IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (DB) No.32 of 1998 (R)

[Against the Judgment of conviction dated 17.12.1997 and order of sentence dated 18.12.1997, passed by the learned 1st Additional Judicial Commissioner, Ranchi, in Sessions Trial No.29 of 1993]

Champa Oraon, son of Nuda Oraon, resident of village Kormbi Sakar Pada, PS:Mandar, District:Ranchi. ……**Appellant**

Versus

The State of Bihar (Now Jharkhand) . ... ….**Respondent**

CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant(s) : Ms. Sumiran Srivastava, Amicus Curiae
For the Respondent : Mr. Pankaj Kumar, P.P.

CAV ON:24/02/2026 **PRONOUNCED ON:12/03/2026**

[Per Sujit Narayan Prasad, J.]

1. At the very outset, Mr. Pankaj Kumar, the learned Public Prosecutor has submitted that appellant No.1, namely, Etwa Oraon has died on 07.01.2001.

2. No application to sue the proceeding on behalf of the legal representative has been filed as yet.

3. Accordingly, the instant appeal against the appellant no.1, namely, Etwa Oraon stands abated.

4. Now the present appeal exists only against appellant Champa Oraon.

Prayer

5. The present appeal has been filed under section 374(2) of the Code of Criminal Procedure against the judgment of conviction dated 17.12.1997 and order of sentence dated 18.12.1997, passed by the learned 1st Additional Judicial Commissioner, Ranchi, in Sessions Trial No.29 of 1993, whereby and whereunder, the learned court below has convicted the appellant under sections 302/34, 201 and 379 of the Indian Penal

Code and sentenced him to undergo RI for life under section 302/34 of the IPC, RI for one year for the offence punishable u/s 201 of IPC and RI for three months for the offence punishable under section 379 of IPC. All the sentences were directed to run concurrently.

Factual Matrix:

6. The prosecution case, in brief, as per *fardbeyan* dated 29.06.1992, of the informant, namely, Pannu Oraon (P.W.-3), is that the informant Pannu Oraon along with his sister Meean Devi, wife of accused Etwa Oraon and Chumnu Oraon had gone to Biharsharif to work in a brick-kiln where Meean Devi died due to snake bite. After returning from Biharsharif, the informant and his brother in-law*(bahoni)* Chumnu Oraon(deceased) went to the house of accused Etwa Oraon on 28.6.1992 to inform the date of *Shradh* of Meena Devi. The informant and Chumnu Oraon reached in the house of the accused Etwa Oraon at about 10:00 a.m., who started preparing meal for them. At about 01:30 p.m. the informant and Chumnu Oraon were made to sit in a house facing east and were offered two bottles of wine. The accused persons produced three more bottles of wine before them but the informant refused to take any more.

7. Thereafter, Chumnu Oraon was brought out of the house and accused started giving knife blows on him and the accused caught the informant's neck and wanted to assault him but he managed to escape somehow and fled to village Kuli and spent night therewith unknown persons. In the morning, he went to the house of his maternal uncle Mahavir Oraon (P.W.-2) in village Itki and told everything to his maternal uncle. Then

the informant and Mahavir Oraon, went to the house of the accused persons but the accused persons were absconding. Informant further stated that the dead body of Chumnu Oraon with injuries was found in a ditch at a distance of one kilometer north-west to village Sakar Pada. The accused persons had also taken away wrist watches and bicycles of the informant and Chumnu Oraon.

8. On the basis of the *fardbeyan* of the informant Mandar P.S. Case No.80 of 1992dated 29.06.1992 was registered under sections 302/201/379/34 of the Indian Penal Code against the accused persons Etwa Oraon and Champa Oraon.

9. On completion of investigation, charge-sheet was submitted on 30.9.1992 under sections 302/201/379/34 of the Indian Penal Code against the accused persons. Thereafter, cognizance of the offences was taken and case was committed to the court of Sessions.

10. Charges were framed against the accused persons under sections 302/34, 201 and 379 of the Indian Penal Code to which they pleaded not guilty and claimed to be tried and trial commenced.

