
(2026) 01 JH CK 1949

In the Jharkhand High Court

Case No : Criminal Appeal (DB) No. 690 Of 2004

Ledo Yadav Son of Late Budhan Yadav

APPELLANT

Vs

State Of Jharkhand

RESPONDENT

Date of Decision : 28-01-2026

Acts Referred:

Indian Penal Code, 1860 — Section 34, 302, 323, 328, 498A

Citation : (2026) 01 JH CK 1949

Hon'ble Judges : Rongon Mukhopadhyay, J; Pradeep Kumar Srivastava, J

Bench : Division Bench

Advocate : Binod Kumar Dubey, Kamal Kishore Prasad, Bhola Nath Ojha

Final Decision : Allowed

Judgement

Pradeep Kumar Srivastava, J

1. We have already heard Mr. Binod Kumar Dubey, learned counsel for the appellant and Mr. Bhola Nath Ojha, learned Spl. P.P. appearing for the State.

2. It is to be mentioned at the very outset that appellant No.2 Mutari Devi Wife of Ledo Yadav died during the pendency of this appeal, hence, her appeal has been abated vide order dated 11.08.2025. This appeal is heard on behalf of the aforesaid sole alive appellant.

3. Instant criminal appeal is directed against the judgment of conviction and sentence dated 20.03.2004 passed by learned Additional Sessions Judge, Fast Track Court-II, Chatra in S.T. No.199 of 2001, whereby and whereunder the appellant has been held guilty for the offences under Sections 302 and 328 of the Indian Penal Code and sentenced to undergo imprisonment for life and R.I. for seven years respectively for the aforesaid offences. Both sentences are directed to run concurrently.

FACTUAL MATRIX

4. Factual matrix giving rise to this appeal is that the informant's (P.W.9)

daughter Sabo Devi was married with Prabhu Yadav about 12 to 13 years back. It is alleged that on 06.10.1999, the informant's daughter was administered poison at her sasural by her husband, mother-in-law and father-in-law due to which his daughter died. The informant went to matrimonial home of his deceased daughter where he was informed that the informant's daughter was ill and in spite of proper treatment, she could not be saved and has been died. It is alleged by the informant that the accused persons were not satisfied with the deceased and always used to ill-treat and torture her because once she gave birth to a child who died and later on, no child could be begotten by the deceased. The informant's daughter was not provided proper food and clothes and the accused persons were also demanding a milch cow. It is further alleged that a Complaint Case No.169 of 1998 under Section 498A of the I.P.C. was also filed by daughter of informant against the accused persons, wherein they compromised with assurance to keep her properly but after some time, the accused persons again subjected the deceased to cruelty, hence, she again lodged Tandawa Police Station Case No.23 of 1999 for the offence under Section 498A of the I.P.C. against the accused persons, that case was also compromised. Thereafter, the accused persons with a view to remove the deceased from their family and perform second marriage of her husband, administered her poison due to which she had died.

On the basis of above information, Tandawa P.S. Case No.36 of 1999 was registered for the offences under Sections 498A, 323, 302/34 of the I.P.C. against four accused persons namely Prabhu Yadav (husband), Ledo Yadav (father-in-law), Mutari Devi (mother-in-law) and Runo Kumari (sister-in-law) of the deceased.

5. After completion of investigation, charge-sheet was submitted against four accused persons for the aforesaid offences. The case was committed to the Court of sessions where charges were framed for the offences under Sections 302 and 328 read with Section 34 of the I.P.C. After conclusion of trial, impugned judgment and order has been passed.

6. It has to be mentioned at the very outset that the trial of Prabhu Yadav was separated due to his absence during trial. Later on, after conclusion of trial against him, he was acquitted from the charges. One co-accused Runo Kumari was found juvenile at the time of occurrence and having been held guilty for the offences under Sections 302 and 328 read with Section 34 of the I.P.C., her case was split up and sent to the Juvenile Justice Board for awarding proper sentence to her.

7. Learned counsel for the appellant (father-in-law of deceased) has submitted that he has not only been falsely implicated in this case but also there is no iota of evidence to prove his involvement in administering poison to the deceased. It is vehemently argued that except the P.M. Report, there is nothing on record to prove that the deceased was administered poison and cause of her death is due to poisoning. The viscerae were preserved but never sent to F.S.L. for chemical

examination nor there is any viscera report on record. Therefore, the very cause of death of the deceased has not been proved by the prosecution. There is no iota of evidence leading to conclusion that the present appellant had administered poison to the deceased. He has been roped in this case merely on the basis of fact that he happens to be father-in-law of the deceased. It is admitted fact in the F.I.R. that the appellant did not flee away from his house rather when informant reached there during information about death of the deceased, he told that in spite of medical treatment given to the deceased, she could not be saved and she has been died due to illness. Above facts have not been rebutted by the prosecution through any cogent and reliable evidence. The main accused who might be treated to closely related with the deceased and always used to live with her may be mother-in-law and the husband but the husband has been acquitted after conclusion of trial and mother-in-law has been died. This appellant has no role to play in the entire episode. Therefore, his conviction and sentence is based upon suspicion, conjecture and surmises only. The learned Trial Court has committed serious error of law while arriving at conclusion of guilt of the appellant which is fit to be set aside. Appellant deserves to be acquitted from the charges levelled against him and this appeal may kindly be allowed.

