

IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Appeal (D.B) No. 34 of 2000(R)

(Against the judgement of conviction dated 20.12.1999 and the order of sentence dated 05.01.2000 passed by the learned 1st Additional Sessions Judge, Bokaro in Sessions Trial No. 90 of 1998)

Mansu Manjhi @ Mansa Manjhi, son of late Sohrai Manjhi, resident of Village-Vansimli, PS-Balidih, District-Bokaro

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

Versus

The State of Bihar

... .. **Respondent**

**CORAM: HON'BLE MR. JUSTICE SUJIT NARAYAN PRASAD
HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA**

For the Appellant : Mr. A.K. Sahani, Advocate
For the State : Mrs. Nehala Sharmin, Spl.PP

C.A.V On 15.06.2026

Pronounced on 25/06/2026

Per Sujit Narayan Prasad, J.

1. The instant criminal appeal under section 374(2) of the Code of Criminal Procedure, 1973 is directed against the judgment of conviction dated 20.12.1999 and the order of sentence dated 05.01.2000 passed by the learned 1st Additional Sessions Judge, Bokaro in Sessions Trial No. 90 of 1998 whereby and whereunder the appellant, above-named, has been convicted under section 302 of the Indian Penal Code and sentenced to undergo imprisonment for life for the said offence.

Factual Matrix

2. The prosecution story, in brief, as per the *fardebayan* of the informant Rooplal Manjhi (PW-12) is that on 02.09.1996 in the morning, informant's mother Chandmani Manjhian (deceased) went out of her house to the nearby paddy field to attend call of nature and thereafter, the informant also went

towards the same field. Informant further stated that at about 6:30 AM Mansu Manjhi (appellant herein) armed with *tangi* and Raghunath Manjhi armed with stick approached her and they dragged her and there Mansu Manjhi started assaulted his mother on her head with *tangi* while Raghu Nath Manjhi assaulted her with a *danda* (stick) on her head and hands, as a result, his mother fell down. On seeing this, the informant started shouting and ran forward to rescue his mother but he was chased by the assailants.

3. Meanwhile, the informant's wife also arrived there and on *halla*, seeing the villagers coming, both the accused persons fled away. Thereafter, the informant along with his wife and the villagers, came near to his mother, but they found her lying dead with two cut injuries on the back of her head, left temple and below elbow of the right hand. They lifted her and placed her at the ridge of the fields and the informant went to inform the *chowkidar*.

4. The reason for the murder, according to the informant is that the accused persons used to consider his mother as "*Dain*" (witch) and for this reason they had also assaulted the informant's father one year ago and regarding this a case was also lodged at the police station and several times *panchayati* was also held and lastly in the night just prior to the day of occurrence on 29.08.1996, a *panchayati* was held regarding this matter.

5. On the basis of the *fardbeyan* of the informant Balidih P.S. case no. 75/96 dated 02.09.1996 was registered against the accused persons, namely, Mansu Manjhi (the present appellant) and Raghunath Manjhi under sections 302/34 of I.P.C.

6. After investigation charge sheet was submitted against the accused persons and after cognizance, the case was committed to the Court of Sessions.

7. Charges were framed against the accused persons under sections 302/34 of the IPC to which they pleaded not guilty and claimed to be tried.
8. Trial commenced and the statements of the accused persons were recorded under Section 313 of Cr.P.C.
9. At the conclusion of trial, the accused person, namely, Raghunath Manjhi was acquitted of the charge and the present appellant, namely, Mansu Manjhi was convicted and sentenced as aforesaid by the learned trial Court.
10. The aforesaid order of conviction and sentence is under challenge in this appeal.

Submission of the learned counsel for the appellant:

11. Learned counsel appearing for the appellant has taken the following grounds for interfering with the finding recorded by the learned trial Court in the impugned judgment:

(i) The prosecution has miserably failed to establish the charge said to be proved beyond all reasonable doubt.

(ii) It has been contended that the conduct of the informant is highly unnatural and improbable and there is no justified reason as to why the informant did not raise *halla* when the accused persons dragged the deceased to nearby field and thereafter assaulted her due to which she succumbed to injuries which makes the entire case of prosecution suspicious.