11. The prosecution, in order to prove its case, had examined altogether nine witnesses out of which PW-3 Pannu Oraon is the informant; P.W.-1Chada Oraon; P.W.-2Mahavir Oraon, is the maternal uncle of the informant; PW-4 Suga Oraon; P.W.-5 is Dr. Ram Sewak Sahu, who has conducted autopsy over the dead body of the deceased;P.W.-6 Jagarnath Ram, is police constable; who has proved the FIR;P.W.-7 is A.S.I., Bandhu Mahto, who is the first investigating officer; PW-8, Lattu Oraon, is the father of the Chumnu Oraon

(deceased) and P.W.-9 Bhola Ram Dabgar, is second investigating officer of the case..

12. The trial Court, after recording the evidence of witnesses, examination-in-chief and cross-examination, recorded the statement of the accused, found the charges levelled against the appellant proved beyond all reasonable doubts. Accordingly, the appellant had been found guilty and convicted as aforesaid which is the subject matter of instant appeal.

Submissions advanced by the learned *Amicus Curiae*:.

13. The following grounds have been taken by the learned *Amicus Curiae* for the appellant in assailing the impugned judgment of conviction:

I. The learned court below has failed to consider that there is no other eyewitness except the informant who has given different version at different stages.

II. Informant had not given the name of appellant Champa Oraon, in the first information report but he gave his name in his deposition before the court. Further in the FIR, it is said that accused Etwa Oraon had took the deceased Chumnu Oraon from his house and then assaulted him with knife but in court he has said that both appellants assaulted with knife in the house.

III. Informant in paragraph-7 of his cross-examination has stated that whatever he is saying, he is saying for the first time in court and prior to this, his statement was not taken as such the

lower court ought to have disbelieved the version of informant and acquitted the appellant.

IV. It is further submitted that the learned court below ought to have considered the defence version that the murder was not committed in the house of the accused persons rather it was committed where the dead body was found by the informant and also because nothing incriminating nor any mark of blood was found in the house of the appellants, benefit of doubts should have been given to the appellants.

V. Learned court below ought to have considered the defence version that the doctor PW-5 has said that incised wound can be caused by sword and *tangi*, but there is evidence of using of only knife and no any other sharp cutting weapon, which also casts doubt upon the prosecution story.

VI. Learned court below ought to have at least acquitted the appellant as there was no allegation against him of assault in the FIR.

VII. Learned lower court has ought to have considered that the prosecution has miserably failed to establish the place of occurrence because the Investigating Officer had not found any blood stain soil in the house of the accused persons to prove that such occurrence.

VIII. Learned court below has erred in convicting the Appellant on the sole testimony of the informant without any independent corroboration though there was every possibility of independent witnesses seeing the informant and deceased, coming to the

house of the informant, on bicycle and also seeing the informant (P.W-3) running away when alleged to have been chased by the accused persons in view of the fact that occurrence took place in day time at 1.30 P.M.

14. The learned counsel for the appellant, based upon the aforesaid grounds, has submitted that the trial court has not taken into consideration the aforesaid facts, as such, the impugned judgment is not sustainable in the eyes of law and requires interference.

Submission advanced by the learned counsel for the State:

15. Per Contra, learned Public Prosecutor appearing for the respondent-State has taken the following grounds in defending the impugned judgment of conviction and sentence:

I. Learned counsel appearing for the State has submitted that the appellant has been charged u/s 302 r/w 34 IPC for causing murder of Chumnu Oraon. Apart from the aforesaid charge he has further been charged under section201 and u/s 379 for snatching wrist watch and bicycle of the informant.

II. Submission has been made that deceased died of stab injuries which is consistent with the oral evidence of informant. The ocular evidence of informant got support from the medical evidence.

III. Further submission has been made that informant is sole eye witness of the occurrence and prosecution has been able to prove the charge beyond all reasonable doubt and the instant case is based upon the cogent testimony of the eyewitness, as

such, some lacuna in the investigation will not vitiate the prosecution case.

16. Therefore, learned counsel for the State submitted that learned trial court on the basis of evidence of the witnesses and documents available on record has rightly convicted the appellant under section 302/34 and 201, 379 of the IPC and hence, requires no interference by this court.

