

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (DB) No.806 of 2017

(Against the Judgment of conviction dated 6th March, 2017 and Order of sentence dated 7th March, 2017 passed by the Additional Sessions Judge-III, Dumka in Sessions Trial No.08 of 2012)

Doman Murmu @ Ramdhu Murmu Appellant

Versus

The State of Jharkhand Respondent

CORAM : SRI ANANDA SEN, J.

SRI SUBHASH CHAND, J.

For the Appellant : Mr. Rajeev Ranjan Tiwary, Advocate

For the State : Mr. Saket Kumar, A.P.P.

C.A.V. on 07.05.2024

Pronounced on 24.05.2024

Per Subhash Chand, J.:- Heard learned counsel for the appellant and learned counsel for the State.

2. The instant criminal appeal is preferred on behalf of the appellants against the impugned Judgment of conviction dated 6th March, 2017 and Order of sentence dated 7th March, 2017 passed by the learned Additional Sessions Judge-III, Dumka in Sessions Trial No.08 of 2012, whereby, the appellant has been convicted for the offence under Sections 302 of the Indian Penal Code and sentenced to undergo imprisonment for life for the said offence along with fine of Rs.20,000/- and in default of payment of fine, the appellant was further directed to undergo simple imprisonment for three months.
3. The brief facts giving rise to this criminal appeal are that the statement of Sonmuni Baskey was recorded on 11th August 2011 at 8 o' clock by the police officer of police station Dumka Town wherein the allegations are made that the informant has been residing at the house of her maternal uncle Deblal Kisku since her infancy. At the

house of her maternal uncle, she was having friendship with a person, namely, Nesh Kisku @ Dhanai Kisku and both resided in the house of maternal uncle and about two years ago, Nesh Kisku went to Assam for earning livelihood and thereafter Doman Murmu became her friend and he used to visit at the house of her maternal uncle. After two years, when Nesh Kisku @ Dhanai Kisku came back from Assam, he again began to reside with her. During that period, Doman used to visit her. In the meantime, she, her maternal uncle, maternal aunt and Nesh Kisku @ Dhanai Kisku, all went to Bengal for earning livelihood. On 10th August, 2011 at 4 o' clock, all came from Bengal to their village and after having food, all went to sleep. She and Nesh Kisku @ Dhanay Kiski both slept in one room while her maternal uncle and maternal aunt slept in another room. In between 10-11 o' clock of night, Nesh Kisku @ Dhanai Kisku screamed and hearing his screaming, she awoke and saw Doman Murmu fleeing away from the room. She also saw the dagger which was stabbed in the chest of Dhanai Kisku and she took out the dagger from his chest and throw the same thereon in the house. Her maternal uncle and maternal aunt also awoke. Nesh Kisku @ Dhanay Kisku was rushed to the Sadar Hospital, Dumka in injured condition with the help of villagers and during treatment, Nesh Kisku died. On this Fardbeyan, the thumb impression of Sonmuni Baskey and thumb impression of the Deblal Kisku as a witness was also taken.

4. On this written information, the Case Crime No. 204 of 2011 was registered with the police station Saraiyahat Hansdiha District Dumka

under Section 302 of the Indian Penal Code against Doman Murmu (the appellant herein). The Investigating Officer concluded the investigation and filed charge-sheet against said accused for the offence under Section 302 of the I.P.C.

5. The learned court of Magistrate took cognizance on the charge-sheet and the offence alleged being triable by the Court of Sessions, the case was committed for trial to the court of learned Sessions Judge, Dumka.
6. The Court of Sessions Judge, Dumka framed charge against the accused Doman Murmu @ Ramdhu Murmu under Sections 302 of the I.P.C. The charge was read over and explained to accused, who denied the charge and claimed for trial.
7. On behalf of the prosecution to prove the charge against the accused persons in oral evidence examined P.W.1-Sonmuni Baskey (the informant), P.W.2-Deblal Kisku, P.W.3-Churki Hembrom, P.W.4-Munsi Kisku, P.W.5-Shyam Soren, P.W.6-Kandan Murmu, P.W.7-Bablu Marandi, P.W.8-Thakur Murmu, P.W.9-Shiv Charan Kisku, P.W. 10-Prakash Marandi, P.W.-11 Player Kisku (the I.O. of the case) and P.W. 12-Dr. Shailendra Kumar.
8. On behalf of the prosecution in documentary evidence adduced Ext.1 signature of witness Shyam Soren on seizure list, Ext.1/1 signature of witness Kandan Murmu on seizure list, Ext.2 Forwarding with signature of witness Player Kisku on *fardebayan*, Ext.3 seizure list, Ext.4 Confessional Statement of accused Doman Murmu (before the IO) and Ext.5 Postmortem report.

