

**IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Criminal Appeal (D.B.) No. 678 of 2019**

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*[Against the Judgment of conviction dated 04.04.2019 and order of sentence dated 12.04.2019, passed by learned Additional Sessions Judge-XIV, Hazaribagh, in Sessions Trial No.573 of 2013]*

.....

Prem Ram @ Prem Ravidas, aged about 38 years, S/o Late Banshi Ram, R/o Lupung, P.O. & P.S. Katkamsandi, Distt.-Hazaribagh.

.... .... **Appellant**

**Versus**

The State of Jharkhand

.... .... **Respondent**

.....

**P R E S E N T**

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

.....

For the Appellants : Mr. Dharendra Kumar Prasad, Adv.  
For the State : Mr. Fahad Allam, A.P.P.

.....

**C.A.V. on 12.01.2026**

**Pronounced on 25.02.2026**

**Per Pradeep Kumar Srivastava, J.**

1. We have already heard Mr. Dharendra Kumar Prasad, learned counsel for the appellant and Mr. Fahad Allam, learned A.P.P. appearing for the State.
2. Instant criminal appeal is directed against the judgment of conviction dated 04.04.2019 and order of sentence dated 12.04.2019 passed by learned Additional Sessions Judge - XIV,

Hazaribagh in S.T. No.573 of 2013, whereby and whereunder the appellant has been held guilty for the offence under Section 302 of the Indian Penal Code and sentenced to undergo rigorous imprisonment for life along with fine of Rs.10,000/- with default stipulation.

**FACTUAL MATRIX**

3. Factual matrix giving rise to this appeal is that the informant's daughter Suma Devi, aged about 30 years (since deceased), was married with Prem Ram (appellant) about 12 years ago according to Hindu rites and rituals. After marriage, Soma Devi started residing at her matrimonial home along with her husband and other family members. It is alleged that out of their wedlock, both were blessed with three children namely Shital Ravidas, aged about 10 years, Karan Ravidas, aged about 7 years and Kumkum Ravidas, aged about 4 years. It is alleged that since two years ago, there was very tense relationship between Suma Devi and her husband Prem Ravidas. The reason was that the husband Prem Ravidas (appellant) was suspecting the fidelity/character of his wife and was apprehensive that his wife is living an adulterous relationship with another boy. In this connection, Panchayati was also convened thrice, where Prem Ram was warned against suspecting the fidelity of his wife without any cogent reasons and

further warned not to consume liquor. It is alleged that on 04.07.2013 at about 04:00 a.m. in morning, the informant was communicated through phone call that Prem Ram has committed murder of Suma Devi in the last night by assaulting her through axe. The informant along with other family members went to the matrimonial home of her daughter and found dead body lying in a room and all the three children were crying. She noticed serious injury on the back of her head due to which she died. Informant's eldest grand-daughter (natin) Shital disclosed that her father had inflicted axe blow and thereby caused murder of her mother. She also disclosed about participation of brother of Prem Ram and his wife Sarita Devi also in commission of the alleged murder. After the occurrence, all the above three persons absconded from the house.

On the basis of fardbeyan of the informant Malti Devi, Kaktamsandi P.S. Case No.142 of 2013 dated 04.07.2013 was registered for the offence under Section 302/34 of the I.P.C. against the above named three accused persons.

4. In the course of investigation, present appellant Prem Ram was arrested and charge-sheet was submitted against him for the offence under Section 302 of the I.P.C. continuing the investigation against the other accused persons. The case was

committed to the Court of Sessions where the accused appeared and denied from the charge levelled against him and claimed to be tried. After conclusion of trial, impugned judgment and order has been passed.

5. Learned counsel for appellant assailing the impugned judgment and order has argued that all the witnesses examined in this case appears to be interested witnesses and no eye witness has been examined excluding the tutored child witness P.W.15. Prosecution story does not find corroboration from any independent source. The prosecution has failed to bring on record any link evidence against the appellant which is evident from the evidence of Investigating Officer that weapon used in commission of crime, i.e., the axe was not seized and blood stained clothes of the deceased along with blood stained soil were also not collected during investigation. It is further submitted that out of 16 witnesses examined in this case, five witnesses have been declared hostile by the prosecution and P.W.5 Dr. Kapil Deo Prasad Singh, who conducted autopsy on the dead body of the deceased, has found single sharp cut injury which may be caused by sharp cutting object like tangi and also admitted that such injury may be caused by fall on sharp object. No other injury was found on the dead body of the deceased. It is further stated that at