Analysis:

17. We have heard learned counsel for the parties, perused the documents and the testimony of witnesses as also the finding recorded by learned trial Court in the impugned order.

18. This Court, before appreciating the arguments advanced on behalf of the parties as also the legality and propriety of the impugned judgment, deems it fit and proper to refer the testimonies of the witnesses examined in the present case. For ready reference, the relevant portion of their testimonies of the prosecution witnesses are quoted as under:

19. PW-1 Chada Oraon is a hearsay witness who in his cross-examination has stated that he does not know anything regarding the alleged occurrence.

20. P.W.-2 Mahavir Oraon, is the maternal uncle of the informant. P.W-2 has stated in his evidence that his nephew*(bhagina)* Pannu Oraon had come to his house and had informed that accused Etwa Oraon gave knife blows to Chumnu Oraon and Etwa Oraon and his brother had chased him (Pannu Oraon), but he fled away. P.W.-2 further stated that he had seen the dead body of Chumnu Oraon to the north of Koram

Sakra river. He had seen injury on the body of the deceased and neck of the deceased was severed. In his cross-examination P.W.-2 stated that it was Monday when Pannu Oraon had told him about the occurrence and Mandar Police had enquired him about the occurrence.

21. PW-3 Pannu Oraon is informant of the case and brother-in-law*(bahoni)*Chumnu Oraon *(deceased)*.Informant has stated in his examination-in-chief that on the date of occurrence it was Sunday and he and Chumnu Oraon had gone to the house of the accused persons, on bicycle, to inform regarding the death of his sister Meena Devi, who died due to snake bite at Biharsharif. He has further stated that he informed accused Etwa Oraon about the death of Meena Devi. Etwa Oraon served them meal and wine. Thereafter the accused persons Etwa Oraon and Champa Oraon, assaulted Chumnu Oraon with knife on neck and abdomen. He tried to save Chumnu Oraon upon which the accused persons caught his neck and snatched his wrist watch. He fled away from there, but, the accused persons chased him for three miles. He spent the night in village Kuli Mandra and in the morning he went to Itki to his maternal uncle Mahabir Oraon (P.W.-2) and told him about the occurrence. Then they went to Mandar police station where his *fardbeyan* was recorded upon which he put his signature. The signature of the informant on the fardbeyan was marked as Ext.-. Informant has further identified his signature on the inquest report which was marked as Ext.-1/1.Informant has further stated that the accused persons committed theft of his bicycle and bicycle of Chumnu Oraon(deceased).

22. In his cross-examination, informant stated that on the date of occurrence, all the four drank two bottles of wine. There is about 35

houses near the house of Etwa Oraon. Informant further stated that in then fardbeyan, he had told to the police about stabbing in the stomach and neck of Chumnu Oraon.

23. PW-4 Suga Oraon is tendered witness who stated in his cross-examination that police had not asked him anything about the occurrence.

24. PW-5 is Dr. Ram Sewak Sahu, who has conducted postmortem over the dead body of the deceased and found following injuries: -

1. **Incised wounds**:
   (i) 15x2 c.m. on the front part of the neck situated transversely cutting the soft tissues, blood vessel, trachea, esophagus and third cervical vertebrae partially with infiltration of blood and blood clot at the sight of cut injury.
   (ii) 7x ¼ c.m. x skin deep, 5x¼ c.m. x skin deep on the front part of the neck situated below the injury no.1
2. **Stab wounds**:-
   (i) 3 ½ x 1 ½ cms x cavity deep on the left abdomen front situated 2 c.ms. above the umbilicus and 1 c.m. left to midline. The weapon had passed through the abdominal wall and perforated the small intestine at two places. A coil of intestine was protruding out of the wound. There was presence of blood and blood clot in the abdominal cavity.
3. **Abrasions:**-

(i) 3x2 c.m., 1x1 c.m., 2 ½ x1 c.m. on the left forearm front.

(ii) 5x2 c.m. on the left lacerated side of the chest.