9. The statement of the accused under Section 313 of the Cr.P.C. was also recorded, wherein he denied the incriminating circumstances against him and stated himself to be innocent.
10. The trial court after hearing the learned counsel for the parties passed the impugned judgment of conviction dated 6th March, 2017, convicting the appellants for the offence under Section 302 of the I.P.C. and sentenced accordingly.
11. The aforesaid convicts/appellants being aggrieved with the impugned judgment of conviction dated 6th March, 2017 and order of sentence dated 7th March, 2017 preferred the present criminal appeal.
12. We have heard learned counsel for the appellants and learned A.P.P. for the State of Jharkhand and perused the materials available on record.
13. In order to decide the legality and propriety of the impugned judgment of conviction and order of sentence passed by the learned trial court, we would like to re-appreciate the evidence on record, which are reproduced herein below :

13.1 P.W.-1 Sonmuni Baskey (the informant) in her examination-in-chief says the occurrence was of month of *sawan* and at that time, she was at the house of maternal uncle at Kurma. Doman had stabbed dagger in the chest of Dhanai Kisku which resulted into his death. Dhanai Kisku was her former husband. The place of occurrence is the house of her husband. At that time, she was residing in the very house along with Dhanai Kisku. Doman fled away after having given the stab wound to Dhanai Kisku. Dhanai Kisku was

rushed to the hospital where he was declared dead. *Darogaji* recorded her statement in the hospital and she put her thumb impression thereon. She identifies Doman in person in court.

In cross-examination, this witness says that on the date of occurrence, she was at the house of her maternal uncle. In the house of maternal uncle, there were three rooms. In one room, she was sleeping which was having door and the maternal uncle was sleeping in another adjoining room which is in the northern side of her room. After having gone to sleep in the night, she closed the door. At 12 o' clock, she came to know that Dhanai was stabbed. She had stated to *Darogaji* that she had seen Doman fleeing away from there. At that time in the house, there was no electric light and it was dark night. She saw Doman at the distance of two to three steps. She saw Doman coming out of the door. **The door was opened by the accused and she did not open the door.** Maternal Uncle and maternal aunt came after half an hour. Doman did not reside with her at the house of her maternal uncle but he used to visit her at that house. Her maternal uncle was also aware of this fact. She denies that it is wrong to say that in order to live with Doman, she had eliminated Dhanai from her way. She further denies the suggestion that she had stated to police that she took out the dagger from the chest of Dhanai.

13.2 P.W.-2 Deblal Kisku is the maternal uncle of informant and he in his examination-in-chief says that Sonmuni Baskey was his niece who was residing in his house. The husband of Sonmuni Baskey was

Dhanai Kisku who had gone to Assam and after that, he left for two years. Sonmuni Baskey after leaving Dhanai Kisku began to reside with Doman Murmu and a child was also born out of the relation of Sonmuni and Doman. Sonmuni was ousted by Doman and thereafter, Sonmuni began to reside in his house. When Dhanai came from Assam, he also came to his house. He, Churki Hembrom and Dhanai Kisku, all had gone for earning livelihood to Bengal where they resided for one and a half month. In July, 2011, he came back and in the night after having food, went to sleep. Doman intruded in the house at night and stabbed Dhanai with the dagger. **Dhanai and Sonmuni, both cried and they also awoke and saw Doman Murmu fleeing away from there.**

In cross-examination, this witness says that Doman had deserted Sonmuni and then Sonmuni and Doman both began to reside in his house and out of their relation, one baby girl was also born. He had seen Doman Murmu fleeing away at the distance of 50 steps. In regard to the occurrence, he told *chowkidar* and also the Shyam Soren on the next day. This witness also denies this suggestion that he in conspiracy with Sonmuni had murdered Dhanai and had falsely implicated Doman.

