

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Appeal (D.B.) No.237 of 2021

Shama Parveen, wife of Md. Rakib, permanent resident of Sahpur,
P.O. and P.S. Vami, District Samashtipur (Bihar); present resident
of Luka Road, Qr. No.L-1/20, P.O. & P.S. Sakchi, District East
Singhbhum (Jharkhand).

----- Appellant

Versus

The State of Jharkhand

----- Respondent

PRESENT

HON'BLE MR. JUSTICE RONGON MUKHOPADHYAY
HON'BLE MR. JUSTICE ARUN KUMAR RAI

For the Appellant : Mr. Arvind Kr. Choudhary, Advocate
For the Respondent : Mrs. Kumari Rashmi, A.P.P

JUDGMENT

Dated: 04.08.2026

Per R. Mukhopadhyay, J.

1. Heard Mr. Arvind Kumar Choudhury, learned counsel for the appellant and learned A.P.P.
2. This appeal is directed against the judgment and order of conviction and sentence dated 23.07.2021 (sentence passed on 24.07.2021) passed by Shri Shesh Nath Singh, learned Additional Sessions Judge-IX, Jamshedpur in S.T. No. 573 of 2013, whereby and whereunder the appellant has been convicted for the offence punishable under Section 302/34 IPC and has been sentenced to rigorous imprisonment for life along with a fine of Rs.20,000/- and in default in payment of fine, to undergo imprisonment for 6 months.
3. The prosecution case arises out of the written report of Md. Rakib in which it has been stated that on 19.05.2013 at about 7.30 p.m., the wife of the informant namely Shama Parveen (appellant) along with her two sons Kasif Umar aged 4 years and Sarif Umar aged 2 years had gone to the house of Manjoor and when she did not return, the informant went in search of them at

8.30 p.m. but of no avail. The informant had come back home at 10.30 p.m. and went to sleep. It has been alleged that on 20.05.2013 at 6.30 a.m., the informant was bathing when his neighbour Md. Amirullah came and disclosed that his wife was sitting on the road in front of the house. The informant after completing his bath had brought his wife home. After some time, Amirullah had once again come to the house of the informant and disclosed that both his sons were lying in a drain in front of the house of Amirullah wrapped in cloths. The informant, on such information, had gone to the said place and found both his sons wrapped in a saree of his wife and blood was seen oozing out from the neck and hands of both the children. The police was informed after which the dead bodies were taken to MGM Hospital. It has been alleged that Manjoor Alam used to stay with the informant and he had taken a loan of Rs.35,000/- which he was not returning. The said Manjoor Alam had an illicit relationship with the wife of the informant and he wanted to solemnise marriage with her and both the children were a hurdle in the desire of Manjoor Alam and this was the reason why the wife of the informant committed the murders at the instigation of Manjoor Alam.

Based on the aforesaid allegations, Sakchi P.S. Case No. 159 of 2013 was instituted under Sections 302, 494, 109, 406 IPC. On completion of investigation, charge sheet was submitted and after cognizance was taken, the case was committed to the court of sessions where it was registered as S.T. No. 573 of 2013. Charge was framed against the accused under Sections 302, 494, 109 and 406 IPC which was read over and explained to the accused in Hindi to which she pleaded not guilty and claimed to be tried.

4. The prosecution has examined as many as nine witnesses in support of its case.

5. P.W.1 Dr. Lalan Choudhury was posted as an Assistant Professor, Department of Forensic Medicine, MGM College, Jamshedpur and on 20.05. 2013 he had conducted autopsy on the dead body of Sarif and had found the following:-

A. Incised wound:-

1. 2.75 cm X 0.5 cm X 0.25 cm, 3 cm X 0.5 cm X 0.25 cm and 2.5 cm X 0.5 cm X 0.25 cm over right side front of neck.
2. 2.5 cm X 0.5 cm X 0.25 cm over medial aspect of right wrist.
3. 1.5 cm X 0.5 cm X 0.25 cm over medial aspect of left wrist.

B. Chemical burn mark over lips and oral cavity on left side of neck.

The cause of death was opined to be on account of poisoning. The post-mortem report has been proved and marked as Exhibit-1.

On the same day, he had conducted autopsy on the dead body of Kasif and had found the following:-

“On examination, found antemortem chemical burn over right side of face, mouth (lips), left side of neck, both eyelids, nose, right ear and oral cavity.”

The cause of death was opined to be on account of poisoning. He has proved the post-mortem report which has been marked as Exhibit-2.

6. P.W.2 Md. Amiruzzama and P.W.3 Ismail Azad have not supported the case of the prosecution and were declared hostile by the prosecution.

