

IN THE HIGH COURT OF JHARKHAND AT RANCHI
Cr. Revision No. 831 of 2016

Yogendra Saw @ Yogendra Sao, Son of Sri Laxman Saw, Resident
of Village-Pahra, P.S., P.O.-Keredari, Dist.-Hazaribagh, Jharkhand

.... **Petitioner**

Versus

The State of Jharkhand

.... **Opposite Party**

For the Petitioner : Mr. B.M. Tripathi, Sr. Adv.

Mrs. Nutan Sharma, Adv.

Mr. Naveen Kr. Jaiswal, Adv.

For the State

: Mrs. Priya Shrestha, Spl.P.P.

CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA

JUDGMENT

C.A.V. on 21.07.2026

Pronounced on 20/08/2026

1. Heard the arguments of learned Sr. counsel for the petitioner and Learned Spl.P.P.
2. The instant criminal revision is preferred against the judgment dated 04th April, 2016 passed in Cr. Appeal No. 97 of 2015 by the learned Dist. & Addl. Sessions Judge-XIII, Hazaribag, whereby and whereunder, the learned Appellate Court has upheld the judgment and order of conviction and sentence of the present petitioner dated 23.05.2015 passed in Keredari P.S. Case No. 55/2010 (G.R. No. 2599/10 and T.R. No. 200/15) by the learned J.M., 1ST Class, Hazaribag, whereby and whereunder, the petitioner has been convicted for the offence under Sections 323/149, 341/149, 504/149 & 353/149 of the IPC and sentenced to undergo S.I. for 15 days under Section 341/149 of the IPC, S.I. for 1 year under Section 353/149 of the IPC, S.I. for 6 months under

Section 323/149 and S.I. for 1 year under Section 504/149 of the IPC. All the sentences were directed to run concurrently.

Factual Matrix:-

3. The factual matrix giving rise to this case is based upon the self-statement of the informant Raghwendra Kumar Singh, A.G.M. of NTPC Coal Mines Project, Hazaribag stating *inter alia* therein that on 17.08.2010, a resident project allotted by the Government and constructed by the NTPC was being inaugurated by the representative of the Government Dist. Administration. The informant and other local agent were also present there. It is alleged that M.L.A. Yogendra Sao and others came and started abusing and assaulting the informant. It is further alleged that one Leeladhar Sao assaulted the informant with Fat and Fist. The matter was reported to Police and F.I.R. was lodged.
4. On the basis of the self-statement of the informant, Keredari P.S. Case No. 55 of 2010 was registered for the offence under Sections 147, 149, 323, 341, 353, 427, 504, 506 of the IPC against Yogendra Sao, Leeladhar Sao and thirteen other accused persons.
5. After completion of the investigation, charge sheet was submitted and cognizance was taken against five accused persons namely Liladhar, Rabindra Kumar Gupta, Mahabir Sao, Naro Tiwar and Prabhu Mahto keeping the investigation pending against rest of the accused persons and the case

record was transferred to the J.M. 1st Class, Hazaribag for trial and disposal.

6. The supplementary charge-sheet was also submitted by the I.O. for the aforesaid offence against Yogendra Sao, Mukesh Sao and Dildar Ansari and the case was amalgamated with the first case transferred to the J.M. 1st Class for trial and disposal. The charges were read over to the accused persons in Hindi to which they pleaded not guilty and claimed to be tried.

7. In the course of trial, altogether 7 witnesses were examined by the prosecution :-

P.W.-1	Ram Uday Sharma
P.W.-2	Binay Kumar
P.W.-3	Pravesh Chandra Sinha (I.O.)
P.W.-4	Raghwendra Kumar Singh (Informant)
P.W.-5	Prakash Kumar Upadhayay
P.W.-6	Ayub Ansari
P.W.-7	Ajay Kumar @ Ajay Tiwari

8. Apart from oral testimony of the witnesses, following documentary evidence has also been adduced by the prosecution:-

Ext.-1	Registration and Endorsement on written report
Ext.-1/1	Written Report
Ext.-2	Signature of Formal F.I.R.