13.3 P.W.-3 Churki Hembrom in her examination-in-chief says that the occurrence was of one and a half years ago in the month of *sawan* night and they had returned from Bengal to the house when the occurrence took place. On the date of occurrence in the house, they slept in one room and in the another room, her niece and her

husband Dhanai Kisku were sleeping and Dhanai Kisku was stabbed by Doman Murmu in the night, who subsequently died in the hospital. She came to know from her niece that Doman Murmu had stabbed Dhanai and it was told by Sonmuni after half an hour to her and her husband was also present there at that time.

13.4 P.W.-4 Munsu Kisku in his examination-in-chief says that the occurrence was of one and a half years ago in the month of August and it was 11 o' clock of night when he was at his house. Sonmuni Baskey raised alarm and he saw Dhanai Kisku in whose stomach there were stabbed wounds. Sonmuni Baskey had told him that she had seen Doman Murmu who was searched but he was not found. Sonmuni was residing at the house of her maternal uncle. Doman was the second husband of Sonmuni Baskey and her first husband was Dhanai.

In cross-examination, this witness says that he went to the place of occurrence after 15 minutes of having heard the alarm which was raised by Sonmuni Baskey. He came to know in regard to the occurrence from Sonmuni Baskey.

13.5 P.W.-5 Shyam Soren in his examination-in-chief says that the seizure memo bears his signature which was marked Ext.1. The dagger was seized and he had heard that Doman had stabbed Dhanai with the dagger and in cross examination, this witness says that he put signature on the seizure memo at the behest of *Darogaji*.

13.6 P.W.-6 Kandan Murmu in his examination-in-chief says that the seizure memo of the dagger bears his signature which was marked

Ext. 1/1. This dagger was not recovered in his presence. He saw the dead body.

In cross-examination, this witness says, he had heard the noise in the night but went to see on the next day.

13.7 P.W.-7 Bablu Marandi in his examination-in-chief says that the occurrence was of one and a half years ago and he heard that Doman had stabbed Dhanai Kisku with the dagger. He came to know in regard to the occurrence after two days from the date of occurrence.

13.8 P.W.-8 Thakur Murmu in his examination-in-chief says that at the time of occurrence, he was at his house and two persons of the village told him that Dhanai Kisku had died and he had heard that Doman had given a blow with dagger to Dhanai. He heard in regard to the occurrence on next day.

13.9 P.W.-9 Shiv Charan Kisku in his examination-in-chief says that Dhanai Kisku is the son-in-law of village and Sonmuni Baskey is his wife. He is neighbour of Sonmuni Baskey and he came to know that at 11 o' clock in the night, the occurrence had taken place.

13.10 P.W.-10 Prakash Marandi in his examination-in-chief says that he had heard in regard to the occurrence that Dhanai Kisku was given a dagger blow by Doman Murmu which resulted into his death.

In cross-examination, this witness says that he heard in regard to the occurrence from the persons of the village.

13.11 P.W.-11 Player Kisku in his examination-in-chief says that on 11th August 2011, he was Station Officer of the Police Station Hansdiha.

He received the *fardebayan* from Dumka Town Police Station which was of Sonmuni Baskey. On the basis of the *fardebayan*, he registered the Formal FIR and forwarded the application in his pen and signature which he identifies and marked Ext. 2. Thereafter, the investigation was also taken over by him and at 22 hours in the night. He proceeded to the place of occurrence which was house of the maternal uncle of the informant. He came to know that in one room of the house, informant and deceased Nesh Kisku @ Dhanai Kisku were sleeping and in very that room in between 10 to 11 o' clock, accused Doman Murmu had given a dagger blow to Dhanai Kisku in his stomach. When they were sleeping on the ground, the bed sheet was also there but blood was not there. The blood was on the ground. In injured condition, the victim was taken to the hospital where he was declared dead. The big dagger was also recovered from the place of occurrence and the seizure memo of the same was prepared by him which is in his pen and signature and he got the signature of witnesses thereon which was marked Ext 3. He recorded restatement of informant and also recorded statements of Deblal Kisku, Churki Hembram, Kandan Murmu, Shyam Soren, Munsu Kisku, Bablu Marandi, Prakash Marandi, Thakur Murmu and other witnesses, who supported the prosecution story and he also recorded the confessional statement of accused which was marked Ext.4. He received the postmortem report of deceased and filed charge-sheet.

In cross-examination, this witness says that the dagger which was recovered was not sent to FSL for examination. The deceased

was the first husband of informant. **At the place of occurrence, there was wooden door and this door was open.** The place of occurrence is the house of maternal uncle of the informant.