(iii) It has been contended that the informant himself has admitted in the *fardebayan* that there was enmity in between the accused persons and his family and to resolve the same several *panchayati* were convened and the last *panchayati* was convened on the last night of the occurrence but he did not inform the police or the village *chowkidar*

which makes the prosecution suspicious as due to enmity the accused persons were falsely implicated in the present case.

(iv) It has been contended that the prosecution witnesses are none other than the interested witnesses and there is lack of any positive evidence and, hence, conviction and sentence of the appellant is bad in law.

(v) It has been contended that the prosecution has failed to establish the intention or motive behind the crime as alleged.

(vi) It has been contended that as per the *fardbeyan* of the informant, it was alleged that after the occurrence several villagers had assembled at the place of occurrence but none of them had stated to have seen the occurrence, but the learned trial Court has failed to taken into consideration the aforesaid fact.

(vii) It has been contended that independent witnesses either have been declared hostile or they denied to have seen the occurrence, rather they are hearsay witnesses and, as such, the conviction of the appellant was purely based upon the testimonies of the interested witnesses which cannot be sustainable in the eyes of law.

(viii) It has been contended that PW10-Basanti Devi, the wife of the informant has stated that on hearing *hallah* that her mother-in-law (deceased) had been murdered by the appellant she went to the place of occurrence with her husband (the informant) and found her mother-in-law lying dead there and at that time no one was present there whereas the informant had himself claimed to be an eye witness of the occurrence who had seen the occurrence assaulting her mother at the hands of the appellant, which falsifies the statement of the informant,

as such, the testimony of the informant is not reliable and informant has deliberately implicated the appellant due to old enmity.

12. The learned counsel for the appellant, based upon the aforesaid grounds, has submitted that the impugned judgment of conviction passed by the learned trial Court convicting the appellant under sections 302 of the Indian Penal Code, therefore, is not sustainable in eye of law and fit to be set aside.

Submission of the learned counsel for the State:

13. On the contrary, the learned Spl. PP appearing for the State has defended the impugned judgment of conviction and order of sentence by taking the following grounds:

(i) The conviction under section 302 of the Indian Penal Code against the present appellant does not suffer from an error, since, ample evidence has been produced by the prosecution.

(ii) It has been contended that the informant P.W.-12 has supported the prosecution story as he is the eye witness to the assault on his deceased mother and, therefore, appellant has been rightly convicted under section 302 of the Indian Penal Code and, as such, the impugned judgment does not require any interference.

(iii) The argument has also been advanced that P.W.-12 has supported the prosecution version which has been supported by the medical evidence.

14. The learned State counsel, based upon the aforesaid premise, has submitted that the impugned judgment passed against the present appellant does not suffer from any error and same does not require any interference under

section 302 of the Indian Penal Code, hence, the present criminal appeal is fit to be dismissed.

Analysis

15. We have heard learned counsel for the parties, perused the documents available on record as also the finding recorded by the trial Court in the impugned judgment.

16. We have also gone through the testimonies of the witnesses as available in the Trial Court records as also the exhibits appended therewith.

17. Learned trial Court, based upon the testimonies of witnesses, has passed the impugned judgment of conviction under Section 302 of the Indian Penal Code and sentenced the appellant as referred hereinabove.

18. This Court, before considering the argument advanced on behalf of the parties, is now proceeding to consider the testimonies of witnesses which have been recorded by the learned trial Court.

19. It is evident from the record that in order to substantiate the case, the prosecution has altogether examined 13 witnesses out of whom P.W.-12 Rooplal Manjhi, is the informant of the case, P.W.-1- Shiv Charan Bauri, PW2-Kitya Bauri, PW3-Fakir Bauri, PW4-Mahipal Kalindi, PW5-Kandu Devi, PW6-Hiramoni Devi, PW7-Savitri Devi, PW8-Dr. R.P. Verma, who conducted postmortem over the dead body of the deceased, PW9-Surajmani Devi, PW10-Basanti Devi (the wife of the informant), PW11-Shyamlal Manjhi (the elder son of the deceased) and PW13-Bhim Pado Mahto, is a formal witness of the case. The Investigating Officer of the case has not been examined.