9. On the other hand, Defence has also examined two witnesses namely:-

D.W.-1 Ranjeet Das

D.W.-2 S.K. Kant

10. Apart from oral testimony, no documentary evidence has been adduced on behalf of the defence. The case of defence as recorded under Section 313 Cr.P.C. is that they are innocent. Accused Mahabir Saw stated that he is innocent and not named in the F.I.R. Accused Narayan Tiwari stated that he was not present at the place of occurrence on the date of occurrence. Accused Dildar Ansari ,accused Liladhar, accused Mukesh Sao and Rabindra Kumar Gupta have also denied their presence. Accused Yogendra Sao has stated that he has not assaulted anyone, he has falsely been implicated under the conspiracy and is innocent.
11. The learned trial Court after considering the evidence available on record held the petitioner guilty for the offence as stated above which has also been upheld by the learned Appellate Court in Appeal.

Submissions on behalf of petitioner: -

12. Learned counsel for the petitioner assailing the concurrent findings of the Courts below has contended that the petitioner's presence at the place of occurrence was coincidence and the petitioner along with other accused persons were there to protest the inauguration of the residential building and there was no common intention to assault and insult any public servant. It has also been submitted that all

the accused persons have been acquitted by the learned trial Court except the petitioner only because he happens to be representative of people and then sitting M.L.A. It has also been submitted that there was no allegation against the petitioner for assaulting and insulting any public servant but due to misinterpretation of evidence, both the Courts below have committed gross error of law holding the petitioner guilty. There was no instigation on the part of the petitioner. It has also been submitted that one Leeladhar Saw who had assaulted by fist and fat to officials has been acquitted by the learned trial Court while this petitioner being the representative of the people has been convicted and sentenced. Both the Courts below have committed gross error of law in recording the findings of guilt of the petitioner which is perverse, baseless and arbitrary, and liable to be set aside.

Submissions on behalf of the State:-

13. On the other hand, Learned Spl.P.P. has defended the judgment of learned trial Court as well as the appellate Court by stating that there was direct allegation of abuse, assault and nuisance created by the petitioner and therefore both the Courts below have very wisely and aptly gone through the record of the case and rightly found the petitioner guilty for the offence as stated and accordingly convicted and sentenced

him and there is no merits in this revision which is fit to be dismissed.

Analysis, reasons and decision:

14. I have gone through the record of case along with impugned judgment passed by the learned Appellate Court as well as trial Court in the light of contentions raised on behalf of respective parties.

15. The sole point for consideration in this revision is as to “whether the conviction and sentence of the petitioner suffers from any error of law, calling for any interference in this revision?

16. Before adverting to adjudicate upon the above point, I have to take brief resume of oral testimony of the witnesses examined in this case during trial.

PW-1 Ram Uday Sharma Assistant Manager, Project Coal Mining NTPC Keredari has deposed that the occurrence is of 17/08/10 at 11:00 to 11:30 A.M. He has further stated inauguration ceremony was scheduled to be held and unveiled by D.C. and they were involved in preparation. He has further stated that they were 15 to 20 staff. He further submitted that a Halla was raised that M.L.A. Yogendra Sao has come and they went to welcome the M.L.A. Thereafter M.L.A. became furious due to having no knowledge regarding the inauguration and then Raghwendra Kumar Singh came there and told him that by mistake, he could not

invite him. He has further stated that upon this, the persons who came with M.L.A also got angry and 20 to 25 persons gathered there and they started to pluck the flower decorated for inauguration purpose. He has further stated that scuffle took place with Raghwendra Kumar Singh and thereafter he reached there, but no scuffle took place with him. He has further stated that **somebody has assaulted Raghwendra Kumar Singh**. He has further stated that M.L.A. and his associates were there for 15 to 20 minutes. He has further stated that after departure of M.L.A, D.C. came there. Raghwendra Kumar Singh informed about the occurrence to the police. He has further stated that on 17/08/10, he was posted as Assistant Engineer, NTPC Coal Mines Keredari and he was present at the place of occurrence. He has identified the M.L.A Yogendra Sao present in the court and also claimed to identify anyone of accused persons.

In his cross examination, he has stated that M.L.A had not assaulted anyone. This witness has been examined at length but nothing has come to disbelieve his testimony.

PW-2 Binay Kumar, Deputy General Manager, NTPC Hazaribag has deposed that that the occurrence has taken place on 17/08/10 and he was posted as Senior Manager in NTPC, Hazaribag. He has further stated that on that day, one house was decorated for inauguration which was scheduled to be held by Hazaribag D.C. and they were waiting for D.C.