13.12 P.W.-12 Dr. Shailendra Kumar is the Doctor who conducted the postmortem of the body of the deceased. On 11th August, 2011, he was posted as Medical Officer at Sadar Hospital and he conducted the postmortem of Dhanai Kisku and found the following *ante mortem* injuries over the dead body of deceased:-

"i. Incised wound of about 6 c.m. x 0.5 c.m. over epigastric region."

In his opinion, the death was caused due to haemorrhage and shock as a result of liver injury. The postmortem report is in his handwriting and signature which was marked Ext. 5. The time elapsed since death is less than 24 hours.

In cross-examination this witness says that the incised wound generally caused by sharp weapon

14. The learned counsel for the appellant has argued that as per prosecution case, P.W.1 Sonmuni Baskey (the informant) has claimed herself to be the eyewitness and so far as the other prosecution witnesses are concerned, all are hearsay witnesses and they have come to know in regard to the occurrence from Sonmuni Baskey. The testimony of Sonmuni Baskey cannot be relied upon as the same is having contradiction in the contents of the *fardbeyan* which was given by her and her statement given by her during her examination before the trial court. The dagger which was recovered from the place of occurrence was never sent for examination to FSL. The

motive of the occurrence is also not proved. The seizure memo is also not proved from the testimony of the independent witness of seizure memo.

- 15.** The learned A.P.P. has vehemently opposed the contentions made by learned counsel for the appellant and contended that the prosecution case is based on direct evidence and eye witnesses of the occurrence is P.W.1, the wife of deceased. Moreover, the P.W.2, Deblal Kisku and P.W.3, Churki Hembrom who are the maternal uncle and maternal aunt of informant also reached to the place of occurrence immediately after hearing the alarm raised by P.W.1 and their testimony also corroborates the statement given by P.W.1, Sonmuni Baskey, the eye witness. As such the judgment of conviction and sentence passed by the learned trial court bears no infirmity.
- 16.** As per the FIR, the prosecution case is based on direct evidence. The eyewitness of the occurrence is P.W.1, Sonmuni Baskey who is informant. As per testimony of P.W.1, Sonmuni Baskey on the date of occurrence she was at the house of her maternal uncle where she had been residing since her infancy. On the fateful night, she was sleeping in one room along with deceased Dhanai Kisku and in another room her maternal uncle and maternal aunt were sleeping. In between 11 to 12 o' clock of night, she awoke hearing the screaming of her husband Dhanai Kisku. She saw the dagger was in his stomach and she took out the same and also saw Doman Murmu. On raising alarm by her maternal uncle and maternal aunt also awoke and they came there and she told in regard to occurrence to

them. Thereafter, her husband was rushed to the hospital where he was declared dead.

17. The learned counsel for the appellant has argued that as per the testimony of P.W.1, Sonmuni Baskey, it was dark night and there was no electric light and in utter dark, it was not possible to identify the accused.

17.1 This plea raised by learned counsel for the appellant is not found sustainable reason being the appellant Doman Murmu was also the second husband of the informant. As per prosecution case, the informant has been residing with Dhanai Kisku at the house of her maternal uncle. Dhanai Kisku was informant's first husband and when Dhanai Kisku went for earning livelihood to Assam for two years and she came in courtship of Doman Murmu and both resided as husband and wife. Out of the physical relation of Doman Murmu and the informant, one baby girl was also born. **Taking into consideration this intimacy of the informant with the appellant, it was very easy to identify the appellant by the informant even in utter darkness on the basis of gait, bodily structure and gesture etc. As such there is no doubt in regard to the identity of the appellant at the place of occurrence.**

17.2 The Hon'ble Apex Court in the case of ***State of U.P. vs. Sheo Lal & Ors.*** reported in ***AIR 2009 SC 1912*** at paragraph 7 has held as under :

"7.In Nathuni Yadav v. State of Bihar (1998) 9 SCC 238 this Court observed that under what circumstances the lack of moonlight or artificial light does not per se preclude identification of the assailants. It was noted as follows:

"..... Over and above those factors, we must bear in mind the further fact that the assailants were no strangers to the inmates of the tragedy-bound house, the eye-witnesses being well acquainted with the physiognomy of each one of the killers. We are, therefore, not persuaded to assume that it would not have been possible for the victims to see the assailants or that there was possibility for making a wrong identification of them....."