20. Out of these prosecution witnesses, PW-1- Shiv Charan Bauri, PW2-Kitya Bauri, PW3-Fakir Bauri, PW4-Mahipal Kalindi, PW5-Kandu Devi, PW6-Hiramani Devi, PW7-Savitri Devi and PW9-Surajmani Devi have

been declared hostile by the prosecution on the ground that they have failed to support prosecution's case in course of their respective examination-in-chief itself.

21. On the other hand, the defence had also examined three witnesses to save the accused/appellant on the pretext that the appellant is a psychiatric patient. DW1-Dr. T.P. Singh who had examined the appellant in injured condition, DW2-Dr. T. Sudhir is a consultant Psychiatrist who treated the appellant and DW3-Jugal Majhi is the son of the appellant who deposed by stating that his father is a psychiatric patient.

22. PW1-Shiv Charan Bauri has stated in his examination-in-chief that neither he knows any Chandramani Devi (the deceased) nor Rooplal Manjhi (the informant) of his village. He has stated that he did not have knowledge about the occurrence and the police did not ask him about the occurrence. This witness has been declared hostile.

23. PW2-Kitya Bauri has stated in his examination-in-chief that he did not know any Chandramani Devi nor did he know about the murder of said Chandramani Devi at his village and the police came to his village to investigate the matter. He has stated that the police had asked him about the murder of the wife of Lakhan Manjhi, one year ago. He had not stated to the police about the occurrence. This witness has also been declared hostile.

24. PW3-Fakir Bauri has stated that the occurrence was of two years ago and he knows Chandramani Devi who had been murdered. He has further stated that the police came to his village to inquire the matter and the police had interrogated him. He had identified his signature on the carbon copy of inquest report which has been marked as Ext-1 with objection by defense. He has stated that he knows Rooplal Manjhi and Basanti Devi, who belong to his village but

there was no discussion with them about the murder of Chandramani Devi. PW3 has also been declared hostile.

25. PW4-Mahipal Kalindi has stated in his examination-in-chief that the occurrence was of two and half years ago. It was 7:00 AM and at that time he was on duty and at 2.30 PM, when he returned from his duty, he heard that Chandramani Devi had died. He has further stated that the police had come to the village to inquire the matter and his signature was taken in a plain paper. This witness has also been declared hostile.

26. PW5-Kandu Devi has stated in her examination-in-chief that Chandramani Devi (the deceased) was of her village and she had been murdered for about two and half years ago. She has further stated that at that time she was at her *sasural* and she did not know how Chandramani Devi had been murdered. This witness has also been declared hostile.

27. PW6-Hiramani Devi has stated in her evidence that she knows Chandramani Devi but she did not have knowledge that how Chandramani Devi had been murdered. She has stated that the police had not inquired from her about the murder. This witness has also been declared hostile.

28. PW7-Sawitri Devi has stated in her evidence that she knows Chandramani Devi, who had been murdered three years ago but the police did not inquire from him about the occurrence. This witness has also been declared hostile.

29. P.W.-8 Dr. R.P. Verma, had conducted postmortem examination of the deceased. He had stated in his evidence that on 03.09.1996 during his posting at Sadar Hospital as Medical Officer, he had performed post mortem examination of dead body of Chandmuni Majhian wife of Lakha Majhi of Bansimali, and found the following injuries on her body:

External appearance: Rigor mortis present in lower extremities. Eyes closed, mouth closed, blood streaks at nostrils and left angle of mouth. Dried blood stains in the meatus of the left ear. Lips and eyes were swollen. Foul smell was coming out.

Doctor found the following injuries on the dead body:

- (i) *Abrasion 1" x ½" on the back of right elbow;*
- (ii) *Cut 1 ½" x ½" scalp deep behind the left ear on the head;*
- (iii) *Cut 3" x 1" scalp deep on back of the left side of the head in occipital region.*

On Dissection. There was deepest fracture of the left mastoid bone and part of the left parietal bone. There was fracture of the occipital bone on the left side. There was tear and laceration of the meninges on the left side and the brain tissue was also torn and lacerated. The cranial cavity was full of blood and blood clots.

Doctor opined that the injuries found on the person of the deceased were antemortem and that injury no.1 was caused by hard and blunt object while injury nos.2 and 3 were caused by hard heavy sharp cutting weapon or substance.