the time of alleged occurrence, the appellant was under intoxicating state by consuming liquor and was not capable of knowing the nature of his act for that he is doing is either wrong or contrary to law. The appellant was himself examined as a witness (D.W.1) and has admitted in clear terms that his wife was having an illicit relationship with one Laxman Ram of his mohalla. Therefore, frequent altercation and verbal abuse were going on between husband and wife and due to anger his wife has been died but how she has sustained injuries was not known to the accused. The learned trial court has wrongly shifted the burden of proof against the appellant/accused invoking the provision under Section 106 of the Evidence Act. In spite of the fact that no foundational facts to invoke the provision of Section 106 of the Evidence Act have been brought on record and proved by the prosecution. Therefore, impugned judgment and order of conviction and sentence of the appellant suffers from serious error of law and liable to be set aside by allowing this appeal.

6. On the other hand, learned A.P.P. appearing for the State has opposed the aforesaid contentions raised on behalf of the appellant and submitted that the learned trial court has very wisely and aptly appraised all the materials available on record and properly appreciated the evidence of the witnesses and arrived at

right conclusion about guilt of the appellant. There is no doubt regarding involvement of the appellant in the alleged offence of murder of his wife by assaulting her through axe and in the Post-Mortem Report also, it is opined that the death of the deceased was due to hemorrhage and shock as a result of injuries caused by sharp cutting weapon. There is no legal substance in the points of arguments raised on behalf of the appellant and no merits in this appeal which is fit to be dismissed.

7. The only point for consideration is that as to whether impugned judgment of conviction and sentence of appellant suffers from any error of law or not ?
8. Before imparting our verdict on above point it would be opposite to appraise with the evidence led during trial.
9. It appears that altogether 16 witnesses were examined by the prosecution to substantiate the charges levelled against accused person. Out of them P.W.6 Mahendra Kishore Mehta, P.W.11 Geeta Devi, P.W.12 Naresh Kumar Mehta, P.W.13 Rajo Ram and P.W.14 Deo Narayan Mehta have been declared hostile by the prosecution and expressed no personal knowledge about the occurrence.

**P.W.1 Malti Devi** is mother of the deceased-cum-informant. According to her testimony, her daughter Suma Devi was married

with the accused Prem Ram (appellant) and had three children. It is further stated that Prem Ram frequently use to quarrel with Suma Devi, suspecting her indulgence in illicit relationship with another man. It is further stated that village meetings (panchayats) were held earlier to resolve above disputes between the appellant and his wife (deceased). It is further stated that on the date of occurrence, this witness was informed by her grand-daughter Shital Kumari (P.W.15) that her father Prem Ram had murdered Suma Devi with an axe with assistance of Sarita Devi and Bhola Ram. Thereafter, on reaching the spot, this witness found her daughter dead under pool of blood due to head injury.

In her cross-examination, she admits that she is not an eye witness but came to know from her grand-daughter.

**P.W.2 Madan Kumar Sharma** is the Investigating Officer of the case. According to his evidence, on 04.07.2013, he was posted as Officer-in-Charge of Katkamsandi Police Station. On that day, he recorded the fardbeyan of the informant Malti Devi (P.W.1) at village Lupung, on the basis of which, the formal F.I.R. was registered. He inspected the place of occurrence where the dead body was found lying near the door of the house with blood on the floor. He sent the body for post-mortem, recorded the statements of the informant and several witnesses who supported the

prosecution case. He has collected blood-stained soil from the spot and after completing the investigation and finding the allegations to be true, submitted charge-sheet against the accused.

In his cross-examination, he admits that no weapon was seized, the FSL report of the seized soil was not obtained and blood-stained clothes were not produced before the court. He has denied suggestion of defence that his investigation is defective and he has submitted the charge-sheet against an innocent person.

**P.W.3 Vijay Kumar Das** is cousin brother of deceased. He has further stated that the accused was suspecting fidelity/character of his wife and subjecting her to cruelty. Several panchayats were held in her parental village, but the accused did not change his conduct. On 04.07.2013, he received a phone call from Shital, the elder daughter of the deceased, informing him that Prem Ram (appellant) had killed her mother by an axe. He went to the place of occurrence and found Suma Devi dead sustaining severe cut injury on her head and neck. He has proved his signature on fardbeyan of informant recorded by police in his presence.

