusion of trial, the impugned judgment and sentence was passed by the learned trial court.
6. Learned counsel for the appellant without touching the merits of the judgment of conviction has confined himself to the quantum of sentence. It is submitted that the appellant was held guilty for commission of offence under Section 304 Part-II of the I.P.C. and sentenced to rigorous imprisonment for 10 years, out of which, he has sustained more than 04 years custody during pendency of trial and post-conviction. The genesis and manner of occurrence depicted by the witnesses and the weapon used for assaulting the deceased like Sakhuwa stick and force of single blow given to the deceased was not sufficient to cause his death or even likely to cause grievous injuries, but proved fatal in absence of proper treatment in Village area hospital. Admittedly, there was no pre-meditated assault caused to the deceased. The occurrence is of the year 2001, as such, more than two decades have been elapsed and both the parties have restored their mutual peace. Therefore, the sentence of imprisonment already undergone by the appellant

would meet the ends of justice in this case. Accordingly, the sentence awarded to the appellant is fit to be altered and modified accordingly.

7. On the other hand, learned A.P.P. appearing for the State has opposed the above contentions and has submitted that the appellant has been awarded adequate maximum sentence for the offence committed by him, which requires no interference.
8. We have gone through the record of the case and also considered the overall aspects, under which the occurrence took place. There is no doubt that a single blow from sakhuwa stick was given by the present appellant to the deceased, who died after two days treatment in the Hospital. There is no iota of evidence showing any gruesome murder on account of some enmity and by reason of vengeance. It is very stale case of 25 years; both parties have settled in their life establishing mutual peace and harmony.
9. In the aforesaid changed circumstances, we are inclined to reduce the sentence awarded to the appellant from 10 years rigorous imprisonment to sentence of imprisonment i.e. 04 years and 01 month for the offence under Section 304 Part-II of the I.P.C.
10. In view of the above discussions and reasons, **this appeal is partly allowed.** The conviction of the

appellant is maintained, but the sentence imposed upon the appellant is altered / modified to the above extent.

- 11.** The appellant is on bail. He is discharged from the liability of bail bond and sureties shall also discharged.
- 12.** Pending I.A., if any, stand disposed of.
- 13.** Let a copy of this judgment along with trial court record be sent back to the court concerned for information and needful.

(Rongon Mukhopadhyay, J.)

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court, Ranchi

Dated, the 25th February, 2026.

Sunil / **N.A.F.R.**

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