7. P.W.4 Md. Rakib is the informant and the husband of the accused Shama Parveen who has stated that since Md. Manjoor Alam had taken a loan of Rs.35,000/-, his wife Shama Parveen had gone to the house of Md. Manjoor Alam on 19.05.2013 for collecting the said money. On 20.05.2013 at 6.30 a.m. when he was bathing, he came to know that his wife was sitting in L-1 Road in front of Quarter No.20. When he reached the said place, he found his wife in an unconscious state and he brought her to his quarter. After some time, he came to know that his two children are lying in the drain and when he went, he found one of his sons throttled with something put on his mouth and the other son also throttled with the veins of both his hands cut. A few days back, Manjoor had

established physical relationship with his wife and he wanted to get rid of the children before solemnising marriage with Shama Parveen. He has proved the written report given by him to the police which has been marked as Exhibit-1.

In cross-examination, he has deposed that he is not the author of the written report. He had not witnessed the murder of his children. He had not made any complaint to the police station or to the court.

8. P.W.5 Ram Charit Pal was posted as a Sub-Inspector of Police at Sakchi P.S and on 20.05.2013 he had taken over the investigation of Sakchi P.S. Case No. 159 of 2013. He had inspected the place of occurrence which is in front of Quarter No. L-1/16 at Luka Road. He had found traces of blood at several places. He had seized blood stained soil. He has proved the seizure list which has been marked as Exhibit-5/1. He had also seized blood about 3 feet from the gate in the road and a seizure list was prepared which has been marked as Exhibit-6/1. He had also seized some blood which was fallen about 6 feet from the quarter on the north-western side. The seizure list has been proved and marked as Exhibit-7/1. Some blood was also collected and seized from near the door of Quarter No. L-1/16 and a seizure list was prepared which has been marked as Exhibit-8/1. He had seized near the place of occurrence a checkered blue-green colour Pallu of a saree from the drain near Quarter No. L-1/16 and a seizure list was prepared which has been marked as Exhibit-4/1. He had gone to MGM Hospital and had prepared the inquest report of the two children which have been proved and marked as Exhibit-12 and 13. He had sent the dead bodies for conducting post-mortem. He had once again gone to the place of occurrence and recorded the statements of witnesses. He had got Shama Parveen admitted to the hospital. He had got the lady constable change the saree of Shama Parveen which was blood-stained and the part of the saree which was recovered from the place of occurrence was similar to the one worn by Shama Parveen. He had prepared a seizure list of the saree which has been

proved and marked as Exhibit-14. He had recorded the confessional statement of Shama Parveen which has been marked as Exhibit-15. On the basis of the confessional statement of Shama Parveen a blood-stained blade, coloured bangles and blood on the floor were seized and a seizure list was prepared which has been marked as Exhibit-16. The articles were seized from a place which is situated at a distance of 200 meters from the first place of occurrence. He had sent the seized articles to forensic science laboratory. On completion of investigation he had submitted charge sheet. The endorsement on the formal F.I.R has been proved and marked as Exhibit-11/1 while the formal F.I.R has been marked as Exhibit-17. He has deposed that there are no eye witnesses to the incident. He had not taken the blood sample of the murdered children. The saree which was taken out from a sealed packet has been marked as Material Exhibit-M. The green coloured cloth has been marked as Material Exhibit-4/1. The six envelopes of State Forensics Laboratory, Ranchi containing blood-stained cotton have been marked as Material Exhibits-M/2 to M/7. The signature in the arrest memo of Shama Parveen and Manjoor Alam have been proved and marked as Exhibit-19 and 19/1.

9. P.W.6 Md. Arshad Khan, P.W.7 Moin Khan, P.W.8 Rozy Khan and P.W.9 Md. Mobin Khan have not supported the case of the prosecution and they have been declared hostile by the prosecution.

10. The statement of the accused was recorded under Section 313 Cr.P.C in which she has denied her complicity in the commission of the offence.

11. The defence has examined one witness in support of its case.

12. D.W.1 Shama Parveen is the accused who has stated that in the year 2012 she had come to Jamshedpur. Her husband had a friendship with Manjoor Alam and it was Manjoor Alam who had made arrangements for her stay. Her husband used to work in Ludhiana and she stayed alone with her two children. She has stated that Manjoor Alam used to regularly visit her house. For

depositing the service tax, Manjoor Alam had taken Rs.40,000/- from her husband as loan and some jewellery which were kept on Mortgage. She had gone to the house of Manjoor for the loan amount and jewellery but nothing was given and instead Manjoor Alam expressed his love for her and wanted to marry her. Manjoor Alam already had two wives. She has deposed that on 20.05.2013 at 7.00 p.m she had gone to the house of Manjoor Alam along with her children to demand return of the loan amount and jewellery but Manjoor Alam started misbehaving with her and tied her hands and mouth and administered Pepsi on her children. Both the children were murdered by Manjoor Alam.