25. The doctor has stated that the said injuries were ante-mortem, the stab wounds were caused by sharp cutting cum pointed weapon like Chhura, the incised wounds by sharp cutting weapon and the abrasions by hard and blunt substance. The death occurred between 24 to 72 hrs., from the time of postmortem examination. He has prepared postmortem report which is marked as Ext.-2. In his cross-examination he has deposed that incised wound could be caused by sword and *tangi.*

26. P.W.-6 Jagarnath Ram, is police constable and he has proved the formal FIR which was marked as Ext.-3.

27. P.W.-7 A.S.I. Bandhu Mahto, is the first investigating officer of the case. He has stated in his evidence that on 29.06.1992, he was posted in Mander Police Station and at that time officer-in-charge was not present and in absence of the officer-in-charge, he had recorded the statement of informant Pannu Oraon. He took the investigation of the case and recorded the re-statement of the informant Pannu Oraon and proceeded for the place of occurrence. The first place of occurrence is at village Korambi in the mud and clay tile roofed house of accused persons Etwa Oraon and Champa Oraon. Then, he proceeded for second the place of occurrence which is at distance of about one kilometer away to North-West of village Korambi Sakar Pada in a drain and this place of occurrence is boundary of village Korambi Sakar Pada. He further stated that he found the dead body at this place of occurrence and neck of the body was severed and intestine was protruding out. He had prepared the

inquest report at this place of occurrence, which is in his handwriting and signature. Inquest report was marked as Ext.-4. P.W.-7 further stated that, when Officer-in- Charge Bhola Ram Dabgar, came he handed over the investigation to him.

28. In his cross-examination P.W.-7 stated that at the first place of occurrence, he did find object and he did not any make any seizure list. P.W.-7 further stated that he did not find knife or wine bottle at any place of occurrence.

29. PW-8 Lattu Oraon, is the father of Chumnu Oraon(deceased). He has stated that he himself did not see the occurrence rather the informant told him after two days of the murder of his son that accused Etwa and Champa had murdered his son.

30. PW-9 Bhola Ram Dabgar is the officer-in-charge and second investigating officer of the case. He has stated in his evidence that on 29.06.1992, he took over the investigation of the present case. He recorded the statements of other witnesses, received postmortem report and submitted charge-sheet after completion of investigation. In his cross-examination, he stated that he did not seize any object related to the occurrence.

31. This Court, on the basis of the aforesaid factual aspect vis-a-vis argument advanced on behalf of parties, has to decide the legality and propriety of the impugned judgment of conviction and order of sentence particularly whether the informant P.W.-3 Pannu Oraon, who is the sole eye witness of the case, is trustworthy and reliable, to convict the appellant under Sections 302/34, 201 and 379 of the Indian Penal Code.

32. This court finds from the impugned judgment that learned trial court has convicted the appellant relying on the testimony of the informant P.W.-3Pannu Oraon, who is the sole eyewitness to the assault on Chumnu Oraon (deceased). Learned trial court had found that testimony of the informant was substantiated by P.W.-2 Mahavir Oraon, who is the maternal uncle of the informant and P.W.- 7, who is the second investigating officer of the case.

33. Before we analyse and appreciate the circumstances that have weighed with the trial court, this court think it apposite to refer to certain authorities pertaining to evidentiary value of the sole eyewitness.

34. It is settled proposition of law that the judgment of conviction can be passed on the basis of the testimony of sole eyewitness but the testimony of said witness should be trustworthy and inspire confidence in the mind of the Court.

35. There is no legal impediment in convicting a person on the sole testimony of a single witness. That is the logic of Section 134 of the Evidence Act, 1872. But if there are doubts about the testimony the courts will insist on corroboration. In fact, it is not the number, the quantity, but the quality that is material. The time-honored principle is that evidence has to be weighed and not counted. The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy, or otherwise.