18. The learned counsel for the appellant also argued that the motive of the occurrence is not proved.

18.1 It is the settled law that **in case of the direct evidence, the motive has no relevancy.** Therefore plea raised by learned counsel for the appellant is not found tenable.

18.2 The Hon'ble Apex Court in the case of ***Nandu Singh Versus State of Madhya Pradesh (Now Chhattisgarh)*** reported in **2022 LiveLaw (SC) 229** at paragraph 11 has held as under :

"11. In Anwar Ali vs. State of Himachal Pradesh, this Court made the legal position clear in following words:-

..... It is also settled law that the motive loses all its importance in a case where direct evidence of eyewitnesses is available, because even if there may be a very strong motive for the accused persons to commit a particular crime, they cannot be convicted if the evidence of eyewitnesses is not convincing."

19. The learned counsel for the appellant has also argued that the testimony of P.W.1, Sonmuni Baskey also becomes tainted reason being as per testimony of this witness, she did not see the appellant giving blow with the dagger. She only saw the appellant fleeing away from there. As such, she cannot be said to be eye witness.

19.1 This contention of the learned counsel for the appellant is also not found tenable, **reason being that upon hearing the screaming of Dhanai Kisku who was also sleeping in the very room of the informant, she awoke and she saw the dagger stabbed in the stomach of Dhanai Kisku and she also saw Doman Murmu fleeing away from the door of the room. As such**

P.W.1, would be treated as an eye witness, though this part of the occurrence was not seen by her giving dagger blow to the deceased by the appellant.

20. The learned counsel for the appellant also argued that the dagger which was recovered was not sent to FSL for examination.

20.1 This defect in investigation is not found fatal to the prosecution case because the prosecution case is based on direct evidence. **In case of a direct evidence, the production of the weapon used in the commission of the crime and not sending the same to FSL for examination will not be fatal to prosecution case and no adverse inference can be drawn.**

20.2 The Hon'ble Apex Court in the case of ***State of Punjab v. Hakam Singh*** reported in ***(2005) 7 SCC 408*** at paragraph 13 has held as under :-

"13. It was also pointed out by learned counsel for the respondent that no firearms were recovered and no seizure has been made of empties. It would have been better if this was done and it would have corroborated the prosecution story. Seizure of the firearms and recovering the empties and sending them for examination by the ballistic expert would have only corroborated the prosecution case but by not sending them to the ballistic expert in the present case is not fatal in view of the categorical testimony of PW 3 about the whole incident."

21. The learned counsel for the appellant also argued that so far as the other witnesses are concerned, they are hearsay and their testimony cannot be admissible.

21.1 This contention of the learned counsel for the appellant is also not found tenable reason being P.W.2, Deblal Kisku, who is maternal uncle and P.W.3, Churki Hembrom is maternal aunt of the informant. On the fateful night, **both these witnesses were in the very**

house but different rooms. Upon hearing the alarm raised by informant, both these witnesses came out and come to know in regard to the occurrence from Sonmuni Baskey i.e., eye witness. Sonmuni Baskey was also examined, who has narrated the occurrence as an eye witness, therefore, testimony of these two witnesses, P.W.2, Deblal Kisku and P.W.3, Churki Hembrom also become admissible as corroboration of testimony of eye witness—Sonmuni Baskey.

21.2 The Hon'ble Apex Court in the case of *Mukhtiar Singh and Anr vs State of Punjab* reported in *AIR 2009 SC 1854* at paragraph 8 has held as under :-

"8. PW-5 has clearly stated in his statement that no telephone was installed at the Railway Station, Kahangarh but there was a telephone installed at the Railway Control Room at the Railway Station which, however, was found to be out of order. He also stated that he had gone to GRP Police Post at Budhlada from where he sent a message to the Control Room at Bathinda on telephone about the occurrence. The aforesaid statement clearly explains the delay in sending the information and also explained as to why detailed information regarding all materials leading to the occurrence was not mentioned by him. He cannot be called in any manner an interested witness; in fact he was a most disinterested witness. Nothing has been brought on record to show that he is inimical to the accused persons. He has specifically stated in his depositions that he saw the aforesaid accused running towards the village side carrying weapons. His presence at the spot cannot be doubted as it is established that he was at duty at the Railway Police Post, Kahangarh, which is the place of occurrence. He has also stated in his depositions that he had in fact chased the two accused persons up to a certain distance but could not manage to nab them and that when he returned to the scene of occurrence, Surjit Kaur, PW-3, disclosed to him about the occurrence. This shows that he did not see the accused persons attacking the deceased but learnt about the same from an eye witness and the said information about the dead body lying at the platform was flashed by him, for he knew that on receipt of the aforesaid information the police should start investigation and during that course police would definitely ask eye witnesses and get all the information from them. In any case, his information would be hearsay evidence, but as the same corroborates the substantive evidence of PW. 2 and PW. 3 the same would be admissible, as was held in the case of Pawan Kumar v. State of Haryana, (2003) 11 SCC 241, wherein it was observed that evidence of such nature could be used to corroborate the substantive evidence. However,