Doctor opined that cause of death was due to massive intra cranial hemorrhage and injury to the brain. The time elapsed since the death was within one to two days. P.W 8 has identified the postmortem report in his writing and signature which has been marked as Ext.-2.

30. In his cross-examination, Doctor (P.W.-8) has stated that the injuries may be caused when any heavy sharp cutting weapon is dashed against head. He further stated that he is not sure about the age of the injuries.

31. PW9-Surajmani has stated in her evidence that he did not know Chandramani Devi but again stated that she knows her. She further stated Chandramani Devi had died but she did not know how Chandramani Devi had been murdered. PW-9 was declared hostile.

32. PW10-Basanti Devi is the wife of the informant. She has stated in her examination-in-chief that incident took place about four years ago at 6 AM. At that time, she was working in the cow-shed at home and in the meantime, she heard *hallah* that Manu Majhi had killed her mother-in-law. Then, she went to the field along with her husband(informant), where they found her mother-in-law lying dead and no one from the village had come there at that time. Police came at village and inquired from her. She had identified the appellant, namely, Mansu Manjhi and co-accused, namely, Raghu Manjhi in the dock. She stated that villager had raised *halla* ,but, who told her that Mansu Manjhi had killed her mother-in-law, she did not now.

During her cross-examination, she has stated that there was an uproar only over the name of Mansu Majhi.

33. PW11-Shyamlal Majhi is the younger brother of the informant. In his examination-in-chief he had stated that the occurrence took place on 02.09.1996 in between 6 AM to 6:30 AM in the morning and at that time, he went to his school. His brother Rooplal Manjhi (the informant) came to his school and told him that Mansu Majhi and Rooplal Majhi (instead of Raghunath Majhi) had killed his mother Chandmani Devi. On this information, he came to his house and went to the field and found his mother lying dead in the field. There was a wound on her neck and head and there were injuries on her hands and hand was skinned. Rooplal went to the police station and informed the police. The police came to the village and had inquired from him also. He has further stated that prior to his occurrence, Mansu Manjhi and Raghunath Manjhi used to say that his mother is a *Dain*(witch) and about this a *panchayati* was held in the village in which it was decided that the deceased should not be said as witch. One day prior to the occurrence also, a *panchayati* was convened

in which the accused Mansu Manjhi and Raghunath Manjhi were adamant that the deceased was a witch but in spite of that his mother had been murdered on the next day of said *panchayati*. PW-11 had identified both the accused persons in the dock.

34. In his cross-examination, PW-11 stated that the written record of the *panchayati* proceeding was made and he gave the same to the police but he has no duplicate copy of it. He has further stated that Haridas Senapati, Fakir Bauri and other villagers had said that the accused persons called his mother as witch. He has admitted that there was no *sarpanch*/village head in his village. He did not recall that who was *sarpanch*/village head in the village at that time and there was no *sarpanch*/village head in the said *panchayati* and only villagers were there. He did not know that in the village there was any tribal community. He had stated to the police that his brother had come to the school and informed him that Mansu Manjhi and Raghunath Manjhi had murdered his mother. He had admitted that prior to the occurrence there was no case instituted either in the Court or at the police station against the accused persons. Mansu Manjhi had staged a drama by slitting his own throat and he was admitted in B.G. Hospital.

35. PW12-Roopal Manjhi is the informant of the case. In his examination-in-chief informant stated that on 02.09.1996 at about 6-6.30 AM, in the morning, the occurrence took place and at that time he was in his house. His mother Chandmani had gone to the fields to ease herself and after ten minutes, he also went to the field, where he saw that his mother was being assaulted by Mansu Manjhi with sword, while Raghunath Manjhi was holding her from behind. His mother was shouting for help and when, he went near to intervene, the accused Mansu Manjhi chased him to assault. He returned home and

informed the villagers, namely, Haridas, Hopi, Kartik etc. that accused persons Mansu Manjhi and Raghunath Manji were assaulting his mother to which the villagers told him to inform the *chowkidar*. He informed the *chowkidar* and the *chowkidar* came along with him and went to the field where he saw his mother lying dead in the fields. Then, he went to the police station along with the *chowkidar* and informed about the occurrence. His statement was recorded by the police officer on which he had put his signature. Informant had identified his signature on the *fardbeyan* which has been marked Ext.-1/2. He has further stated that Mansu Manjhi and Raghunath Manjhi used to tell his mother witch. He has identified both the accused person in the dock.