36. The law is well settled that the judgment of conviction can be passed also on the basis of the testimony of sole witness but the testimony of said witness should be trustworthy as per the judgment

rendered by Hon'ble Apex Court in the case of ***Bipin Kumar Mondal v. State of W.B., (2010) 12 SCC 91,*** paragraphs 30 to 34 of the said judgment are being referred hereunder as :-

> *"30. Shri Bagga has also submitted that there was sole testimony of Sujit Mondal, PW 1, and the rest i.e. depositions of PW 2 to PW 8, could be treated merely as hearsay. The same cannot be relied upon for conviction.*
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> *31. In Sunil Kumar v. State (Govt. of NCT of Delhi) this Court repelled a similar submission observing that:*
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> *(SCC p. 371, para 9) "9. ... as a general rule the court can and may act on the testimony of a single witness provided he is wholly reliable. There is no legal impediment in convicting a person on the sole testimony of a single witness. That is the logic of Section 134 of the Evidence Act, 1872. But, if there are doubts about the testimony the courts will insist on corroboration."*
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> *In fact, it is not the number, the quantity, but the quality that is material. The time-honoured principle is that evidence has to be weighed and not counted. The test is whether the evidence has a ring of truth, is cogent, credible and trustworthy, or otherwise.*
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> *32. In Namdeo v. State of Maharashtra this Court reiterated the similar view observing that it is the quality and not the quantity of evidence which is necessary for proving or disproving a fact. The legal system has laid emphasis on value, weight and quality of evidence rather than on quantity, multiplicity or plurality of witnesses. It is, therefore, open to a competent court to fully and completely rely on a solitary witness and record conviction. Conversely, it may acquit the accused in spite of testimony of several witnesses if it is not satisfied about the quality of evidence.*
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> *33. In Kunju v. State of T.N., a similar view has been reiterated placing reliance on various earlier judgments of this Court including Jagdish Prasad v. State of M.P. and Vadivelu Thevar v. State of Madras.*
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> *34. Thus, in view of the above, the bald contention made by Shri Bagga that no conviction can be recorded in case of a solitary eyewitness has no force and is negatived accordingly."*

37. Likewise, the Hon'ble Apex Court in the case of ***Kuriya and another vs. State of Rajasthan, (2012) 10 SCC 433*** has held as under: -

> *" 33. ---The Court has stated the principle that, as a general rule, the Court can and may act on the testimony of a single eyewitness provided he is wholly reliable and base the conviction on the testimony of such sole eyewitness. There is no legal impediment in convicting a person on the sole testimony of a single witness."*

38. Further, the Hon'ble Apex Court in the case of ***Kalu @ Amit vs. State of Haryana, (2012) 8 SCC 34*** held as under:

> *"11. We find no infirmity in the judgment of the High Court which has rightly affirmed the trial court's view. It is true that the accused have managed to win over the complainant PW 4 Karambir Yadav, but the evidence of PW 5 Ram Chander Yadav bears out the prosecution case. It is well settled that conviction can be based on the evidence of a sole eyewitness if his evidence inspires confidence. This witness has meticulously narrated the incident and supported the prosecution case. We find him to be a reliable witness."*

39. The Hon'ble Apex Court in case of ***Sheelam Ramesh v. State of A.P., (1999) 8 SCC 369*** in Para -18 held as follows: -

> *"18. According to learned counsel for the accused appellants, though PW 3 has deposed that 10-15 persons were in the vicinity at the time of occurrence, no independent witness was examined by the prosecution. There is nothing on evidence to show that there was any other eyewitness to the occurrence. Having examined all the eyewitnesses even if other persons present nearby were not examined, the evidence of the eyewitnesses cannot be discarded. Courts are concerned with quality and not with quantity of evidence and in a criminal trial, conviction can be based on the sole evidence of a witness if it inspires confidence."*

40. Thus, on the basis of the aforesaid discussion it is apparent that the conviction can be based on the evidence of a sole eyewitness if his evidence inspires confidence reason being that Courts are concerned

with quality and not with quantity of evidence and in a criminal trial as per the statute there is no legal impediment on relying upon the testimony of sole eyewitness.

41. Hence, this court is proceeding to examine the testimony of the informant P.W.-3 Pannu Oraon, who is the alleged sole eyewitness vis-à-vis FIR, P.W.-7, who is the first investigating officer of the case and the post-mortem, in order to appreciate the veracity of the prosecution case.