8. On the other hand, learned Spl. 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 and appreciated over all materials available on record and arrived at right conclusion about the guilt of the appellant. There is no doubt regarding involvement of the appellant in the alleged offence of murder of the deceased by administering her poison and in the P.M. Report also, it is opined that the death of the deceased was as suspected poisoning and no other abnormalcy in the body was found. Therefore, possibility of illness of the deceased is completely over-ruled. 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.

9. The only point for consideration is that as to whether the impugned judgment suffers from any error of law calling any interference in this appeal ?

10. It appears that altogether ten witnesses were examined by the prosecution to substantiate the charges levelled against accused persons. Out of them P.W.1 Lakhani Yadav, P.W.2 Ram Kumar Yadav, P.W.3 Tirath Yadav, P.W.4 Suresh Yadav, P.W.5 Mohan Yadav and P.W.6 Ganesh Yadav @ Ganeshu Yadav have been declared hostile by the prosecution and expressed no personal knowledge about the occurrence.

P.W.7 Dr. Mohamad Sah Kalim Ahmad is a Medical Officer posted at Tandawa Hospital at Primary Health Centre where Sabo Devi was brought for treatment and she was under critical stage, hence, she was referred to Sadar Hospital for proper treatment. He also states that there was some symptom of administration of poison to the deceased.

P.W.8 Dr. Nand Kishore Pd. Jaiswal has conducted autopsy on the dead body of the deceased. According to his evidence, both eyes closed, pupil-dilated face cyanosed blood tinged, watery fluid present over left cheek and left angle of mouth. Finger nail cyanoses. Rigor mortis absent in upper limbs and neck and partially present in lower limbs. Body foul smelling and there was greenish discoloration of skin of lower abdominal wall. Brain congested-meninges congested. Lyrinx and trachea- mucus membrane congested. Lungs-both lungs congested. Heart-left side of heart empty right side contained blood. Stomach contained watery fluid, small intestine distended with gas. Liver -congested, spleen-congested both kidneys congested, bladder empty, uterus small and empty.

Following viscera have been preserved for chemical analysis:-

Portion of lung, portion of heart, stomach and its contents spleen, liver, portion of both kidney.

The doctor opined cause of death was asphyxia due to poisoning which should be confirmed by chemical analysis of above noted viscera. Time elapsed since death about 24-40 hours. This witness has proved P.M. Report which is marked as Ext.1 which was written by his hand and bears his signature.

P.W.10 Chandradeo Ganjhu is a formal witness, who has proved the formal F.I.R. as Ext.2.

11. The star witness of the prosecution is P.W.9 Hulash Yadav who happens to be informant-cum-father of the deceased. According to his evidence, his daughter was married with Prabhu Yadav son of Ledo Yadav about 14 years ago. He has stated that his daughter was being assaulted, harassed and ill-treated due to non- fulfillment of demand of Rs.10,000/- cash and one cycle raised by husband, mother-in-law and father-in-law. They were also asking a milch buffalo. Twice a case for cruelty under Section 498A of the I.P.C. was lodged against the accused persons but they got the cases compromised under deceitful means on assurance to keep her properly but ultimately his daughter was administered poison in her sasural and died. Hence, he lodged this case.

In his cross-examination, he admits that on the basis of suspicion, he has stated that his daughter was administered poison due to which she died. He also admits that his son-in-law Prabhu Yadav brought his daughter at Tandawa Hospital for treatment but what treatment was given to her, he does not know.

12. On the other hand, no oral or documentary evidence has been adduced by defence. The case of defence is denial from occurrence and false implication.

13. We have given anxious consideration to the testimony of witnesses examined in this case and also gone through the impugned judgment and order of conviction and sentence of the appellant.

14. It appears that except informant (P.W.9), no other witnesses have

corroborated the prosecution story. The informant himself accepts raising suspicion against the accused persons in general manner and has stated nothing specific chain of events under which the appellant (father-in-law) has subjected the deceased to cruelty, ill- treatment or in any manner involved in administering her poison. The exact cause of death of the deceased has also not been proved by the prosecution. P.W.8 Dr. Nand Kishore Pd. Jaiswal, who conducted autopsy on the dead body of deceased has simply noted some symptoms of suspected poisoning but specifically states that the definite opinion about cause of death can be given only after receiving the viscera report which was preserved. Since, the Investigating Officer of this case has not been examined and no viscera report from Forensic Science Laboratory (F.S.L.) has been brought on record, the serious lacuna is still existing regarding definite cause of death of the deceased. Moreover, no specific overt act has been attributed against the appellant who happens to be old aged father-in-law of the deceased. The husband of the deceased has already been acquitted from the charges, whose role may be assumed to be more serious but in absence of evidence, he was extended benefit of doubt. Similarly, there is no concrete evidence against the present appellant for sustaining his conviction and sentence awarded by the learned Trial Court. We find serious error of law in not considering the evidence of father of the deceased in proper manner and the corroborative piece of evidence given by P.W.8 which definitely indicates that exact cause of death can be opined only after receipt of viscera report which is lacking in this case.

15. In view of above, we are of the firm view that the learned Trial Court has failed to properly appreciate the evidence available on record and committed serious error of law while recording the conclusion of guilt of the appellant. Therefore, we are constrained to set aside the impugned judgment and order of conviction and sentence of the appellant which is hereby set aside and this appeal is allowed. Appellant is found innocent, he appears to be on bail, hence discharged from the liability of bail bonds and sureties are also discharged.

16. Pending I.A., if any, stands disposed of.

17. Let a copy of this judgment be sent to concerned trial court for information and needful.