

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (SJ) No. 571 of 2009

[Against the judgment and order of conviction and sentence dated 03.06.2009 and 05.06.2009 respectively, passed by learned Additional Sessions Judge, XIII, Dhanbad, in Sessions Trial Case No. 518 of 2004]

Deepak Mandal, son of Late Kamal Mandal, resident of Baidyanathpur,
P.S.-Chirkunda (Panchet), District-Dhanbad

... .. **Appellant**

Versus

The State of Jharkhand

... .. **Respondent**

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

For the Appellant : Mr. Mahesh Tewari, Advocate
For the State : Mr. V.S. Sahay, A.P.P.
For the Informant : Mr. Sanjay Prasad, Advocate

JUDGMENT

Dated: 04th August, 2026

By Court: Heard Mr. Mahesh Tewari, learned counsel for the appellant and
Mr. V.S. Sahay, learned A.P.P. for the State as well as Mr. Sanjay Prasad,
learned counsel appearing on behalf of informant.

2. The instant criminal appeal is directed against the judgment and
order of conviction and sentence dated 03.06.2009 and 05.06.2009
respectively, passed by learned Additional Sessions Judge, XIII,
Dhanbad, in Sessions Trial Case No. 518 of 2004, whereby and
whereunder the appellant has been held guilty for the offence under
Section 376 of the I.P.C. and sentenced to undergo R.I. for five years
along with fine of Rs.500/- with default stipulation.

Factual Matrix

3. Factual matrix giving rise to this appeal is that on 15.01.2002 at
about 07:30 P.M., the complainant had gone near her house for
discharging nature's call when the accused, Deepak Mandal caught hold
of her with malicious intent, grabbed her hand and dragged her to a

secluded spot, where he covered her mouth and committed rape upon her. When she attempted to scream, the accused threatened to kill her if she disclosed the incident to anyone, instead promising to marry her if she remained silent. Terrified by the assault, she initially remained silent out of fear for her honor and reputation, but she eventually informed her brother about what had happened. When her brother confronted the accused, the latter verbally abused him, drove him away and threatened to kill him if he revealed the matter to anyone else. At the time, the complainant was a minor living with her brother. On 07.02.2002 at about 8:00 P.M., she again stepped out of her house for discharging nature's call when the accused approached her from behind, gagged her and dragged her to a deserted field. There, with the intention of killing her, he tied her *odhani* (scarf) around her neck and attempted to rape her.

On the basis of above information, Chirkunda P.S. Case No. 75 of 2002 was registered for the offence under Section 376 of the I.P.C.

4. After completion of investigation, charge-sheet was submitted against the accused for the aforesaid offence. Accordingly, cognizance was taken and subsequently, the case was committed to the Court of Sessions, where Sessions Trial Case No. 518 of 2004 was registered. The charge was read over and explained to the accused to which he pleaded not guilty and claimed to be tried.

5. In the course of trial, altogether 4 witnesses were examined by the prosecution apart from documentary evidence.

(i) *P.W.-1-Purwodhar Mandal*

(ii) *P.W.-2-Victim*

(iii) *P.W.-3-Deepali Mandal*

(iv) *P.W.-4-Md. Taiyab (Investigating Officer)*

6. On the other hand, no oral evidence has been adduced by the defence. However, the defence has adduced three documentary exhibits, which are as follows:-

(i) *Exhibit-A-C.C. of charge-sheet of Chirkunda P.S. Case No. 75 of 2002, G.R. No. 1153 of 2002.*

(ii) *Exhibit-B-C.C. of order-sheet dated 16.07.2002 of S.T. No. 518 of 2004*

(iii) *Exhibit-B/1-C.C. of order-sheet dated 09.12.2002, passed in S.T. No. 518 of 2004*

7. The case of defence is denial from occurrence, plea of innocence and false implication.

8. After conclusion of trial, the appellant was held guilty for the offence under Section 376 of the I.P.C. and sentenced as stated above which has been assailed in this appeal.

Submissions on behalf of appellant: -

9. Learned counsel for the appellant without touching the merits of the judgment has confined his argument towards the quantum of sentence awarded to the appellant. It is submitted that appellant has been held guilty for the offence under Section 376 of the I.P.C. and sentenced to undergo R.I. for five years out of which, he has already remained in custody for about three and half years. It was first offence of the appellant and he has never been convicted for any other offence. Learned

counsel submits that the occurrence is of the year 2002 and now more than two decades have passed from the date of occurrence. The appellant has sufficiently been punished for his guilt and again sending the appellant for sustaining rest period of imprisonment would yield no useful purpose. Hence, the sentence awarded to the appellant may be reduced to the imprisonment already undergone by him to meet the ends of justice in this case.

Submissions on behalf of State: -

10. On the other hand, learned A.P.P. has raised no serious objection to the aforesaid point of argument, rather defended the impugned judgment of conviction and order of sentence on merits.

Analysis, discussions and reasons:-

11. I have gone through the impugned judgment and order along with the record of the case in the light of rival contentions of the learned counsel for the respective parties.

12. From the evidence of the victim, it appears that she remains intact at the time of her deposition before the Court and clearly stated that the appellant caught hold of her, dragged her to a secluded place, used criminal force and committed rape. Her testimony stands duly corroborated by the evidence of the other prosecution witnesses on all material particulars. No material contradiction, omission or inconsistency has been brought on record which may affect the credibility of the prosecution's case, therefore, the conviction of the appellant for the offence under Section 376 of the I.P.C. is hereby upheld

and confirmed.

13. Considering the facts and circumstances of the case, the nature of offence alleged to have been committed by the appellant and also in view of the fact that the appellant has already remained in custody for about three and half years during the pendency of trial and post-conviction, it appears to be sufficient punishment for his guilt for the offence committed by him and his sentence is reduced from R.I. of 5 years to the imprisonment already undergone by him during trial of the case.

14. Accordingly, this appeal is **dismissed on merits with modification in sentence** as stated above.

15. Appellant is on bail, as such he is discharged from the liability of bail bond and sureties are also discharged.

16. Pending I.A(s), if any, is also disposed of accordingly.

17. Let a copy of this judgment along with Trial Court Record be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

04.08.2026

Arpit

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