42. But, before proceeding further, it is pertinent to note that in the present case, initially FIR was lodged against the two accused persons namely Etwa Oraon and Champa Oraon and both are brother out of whom Etwa Oraon died during the pendency of the appeal and his appeal was abated. Hence, appeal of the surviving appellant for his conviction under sections 302/34, 201 and 379 of the Indian Penal Code, has to be decided in the present appeal.

43. In the present case, Etwa Oraon and Chumnu Oraon(deceased), both are brother-in- law *(bahoni)* of the informant Pannu Oraon (P.W.-3) and as per the FIR there is allegation of killing of Chumnu Oraon(deceased) on Etwa Oraon and Etwa's brother Champa Oraon (appellant herein).

44. At this juncture, it would be pertinent to examine the testimony of the alleged sole eyewitness P.W.-3Pannu Oraon, who is the informant of the case, in the backdrop of aforesaid legal proposition.

45. Informant PW-3 Pannu Oraon has stated in his evidence that on the alleged date of occurrence, they took meal and drank wine in the accused/appellant house and thereafter, the accused persons Etwa Oraon and Champa Oraon (appellant herein), assaulted Chumnu

Oraon(deceased) with knife on neck and abdomen. He tried to save Chumnu Oraon upon which the accused persons caught his neck and snatched his wrist watch. He fled away from there, but, the accused persons chased him for three miles.

46. Hence, in his testimony informant has himself admitted that he drank wine in the house of the accused/ appellant, then question arises how informant can run in such a drunken condition to save his life, when he was chased by the two accused person/appellant that too three miles, as stated by the informant in his deposition and this testimony of the informant raises doubt in the prosecution case.

47. Further, in the evidence of the informant it has come that when accused persons Etwa Oraon and Champa Oraon(appellant herein), assaulted Chumnu Oraon(deceased) with knife on neck and abdomen, he tried to save Chumnu Oraon upon which the accused persons caught his neck, but he fled away from there and he spent the night in village Kuli Bhandra and in the morning he went to Itki to his maternal uncle Mahabir Oraon (P.W.-2).

48. In his fardbeyan also, the informant had stated that after fleeing away from the place of occurrence, he had stayed at night at village Kuli with unknown persons.

49. But, the aforesaid statement of the informant given in his evidence as well as in his fardbeyan that after fleeing away from the place of occurrence, informant in the night, hide himself in village Kuli with unknown persons, was not investigated by both the investigating officers P.W.-7 and P.W-9.

50. Hence, failure of the prosecution to examine any witness from the village Kuli, the veracity of the statement of the informant that after being chased by the accused person/appellant, informant stayed in the night at village Kuli with unknown persons, cannot be tested and hence, raises further doubt in the prosecution case.

51. Now, coming to the place of occurrence, the informant in his fardbeyan has stated that after taking meal and drinking wine, in accused /appellant house, Chumnu Oraon(deceased) was brought out of the house and accused started giving knife blows. But, ongoing through the fardbeyan, this court finds that informant has not specifically deposed that where the assault on the deceased took place i.e. whether inside the house of the accused/appellant or outside the house of the accused/appellant.

52. But, regarding the place of occurrence, the first investigating officer P.W.-7 of the case has deposed that there are two places of occurrence in the case.

53. First investigating officer P.W.-7 has deposed that the first place of occurrence is at village Korambi in the mud and clay tile roofed house of accused persons Etwa Oraon and Champa Oraon and the second the place of occurrence is at distance of about one kilometer away to North-West of village Korambi Sakar Pada in a drain, from where dead body of deceased was found and this place of occurrence is boundary of village Korambi Sakar Pada.

54. Hence, first investigating officer P.W.-7 has deposed that at the first place of occurrence i.e. in the house of accused/ appellant, incident of assault on the deceased took place, which is contrary to the statement

of the informant given in his fardbeyan, wherein informant had deposed that Chumnu Oraon(deceased) was brought out of the house and accused started giving knife blows on him. Investigating has also stated in his evidence that neither he had recovered anything from the first place of occurrence nor he did prepare any seizure list.

55. Hence, prosecution has failed to prove the place of occurrence i.e. where the incident of assault on Chumnu Oraon(deceased), leading to his death took place.