36. In his cross-examination, informant had denied that the accused Mansu Manjhi was a mental patient but he admitted that Mansu had slit his throat and he was treated at B.G.H. When her mother had raised *halla* at that time he was only present there and no villager was present at the place of occurrence. When he went to the field, he saw the assault. He has stated that in his *fardbeyan* given to the police, he stated that his mother was assaulted with sword. He did not give statement in his *fardbeyan* that there was an assault on the head of his mother with *lathi* but he has further stated that Raghunath was holding lathi in his hands. He told to the police that Raghunath Manjhi had caught hold his mother from behind.

37. In course of his cross-examination, informant further stated that the distance in between his house and the paddy field is about half kilometer and that when he returned home from the paddy field, he met his wife Basanti and also that he and his wife are not on inimical terms.

38. PW13-Bheem Pado Mahto is a formal witness through whom writing contained in the case diary prepared by the Investigating Officer of the case has been proved in evidence and has been marked as Ext.-3.

39. On the other hand, DW1-Dr. T.P. Singh, had treated accused/appellant, Mansu Majhi @ Mansa Majhi. He has stated that Mansu Majhi was admitted to B.G.H. on 02.09.1996 and on the same day at 1:15 PM he had examined the appellant and had found *incised wound in front of neck above pomi-adomi of size 6" x 2" x 1" with cut trachea*. The doctor opined that the above injury was grievous in nature and caused by sharp cutting weapon. Age of injury was less than 6 hours before examination. DW1 had proved the injury report which is marked Ext.-A. He has further stated that the patient was admitted to the General surgery and psychiatric department. He has opined that the injury could have been self-inflicted.

40. DW2- Dr. T. Sudhir is the consultant psychiatrist in Bokar General Hospital. He has deposed that on 14.11.1994 one patient, namely, Mansu Manjhi of Basnuli Radhanagar, B.S City P.S was referred to him for examination. He examined the patient on that day and found him he was suffering from depression and started his treatment. He further deposed that he prescribed medicines to the patient and advised him to visit once in every month during the period of medication and that the patient used to visit him for regular follow up punctually and further stated that he examined the patient last on 21.08.1996 and found him to be maintaining well though he advised him to continue medicines. He had diagnosed his case as case of psychotic depression. He has further stated that he again examined the patient on 04.03.1997 on being referred by the authorities of Chas Jail. He was admitted to the psychiatric ward of B.G.H. and he availed his treatment. After nine days of treatment, he was

sent back to jail. He has proved the prescriptions of the various dates numbering 16 sheets and the same have been marked Ext. B to B/15 on behalf of the defence. He has identified the accused Mansa Majhi as the patient in dock.

During cross-examination, he has stated that patient was satisfactorily responding to the medication as was observed by him during the patient's periodical check-up. He has admitted that he did not find out what could be grave provocation leading to psychiatric depression but he has admitted at the same time that the patient's mental condition was not such as to be easily prompted by any person to indulge in acts of violence although such patient may have hallucination as delusions on which they may act even violently.

41. DW3- Jugal Majhi is the son of the appellant Mansu Manjhi. He has admitted that his father was a psychiatric patient and his medical examination was done by the Medical Board on 12.07.1997. He has proved the writings of Dr. K.P. Sharma pertaining to the medical report submitted by the Medical Board, which was filed in G.R. Case No.1073/96 in the Court of the learned C.J.M, Chas. The medical report, has been marked Ext.-C on behalf of the defence. He has further stated that his father was admitted earlier to the mental hospital at Kanke where he was treated for mental condition and his father was suffering from mental ailment even prior to the date of the occurrence.

42. This Court, on the basis of aforesaid factual aspect vis-à-vis argument advanced on behalf of parties, is now proceeding to examine the legality and propriety of impugned judgment of conviction and order of sentence by formulating following questions to be answered by this Court:

(1). Whether the informant PW12, who is alleged to be the sole eye witness of the case is trustworthy and reliable, to convict the appellant under Section 302 of IPC?

(II) Whether contradiction and discrepancies shown in the deposition of Informant PW-12 inter se and PW-10, who is informant's wife, is enough to disbelieve the case of the prosecution?