in that case, as there was no substantive evidence the benefit of said evidence was not granted.

22. The testimony of P.W. 1, Sonmuni Baskey is also corroborated with the medical evidence. The P.W.-12 (Doctor) who conducted the postmortem of the deceased has found one incised wound of about 6 c.m x 0.5 c.m. over epigastric region. The cause of death was due to haemorrhage and shock as a result of liver injury. He has also stated that the incised wound which was opined to be caused by the sharp weapon. As such, **medical evidence is also corroborating the ocular evidence.**

23. The learned counsel for the appellant has also raised this plea that as per allegations made in the FIR as per testimony of P.W.1, Sonmuni Baskey on the fateful night was sleeping with deceased after having closed the door and how the door was opened there is no evidence. As such it was Sonmuni Baskey, the informant herself who had committed murder of her former husband because she wanted to eliminate him so that she could reside with her second husband Doman Murmu with whom she developed her relation while her former husband was in Assam for earning livelihood and this suggestion is also given to the prosecution witness P.W.1, Sonmuni Baskey and also to P.W.2, Deblal Baskey and P.W.3, Churki Hembrom as well.

23.1 So far as this plea of learned counsel for the appellant is concerned, though the suggestion has been given on behalf of the accused to the prosecution witnesses, P.W.-1 Sonmuni Baskey, P.W.-2 Deblal Kisku and P.W.-3 Churki Hembrom and the same has been denied by

these prosecution witnesses. **Admittedly the deceased was sleeping with the informant in the very room on the fateful night. The door was also closed and it came in testimony of P.W.1; but in evidence, it nowhere came that the door was also latched from inside.**

23.2 Herein the testimony of Investigating Officer, P.W.11, Player Kisku becomes relevant. This witness has stated the place of occurrence is the house of maternal uncle of the informant and in the northern room of the house the informant and the deceased Nesh Kisku @ Dhanai Kisku were sleeping. Both were sleeping on the ground. From the place of occurrence, he also recovered a big dagger. **Though, there is no evidence on this point whether the door was also latched from inside and by whom the door was opened, yet for the sake of argument if the connivance of the informant was with the appellant/convict as argued by learned counsel for the appellant, the same cannot be accepted reason being in statement under Section 313 of Cr.P.C, the appellant/convict Doman Murmu has nowhere stated that it was informant, who had committed murder of her husband or she was having connivance with the appellant. He denied the incriminating circumstances in evidence against him and stated himself simply to be innocent. There being no specific averment in statement under Section 313 of Cr.P.C. of the appellant, this plea cannot be accepted that the informant was also having connivance with the appellant or the murder**

was committed by the informant herself. Indeed the prosecution case is based on the evidence which is collected by the IO during investigation. **During investigation, the IO did not find any evidence in regard to the connivance of the informant with the appellant.**

24. After critical appraisal of the prosecution evidence available on record, we are of the considered opinion that the prosecution has been successful to prove the case against the convicts/appellants beyond reasonable doubt and the impugned judgment of conviction and sentence passed by the learned trial court requires no interference by this Court.
25. Accordingly, this appeal is **dismissed** and the impugned judgment of conviction dated 6th March, 2017 and order of sentence dated 7th March, 2017 passed by the learned Additional Sessions Judge-III, Dumka in S.T. Case No.08 of 2012 is, hereby, **affirmed**.
26. The appellant is already in jail and he is directed to serve out the rest of the sentence. Let the lower court's record be sent to the court concerned forthwith along with a copy of this judgment.
27. Pending interlocutory applications, if any, shall also stand disposed of.

(Subhash Chand, J.)

Per Ananda Sen, J. : I Agree

(Ananda Sen, J.)

Jharkhand High Court, Ranchi
Dated, the 24 May, 2024.
Rohit Pandey/**A.F.R**