56. Further, informant has stated at paragraph-8 of his cross-examination that there are about 35 houses nearby the house of accused/appellant, but, then question arises when the informant himself has stated in his fardbeyan that incident of assault on the deceased had taken place outside the house of the accused/appellant, then how nobody from the village had witnessed the assault though informant has stated in his fardbeyan that the alleged incident of assault on deceased took place after they had taken meal and drank wine at 1.30 P.M. in the afternoon and this, raises doubt in the testimony of the informant.

57. Thus, from the aforesaid discussion this Court is of the considered view that the testimony of the informant P.W.-3,who had been claimed as sole eyewitness is not trustworthy and reliable.

58. Further in the case of sole eye witness, the witness has to be reliable, trustworthy, his testimony worthy of credence and the case has to be proved beyond reasonable doubt. Unnatural conduct and unexplained circumstances can be a ground for disbelieving the witness. Reference in this regard be made to the judgment rendered in the case of

Narendrasinh Keshubhai Zala Vs. State of Gujarat [(2023) 18 SCC 783], wherein it has been held as under:

> ***"8.*** *It is a settled principle of law that doubt cannot replace proof. Suspicion, howsoever great it may be, is no substitute of proof in criminal jurisprudence (Jagga Singh v. State of Punjab [Jagga Singh v. State of Punjab, 1994 Supp (3) SCC 463 : 1994 SCC (Cri) 1798]). Only such evidence is admissible and acceptable as is permissible in accordance with law. In the case of a sole eyewitness, the witness has to be reliable, trustworthy, his testimony worthy of credence and the case proven beyond reasonable doubt. Unnatural conduct and unexplained circumstances can be a ground for disbelieving the witness.*
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> ***9.*** *This Court in Anil Phukan v. State of Assam [Anil Phukan v. State of Assam, (1993) 3 SCC 282 : 1993 SCC (Cri) 810] has held that : (SCC p. 285, para 3)*
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> > *"3. ... So long as the single eyewitness is a wholly reliable witness the courts have no difficulty in basing conviction on his testimony alone. However, where the single eyewitness is not found to be a wholly reliable witness, in the sense that there are some circumstances which may show that he could have an interest in the prosecution, then the courts generally insist upon some independent corroboration of his testimony, in material particulars, before recording conviction. It is only when the courts find that the single eyewitness is a wholly unreliable witness that his testimony is discarded in toto and no amount of corroboration can cure that defect."*

59. The Hon'ble Apex Court in catena of decision has propounded the proposition that in the criminal trial, there cannot be any conviction if the charge is not being proved beyond all reasonable doubts, as has been held in the case of ***Rang Bahadur Singh & Ors. Vrs. State of U.P.,*** reported in ***(2000) 3 SCC 454***, wherein, at paragraph-22, it has been held as under:-

"22. The amount of doubt which the Court would entertain regarding the complicity of the appellants in this case is much more than the level of reasonable doubt. We are aware that acquitting the accused in a case of this nature is not a matter of satisfaction for all concerned. At the same time we remind ourselves of the time-tested rule that acquittal of a guilty person should be preferred to conviction of an innocent person. Unless the prosecution establishes the guilt of the accused beyond reasonable doubt a conviction cannot be passed on the accused. A criminal court cannot afford to deprive liberty of the appellants, lifelong liberty, without having at least a reasonable level of certainty that the appellants were the real culprits. We really entertain doubt about the involvement of the appellants in the crime."

60. Likewise, the Hon'ble Apex Court in the case of ***Krishnegowda & Ors. Vrs. State of Karnataka***, (supra), has held at paragraph-26 as under:

"26. Having gone through the evidence of the prosecution witnesses and the findings recorded by the High Court we feel that the High Court has failed to understand the fact that the guilt of the accused has to be proved beyond reasonable doubt and this is a classic case where at each and every stage of the trial, there were lapses on the part of the investigating agency and the evidence of the witnesses is not trustworthy which can never be a basis for conviction. The basic principle of criminal jurisprudence is that the accused is presumed to be innocent until his guilt is proved beyond reasonable doubt."