Re: First Issue:

43. Regarding the first issue, this Court finds from the impugned judgment that learned trial Court has convicted the appellant relying on the testimony of the informant Rooplal Manjhi (P.W.-12), who is the sole eyewitness to the assault on Chandmani Manjhian(deceased). Learned trial Court had found that testimony of the informant was substantiated by P.W.-10 and P.W.-11 and further the testimony of sole eyewitness has also been corroborated by the inquest report and Post-Mortem Report.

44. Before we analyze 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.

45. 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.

46. 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.

47. 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***, the relevant 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.

31. In Sunil Kumar v. State (Govt. of NCT of Delhi) this Court repelled a similar submission observing that:

(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."

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.

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.

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.

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 negated accordingly."

solitary eyewitness has no force and is negated accordingly."

48. 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."

49. 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."

50. 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."

51. 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.

52. At this juncture, it would be pertinent to examine the testimony of the alleged sole eyewitness Rooplal Manjhi (PW-12), who is the informant of the case, in the backdrop of aforesaid legal proposition.

53. Hence, this Court is proceeding to examine the evidence of the informant Rooplal Manjhi (PW-12) vis-à-vis PW-10, in order to appreciate the veracity of the prosecution case that due to the alleged assault on Chandmani Manjhian(deceased), by the accused/appellant, death of the deceased occurred.

54. This Court finds that informant P.W.-12, in his evidence had stated that incident occurred at about 6.00-6.30 AM, in the morning and at that time he was in his house and his mother Chandmuni Devi (deceased) had gone to the field and after ten minutes, informant also proceeded for the field and there, he saw accused/appellant Mansu Manjhi was assaulting his mother with sword and accused Raghunath Manjhi had caught her mother from behind. When informant went near them, then, accused/appellant Mansu Manjhi chased him to assault.

55. But, ongoing to the testimony of Basanti Devi (PW-10), who is the wife of the informant, this Court finds that Basanti Devi had stated that on the day of occurrence at about 6 AM in the morning, she was in her house and was working in the cow shed. In the meantime, she heard *halla* that her mother-in-law had been murdered, then, she and her husband (i.e. informant Rooplal Manjhi), went to the field and there they saw her mother-in-law, lying dead.

56. Hence, vital contradiction has emerged in the testimony of the informant PW-12, when compared to the testimony of the PW-10 Basanti Devi,

as informant had deposed that he had seen the occurrence of assaulting the deceased by the appellant with sword, but, PW-10 has not supported the aforesaid stand, rather she had stated that while she was working in the house in cow-shed, she came to know on hearing *halla* that her mother-in-law has been killed by the accused/appellant Mansu Manjhi. She thereafter, rushed to the place of occurrence along with her husband (informant PW-12) and found the deceased dead lying therein. Therefore, the version of informant (PW-12) that he had seen the appellant assaulting the deceased with sword, is in contradiction what has been stated by PW-10.

57. Therefore, the testimony of the informant that he had proceeded for the field after ten minutes, his mother Chandmuni Devi(deceased) had gone to the field and in the field, he had witnessed the assault on her mother by the accused/appellant is falsified by the testimony of informant's wife (PW-10) itself.

58. Thus, from the aforesaid discussion this Court is of the considered view that the testimony of PW-12 who had been claimed as sole eyewitness is not trustworthy.

59. Therefore, this Court is of view that learned trial Court had on wrong assumption and surmises and without properly appreciating the evidence of the sole eye-witness PW-12, had convicted the appellant.

60. Accordingly, Issue no.1 is hereby answered.

Re: Issue no. II

61. The issue No. (ii) is whether contradiction and discrepancies shown in the deposition of Informant PW-12 inter se and PW-10, who is informant's wife, is enough to disbelieve the case of the prosecution?

62. Submission has been made by the learned counsel for the appellant that in the testimony of the Informant P.W-12 and the informant's wife P.W-10,

there are vital contradiction. But the learned trial Court has overlooked the contradictions and has convicted the appellant.

63. At this juncture, it needs to refer herein the settled position of law that not every discrepancy or contradiction matters for assessing the reliability and credibility of a witness, unless the discrepancies and contradictions are so material that it destroys the substratum of the prosecution case.