**P.W.4 Chetan Ram** has deposed that on the night of 03/04.07.2013, he received a phone call from his grand-daughter Shital, who informed him that her father Prem Ram has killed her

mother Suma Devi with an axe. On receiving this information, he along with other family members went to matrimonial home of deceased and found Suma Devi lying dead under pool of blood near the door with severe axe injuries on her head and neck and blood present at the spot. He has further stated that the husband and his family members were absconding, while the children of the deceased were present and stated that they had witnessed their father committing murder. He has signed over the fardbeyan of informant. Inquest report was prepared by police and body was sent for post-mortem. He has also proved earlier panchayat proceedings held due to frequent quarrels between the deceased and the accused.

**P.W.5 Dr. Kapil Deo Prasad Singh** is the Medical Officer who had conducted the post-mortem examination of the deceased Suma Devi on 04.07.2013 at about 10:15 a.m. and found the following :

- (i) Rigor mortis present
- (ii) Eyes semi opened
- (iii) Mouth semi opened showing upper front teeth

**On inspection :**

Incised wound 3 ½" x 2" brain deep on left parietal region of head (ante mortem).

**On Dissection :-**

- (i) Injury of muscles, blood vessels fractured of left parietal bone, laceration of meninges, brain matter, collection of blood and blood clot in cranial fossae.
- (ii) Heart all chambers empty, lungs pale, kidney pale, liver pale, stomach pale, contained 100 ml of mucoid fluid.
- (iii) Small intestine pale contained digested food, fluid and gas.
- (iv) Large intestine pale contained fecal matter and gas.
- (v) Urinary bladder empty
- (vi) External genital – NAD
- (vii) Uterus normal (non gravid)

The cause of death was hemorrhage and shock due to above injuries by sharp cutting weapons. Time elapsed since death was within 24 hours.

In his cross-examination, he has stated that the injuries found on the person of the deceased may be caused by fall on sharp object. No other injury was found on the body of the deceased and that there was no specific time of injury noted in the post-mortem report and denied the suggestion of defence that his injury report was not scientific.

**P.W.7 Madhav Ram** has stated that Suma Devi was his daughter-in-law. On hearing hulla, he went to the place of occurrence but did not initially see the dead body. Later, he noticed axe injuries and blood and stated that Prem Ram had killed Suma Devi. He identified the accused in court.

In his cross-examination, he admitted that he did not witness the occurrence and the police did not interrogate him during investigation and that he did not see who committed the murder inside the room. He denied the defence suggestion that he had given false evidence.

**P.W.8 Dilip Kumar Paswan** stated that in the night of the occurrence in the year 2013, he was informed by nearby residents that Prem Ram had killed his wife Suma Devi with an axe. On reaching the spot, he found Suma Devi dead and her children crying, who told him that their father had assaulted their mother with a tangi (axe). He further stated that Prem Ram was found lying on the road in an intoxicated condition, attempting to flee, and was apprehended by villagers and later handed over to the police.

In his cross-examination, he has admitted that he did not personally witness the assault and that his knowledge was based on information from villagers and the children. He stated that he

was not called by the police during investigation and had no knowledge of seized articles and denied the defence suggestion that his testimony was false.

**P.W.9 Sikandar Ram** stated that Prem Ram, his co-villager, was in jail for allegedly committing the murder of his wife.

In his cross-examination, he admitted that he had no personal knowledge of the occurrence and identified the accused only because he was from the same village.

**P.W.10 Sarju Ram** stated that Suma Devi was married to the accused Prem Ram and they had three children. He has further stated that for the last 5–6 years, the accused suspected his wife's character and used to assault her. On 04.07.2013, he was informed by villagers from Prem Ram's locality that Suma Devi had been murdered. On reaching the house at village Lupung, he found Suma Devi dead with a tangi (axe) injury on the back of her head and blood at the spot. The villagers had apprehended Prem Ram and confined him in a room. The police was informed and the dead body was sent for post-mortem. He proved his signature on the inquest report marked as Ext.3/1.

In his cross-examination, he admitted that he did not witness the occurrence and that many persons had gathered at the place of

occurrence. He denied the defence suggestion that his testimony was false or given at the instance of the parents of the deceased.

**P.W.15 Shital Kumari** is the minor daughter of the deceased and sole eye-witness to the occurrence. She has stated that on 04.07.2013, while she, her siblings and her parents were inside the house, her father Prem Ram assaulted her mother Suma Devi with an axe on the head. When the children attempted to intervene, the accused threatened them with a knife and forced them to retreat. The room was locked from inside during the incident and after killing her mother, the accused opened the door and fled away. Thereafter, villagers and relatives arrived and she informed them and her grandmother about the incident.