61. Further, it needs to refer herein the principle of 'benefit of doubt' belongs exclusively to criminal jurisprudence. The pristine doctrine of 'benefit of doubt' can be invoked when there is reasonable doubt regarding the guilt of the accused, reference in this regard may be made to the judgment rendered by the Hon'ble Apex Court in the case of ***State of Haryana Vrs. Bhagirath & Ors***., reported in ***(1999) 5 SCC 96***, wherein, it has been held at paragraph-7 as under: -

"7. The High Court had failed to *consider the implication of the evidence of the two eyewitnesses on the complicity of Bhagirath particularly when the*

High Court found their evidence reliable. The benefit of doubt was given to Bhagirath "as a matter of abundant caution". Unfortunately, the High Court did not point out the area where there is such a doubt. Any restraint by way of abundant caution need not be entangled with the concept of the benefit of doubt. Abundant caution is always desirable in all spheres of human activity. But the principle of benefit of doubt belongs exclusively to criminal jurisprudence. The pristine doctrine of benefit of doubt can be invoked when there is reasonable doubt regarding the guilt of the accused. It is the reasonable doubt which a conscientious judicial mind entertains on a conspectus of the entire evidence that the accused might not have committed the offence, which affords the benefit to the accused at the end of the criminal trial. Benefit of doubt is not a legal dosage to be administered at every segment of the evidence, but an advantage to be afforded to the accused at the final end after consideration of the entire evidence, if the Judge conscientiously and reasonably entertains doubt regarding the guilt of the accused."

62. It needs to refer herein that the Hon'ble Apex Court, in the case of ***Allarakha K. Mansuri v. State of Gujarat*** reported in ***(2002) 3 SCC 57*** has laid down the principle that the golden thread which runs through the web of administration of justice in criminal case is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted, for ready reference, paragraph 6 thereof requires to be referred herein which reads hereunder as :-

> "*6. ------The golden thread which runs through the web of administration of justice in criminal case is that if two views are possible on the evidence adduced in the case, one pointing to the guilt of the accused and the other to his innocence, the view which is favourable to the accused should be adopted. —"*

63. It needs to refer herein before laying down the aforesaid view, the Hon'ble Apex Court in the case of ***Sharad Birdhichand Sarda v. State of Maharashtra*** reported in ***(1984) 4 SCC 116*** has

already laid down the same view at paragraph 163 which is required to be referred which read hereunder as-

> *"163. We then pass on to another important point which seems to have been completely missed by the High Court. It is well settled that where on the evidence two possibilities are available or open, one which goes in favour of the prosecution and the other which benefits an accused, the accused is undoubtedly entitled to the benefit of doubt.---"*

64. This Court, after having discussed the factual aspect and legal position as discussed hereinabove is of the view that the prosecution has miserably failed to prove the charges against the appellant beyond all reasonable doubt as such the impugned judgment of conviction and order of sentence requires interference by this Court.

65. Accordingly, the impugned the judgment of conviction dated 17.12.1997 and order of sentence dated 18.12.1997, passed by the learned 1st Additional Judicial Commissioner, Ranchi, in Sessions Trial No.29 of 1993,are hereby quashed and set aside.

66. Consequently, the instant appeal stand allowed.

67. The present appellant is hereby discharged from all criminal liabilities. Since the aforesaid appellant is on bail and, as such, they are discharged from the liability of the bail bonds.

68. Pending interlocutory application(s), if any, also stands disposed of.

69. Before parting with this order, it requires to refer herein that this Court vide has appointed Ms. Sumiran Srivastava, the learned counsel as *Amicus* to argue this criminal appeal on behalf of appellant. The assistance of the learned *Amicus* is highly appreciable.

70. In view thereof, the Secretary, Jharkhand High Court Legal Services Committee is directed to ensure payment of admissible fee in favour of learned Amicus.

71. Let the Trial Court Records be sent back to the Court concerned forthwith, along with the copy of this Judgment.

I agree **(Sujit Narayan Prasad, J.)**

(Arun Kumar Rai, J.) **(Arun Kumar Rai, J.)**

Jharkhand High Court
Dated: 12/03/2026
KNR/AFR
Uploaded On:13/03/2026