64. Reference in this regard be made to the judgment rendered by the Hon'ble Apex Court in the case of ***Sunil Kumar Sambhudayal Gupta (Dr.) v. State of Maharashtra, (2010) 13 SCC 657***, wherein the Hon'ble Apex Court has dealt with material contradiction, which is being quoted hereunder for ready reference-

“30. While appreciating the evidence, the court has to take into consideration whether the contradictions/omissions had been of such magnitude that they may materially affect the trial. Minor contradictions, inconsistencies, embellishments or improvements on trivial matters without effecting the core of the prosecution case should not be made a ground to reject the evidence in its entirety. The trial court, after going through the entire evidence, must form an opinion about the credibility of the witnesses and the appellate court in normal course would not be justified in reviewing the same again without justifiable reasons. (Vide State v. Saravanan1.)

31. Where the omission(s) amount to a contradiction, creating a serious doubt about the truthfulness of a witness and the other witness also makes material improvements before the court in order to make the evidence acceptable, it cannot be safe to rely upon such evidence. (Vide State of Rajasthan v. Rajendra Singh2.)

32. The discrepancies in the evidence of eyewitnesses, if found to be not minor in nature, may be a ground for disbelieving and discrediting their evidence. In such circumstances, witnesses may not inspire confidence and if their evidence is found to be in conflict and contradiction with other evidence or with the statement already recorded, in such a case it cannot be held that the prosecution proved its case beyond reasonable doubt. (Vide Mahendra Pratap Singh v. State of U.P.3)

33. In case, the complainant in the FIR or the witness in his statement under Section 161 CrPC, has not disclosed certain facts but meets the prosecution

case first time before the court, such version lacks credence and is liable to be discarded. (Vide *State v. Sait*⁴.)

34. In *State of Rajasthan v. Kalki*⁵, while dealing with this issue, this Court observed as under : (SCC p. 754, para 8)

“8. ... In the depositions of witnesses there are always normal discrepancies however honest and truthful they may be. These discrepancies are due to normal errors of observation, normal errors of memory due to lapse of time, due to mental disposition such as shock and horror at the time of the occurrence, and the like. Material discrepancies are those which are not normal, and not expected of a normal person.”

35. The courts have to label the category to which a discrepancy belongs. While normal discrepancies do not corrode the credibility of a party's case, material discrepancies do so. (See *Syed Ibrahim v. State of A.P.*⁶ and *Arumugam v. State*⁷.)

36. In *Bihari Nath Goswami v. Shiv Kumar Singh*⁸ this Court examined the issue and held: (SCC p. 192, para 9)

“9. Exaggerations per se do not render the evidence brittle. But it can be one of the factors to test the credibility of the prosecution version, when the entire evidence is put in a crucible for being tested on the touchstone of credibility.”

37. While deciding such a case, the court has to apply the aforesaid tests. Mere marginal variations in the statements cannot be dubbed as improvements as the same may be elaborations of the statement made by the witness earlier. The omissions which amount to contradictions in material particulars i.e. go to the root of the case/materially affect the trial or core of the prosecution case, render the testimony of the witness liable to be discredited.”

65. Likewise, the Hon'ble Apex Court in the case of ***Shyamal Ghosh v. State of West Bengal***, reported in **(2012) 7 SCC 646**, wherein, paragraphs-46, it has been held as under:

“46. Then, it was argued that there are certain discrepancies and contradictions in the statement of the prosecution witnesses inasmuch as these witnesses have given different timing as to when they had seen the scuffling and strangulation of the deceased by the accused. It is true that there is some variation in the timing given by PW 8, PW 17 and PW 19. Similarly, there is some variation in the statement of PW 7, PW 9 and PW 11. Certain variations are also pointed out in the statements of PW 2, PW 4 and PW 6 as to the motive of the accused for commission of the crime.

Undoubtedly, some minor discrepancies or variations are traceable in the statements of these witnesses. But what the Court has to see is whether these variations are material and affect the case of the prosecution substantially. Every variation may not be enough to adversely affect the case of the prosecution.’’

66. Thus, from the aforesaid proposition of law it is evident that minor discrepancies, embellishments and contradictions in the evidence of the eyewitness do not destroy the essential fabric of the prosecution case, the core of which remains unaffected. But at the same time, it is equally settled that the discrepancies which go to the root of the matter and shake the basic version of the witnesses that can be annexed with due importance.