In cross-examination she has deposed that she had not disclosed about the incident to the Magistrate when she was produced before him. She has denied that the murder of her two children were committed by her in connivance with Manjoor Alam.

13. It has been submitted by Mr. Arvind Kumar Choudhury, learned counsel for the appellant that there are no eye witnesses to the occurrence and the conviction of the appellant is based on circumstantial evidence. It has been submitted that it was Manjoor Alam who was instrumental in committing the murders as he wanted to solemnise marriage with the appellant and the children were a thorn in his desire for such marriage. The appellant was found in an unconscious and disheveled state sitting on the road which furthermore signifies the distraught a mother has faced on having seen her two infant children die in such brutal fashion. Most of the witnesses of the prosecution have been declared hostile and the entire case rests upon the ocular evidence of P.W.4 and P.W.5. It has also been submitted that without there being any viscera report, the doctor conducting the post-mortem had come to an erroneous finding that the death had occurred on account of poisoning. The appellant has suffered incarceration for more than 13 years and in absence of any concrete evidence, the appellant deserves to be acquitted from the charges leveled against her.

14. Learned A.P.P has submitted that the appellant has

himself admitted that she had gone to the house of Manjoor Alam along with the children and therefore, there is a strong circumstance that it was the appellant who in connivance with Manjoor Alam had committed the murders to clear the path for her solemnising marriage with Manjoor Alam. On the confession of the appellant, blood-stained blade and bangles were recovered which furthermore enhances the case of the prosecution against the appellant.

15. We have heard the learned counsel for the respective sides and have also perused the trial court record.

16. Although the prosecution has examined nine witnesses, but apart from the doctor who had conducted the autopsy (P.W.1), the only other witnesses of substance are P.W.4 and P.W.5. The rest of the witnesses have been declared hostile by the prosecution.

17. When we analyse the evidence of P.W.4 who is the informant, it clearly transpires that on 19.05.2013 the appellant had gone to the house of Manjoor Alam and in the next morning, P.W.4 had found the appellant in a distraught state beside the road and subsequent thereto the dead bodies of both the children wrapped in a cloth with injuries visible on their person recovered from a drain. Though some doubt creeps up with respect to the conduct of the appellant as no efforts were made by him to search out his wife despite she having not returned at night but barring such aberration, the other features of the case does point to an active role played by the appellant in doing away with the life of her infant sons. The appellant has got herself examined as D.W.1 and she has admitted to the fact that on the fateful evening she had gone to the house of Manjoor Alam taking her children with her for recouping the loan amount which was extended to Manjoor Alam. However, her narration of the events takes a different route by pinning all the blame upon Manjoor Alam of causing bodily injury upon the infants. They were also forced to drink Pepsi and the statement of the appellant appears to have been deliberately made to correlate with the findings in the autopsy report regarding the

cause of death being poisoning and to absolve herself of any wrong doing. P.W.4 has also stated about an illicit relationship between Manjoor Alam and the appellant and this assertion has to a certain extent admitted by the appellant as she in her 313 Cr.P.C statement has candidly stated about Manjoor Alam being desirous of solemnising marriage with her. The evidence of P.W.5 reveals about the confessional statement of the appellant leading to recovery of a blood-stained blade and bangles. The autopsy report of Sarif reveals about several incised wounds found on his person which can be attributed to have been committed with the help of a blade. P.W.5 has also observed that the Pallu in which the infants were wrapped, matched with the saree the appellant was wearing.

18. The entire features of the case reveal the covert and clandestine manner in which the murders had taken place and that too in a brutal and grotesque manner. The appellant, being the mother, instead of protecting her children, had devoured them in a devilish fashion. No explanation has been furnished by the appellant relating to the entire episode inviting another angle to the case and all the components are aligned towards the guilt of the appellant.

19. The learned trial court has considered aptly the essential features of the case while convicting the appellant for the offence under Section 302/34 IPC and sentencing her accordingly and having found no reasons to conclude otherwise, this appeal stands dismissed.

20. Pending interlocutory application(s), if any, stands closed.

(Rongon Mukhopadhyay, J.)

(Arun Kumar Rai, J.)

Dated: 4th August 2026

Shamim/-

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