In her cross-examination, she has remained intact. She has denied the suggestion of defence that she was tutored and her father did not commit murder and death of deceased was accidental.

**P.W.16 Ashok Ram** has stated that the deceased Suma Devi was his cousin sister and was married to the accused Prem Ram. He deposed that about 5–6 years ago. He received a phone call from his niece Shital Kumari informing him that her father had murdered her mother. Thereafter, he along with several villagers went to the house of the accused and found Suma Devi lying dead

with head injury and bleeding. He has further stated that Prem Ram was confined in a room and Shital (P.W.15) told him that her father had killed her mother with an axe during the night.

10. On behalf of defence, the accused **Prem Ram @ Prem Ravidas** himself was examined as D.W.1. He has denied the charge of murdering his wife Suma Devi and claimed that he had been falsely implicated by villagers and his in-laws. He has further stated that on 04.07.2013, there was a dispute between him and his wife due to her illicit relationship with one Luxman and that in a fit of anger she died. He has further stated that his daughter Shital Kumari has given false evidence at the instance of her maternal relatives. He claimed that he was not present at his home at the time of occurrence. F.I.R. was lodged on mere suspicion.

In his cross-examination, he admits that he was present at home at the time of occurrence and his wife was not suffering from any illness and that he did not get her treated despite being obliged to do so. He failed to explain the head injury on his wife and admitted that he had no independent witness to support his defence. He denied the prosecution allegation that he had murdered his wife with an axe.

Therefore, the case of defence is denial from occurrence and false implication due to altercation between husband and wife

regarding her chastity. However, except examination of accused himself, no oral or documentary evidence has been adduced by defence.

11. We have given anxious consideration to the overall aspects of the case and the evidence available on record. It is crystal clear that P.W.15 Shital Kumari is none else but daughter of the appellant and star witness of this case. She is eye witness of the occurrence and categorically stated that in the night of the occurrence, her father has assaulted by axe quarreling with her mother and while she along with other siblings attempted to rescue her mother, she was also threatened to be killed. Thereafter, she informed the villagers as well as her maternal grandmother about the occurrence and her father fled away from the house. The receipt of information about occurrence from this witness has also been corroborated by other witnesses of fact like P.W.1 (Malti Devi), P.W.3 (Vijay Kumar Das), P.W.4 (Chetan Ram), P.W.8 (Dilip Kumar Paswan) and P.W.16 (Ashok Ram). The testimony of P.W.15 also finds corroboration from Post-Mortem Report of deceased proved by P.W.5 Dr. Kapil Deo Prasad Singh, wherein it is opined that the deceased has sustained sharp cutting injuries on left parietal region of head which was fatal. It is also admitted fact that present appellant was suspecting against the character of his

wife and her indulgence with another villager in illicit relationship but no substantial evidence has been brought on record to believe the above story rather it is proved that several times Panchayati were held wherein the accused was warned against suspecting the character of his wife and ill-treatment with her. There is no reason to disbelieve the testimony of P.W.15 as a tutored witness against her own father. There is also nothing on record to arrive at conclusion that death of the deceased was caused in any other manner than alleged by P.W.15 or it was accidental one. The plea raised on behalf of the appellant that he was under intoxication and was unable to know the nature of his act as to either it was wrong or contrary to law, is also fit to be discarded. Voluntary intoxication cannot be an excuse for commission of such a ghastly crime and do not give a licence to the accused to commit offence of murder. The attending circumstances subsequent to commission of murder are also not supportive of the facts that the appellant was under heavy intoxication due to consumption of liquor. The prosecution has been able to prove the genesis, manner and place of the occurrence along with the motive of the appellant to commit murder of his own wife. The sole eye witness P.W.15 has remained intact in her cross-examination also. Therefore, having regard to the evidence of sole eye witness and other attending

circumstances proved by the prosecution as discussed by learned trial court does not appear to be erroneous. Therefore, we do not find any error of law in conviction and sentence of the appellant recorded by the learned trial court.

In view of above, we do not find any merits in this appeal which stands **dismissed**.

12. Pending I.A., if any, stands disposed of.
13. Let a copy of this judgment be sent to concerned trial court for information and needful.

**(Rongon Mukhopadhyay, J.)**

**(Pradeep Kumar Srivastava, J.)**

Jharkhand High Court, Ranchi

Dated: 25/02/2026

Sachin / **NAFR**

**Uploaded on: 26/02/2026**