67. Reverting to the factual aspects of the present case. In his *fard beyan* informant had stated that accused/appellant Mansu Manjhi had assaulted his deceased mother with an axe on her head. But, contrary to this, in his testimony informant had deposed that he saw accused/appellant Mansu Manjhi was assaulting his mother with sword.

68. So, there is vital contradiction in *fard beyan* vis-a-vis in the testimony of the informant regarding the weapon used by the accused/appellant.

69. Again, contradiction in the evidence of the informant is also apparent from the cross-examination of the informant wherein informant had stated that he had met his wife (PW-10) when he was returning home from the field. But, contrary to this informant's wife (PW-10) had stated in his testimony that, after hearing *halla* that her mother-in-law had been killed, she along with her husband (i.e. informant) had gone to the field.

70. Hence, when as per testimony of PW-10 Basanti Devi that she had rushed to the place of occurrence along with husband (informant PW-12), on hearing *halla* that her mother-in-law had been killed then the testimony of the

informant given in his cross-examination that he had met his wife (P.W.-10) when he was returning home from the field, is self-contradictory.

71. Hence, from the forgoing discussion, this Court comes to the conclusion that there is vital contradiction in the testimony of the informant as to weapon used in the assault. This variation is material and has substantially affected the prosecution case.

72. Accordingly, issue no. II, is hereby answered.

73. Further, in the present case Investigating officer was not examined by the prosecution. Hence, the learned trial Court relying on the inquest report and inquest report witnesses PW-3 and PW-4 to prove the place of occurrence has come to conclusion that dead body was found by the side of the ridge within the informant's paddy field.

74. But both the inquest report witnesses PW-3 and PW-4 were declared hostile by the prosecution. In his cross-examination PW-3 deposed that he had not given statement to the police that he had seen the dead body of Chandmuni Devi(deceased) in the paddy field and police had taken his signature in the blank paper. Likewise, PW-4 had also deposed that police had taken his signature in the blank paper.

75. Hence, due to non-examination of the Investigating Officer, place of occurrence has not been proved and prejudice has been caused to the appellant.

76. At this juncture, it needs to refer herein that 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."

77. Likewise, the Hon'ble Apex Court in the case of **Krishnegowda & Ors. Vrs. State of Karnataka, 2017 (13) SCC 98**, 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."

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."

78. 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. ---"

79. 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.---"

80. This Court, after having discussed the factual aspect and legal position as discussed hereinabove, is of the view that informant (PW-12), who is claimed to be the sole eye witness of the case is not trustworthy and reliable. Informant's presence at the place of occurrence is doubtful and consequently, his testimony that he had witnessed the assault on the deceased by the appellant cannot be relied upon. Further, the informant himself has given contradictory statement as to weapon used in the crime. The prosecution has also failed in proving the place of occurrence.

81. Hence, this Court is of the view that the conviction of the appellant which is based upon the testimony of the informant PW-12, who has been considered as sole eye witness, but the said consideration is not just and proper if testimony of PW-10 is taken into consideration.

82. Hence, this Court is of the view that the prosecution has failed to prove the charge under sections 302 of the Indian Penal Code against the appellant, namely, Mansu Manjhi @ Mansa Manjhi, beyond all reasonable doubt and, as such, the impugned judgment of conviction and order of sentence requires interference by this Court.

83. Accordingly, the impugned judgment of conviction dated 20.12.1999 and the order of sentence dated 05.01.2000 passed by the learned 1st Additional Sessions Judge, Bokaro in Sessions Trial No. 90 of 1998, is hereby quashed and set aside.

84. Since, as per record, the appellant, namely, Mansu Manjhi @ Mansa Manjhi has been released on bail after suspension of sentence vide order dated 28.01.2000 and, as such, he is discharged from the liability of bails bonds.

85. In the result, the instant criminal appeal stands allowed.

86. Pending Interlocutory Applications, if any, stand disposed of.

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

(Sujit Narayan Prasad, J.)

I Agree.

(Pradeep Kumar Srivastava, J.)

(Pradeep Kumar Srivastava, J.)

*Sudhir
Jharkhand High Court,
Dated: 25/06/2026
AFR*

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