In the meantime, large number of people came and started to raise Halla and abuse the NTPC staffs. He has stated that the said crowd numbering 30-35 was led by Yogendra Sao M.L.A. He has stated that they have broken the flower Garland and the said mob remained there for one and half hours and they were abusing. He has further stated that at the time of inauguration, he was present there and after inauguration by D.C., Raghwendra Engineer of NTPC has reported the matter to the police. He has further stated that he can identify the accused persons.

In his cross examination, he has stated that he has not given any statement before the police. He has stated that he can not tell their names and addresses of the anyone of the accused persons. He has further stated that the persons who were protesting were outside of the office.

P.W.-3 Prawesh Chandra Sinha is the Investigating Officer of this case and has deposed that the occurrence is of 17/08/2010 and on that day, he was posted as officer-in-charge of Keredari P.S. He has further stated that he has lodged the P.S. Case no.55/2010 dated 17/08/10 on the basis of written report of informant namely Raghawendra Kumar Singh A.G.M., NTPC Coal Mining Project, Hazaribagh against two named and 13 unknown. Thereafter, he had taken the charge of investigation himself. He has further stated that he has taken the restatement of the informant and

inspected the place of occurrence. He has further stated that he has found the broken flower garland which was decorated on the stone-board for the inauguration purpose. Further, he deposed that he has recorded the statements of the witnesses at the place of occurrence. He has stated that after finding the allegation true, he has submitted the charge sheet against accused namely Liladhar Sao, Ravindra Kumar @Ravi Gupta, Mahabir Sao, Naro @ Narayan Tiwari and Prabhu Mahto. Thereafter, he submitted second charge-sheet against rest accused persons namely Yogendra Sao, Mukesh Sao and Dildar Ansari. He has further proved his pen and signature of the endorsement made on the written report which has been exhibited. He has also proved his signature on the formal FIR which has also been exhibited. He has claimed to identify the accused persons who were arrested.

In his cross examination, he stated that he had knowledge regarding inauguration and in that respect he deputed their security guards. This witness has also examined at length and denied the suggestion of the defence.

P.W.-4 Raghawendra Kumar Singh is the informant of this case and has stated that the occurrence is of 17/08/10 at 11-12 o'clock. He has further stated that work of renovation of Primary Health Center situated at Keredari Block was done by them and the same was to be inaugurated by the D.C., Hazaribag, Sri Vinay Kumar Chaubey on dtd. 17/08/10. He

has further stated that on that day, 15-20 persons tried to defame him by way of scuffle under the leadership of local M.L.A. Yogendra Sao. He has further stated that he did not identify anyone. He has further stated that the mob tried to attack them. He has further stated that he has not identified any of the accused persons who were present in the court but claimed to identify the other accused. On that date this witness has not identified the accused persons however Mukesh Sao, Dildar Ansari, Ravindra Kumar Gupta were present in the court. He has proved his pen and signature on the written report which has been marked as exhibit 1/1.

In his cross-examination, he has stated that he was pushed by Yogendra Sao and scuffle took place under the leadership of MLA. He has further denied the suggestion of the defence.

P.W.-5 Prakash Kumar Upadhaya, Additional General & chief Manager at NTPC has stated the occurrence is of 17/08/10 and on that date, he was posted as AGM, Pakri, Barwadhi, NTPC Coal Mines. Inauguration ceremony was to take place and same was to be inaugurated by of D.C. Hazaribag, Sri Vinay Chaubey. He has further stated that all preparation work was done and they were waiting for D.C. In the meantime, 15 to 20 persons came there and started to raise halla and damaged the decorated work. He has further stated that the person who was leading the mob, he did not

recognize him, but the persons who were present there, have told him that he was MLA Yogendra Sao. He has further stated that the inauguration was done in that conditions. Thereafter, Raghawendra Kumar Singh has informed to police. He has further stated that he did not identify anyone.

P.W.-6 Ayub Ansari is a farmer and independent witness who has been declared hostile by the prosecution. But in this cross-examination, he has stated that the public was not provoked by M.L.A.

P.W.-7 Ajay Kumar @ Ajay Tiwari who is Village Labour Stabilizer (V.L.E.) and contractor, has stated that the occurrence is of 17.01. 2010 or 2011. He has stated that place of occurrence is inside the hospital campus at Keredri chowk and they had the responsibility of doing preparation work and they were engaged for that work since three days. He has stated that the inauguration has to be done at about 10:00 to 11:00 A.M. by the D.C., Hazaribag and people had gathered there for protesting the inauguration of NTPC office saying that this is staff quarter and no office should be opened. He has stated that D.C., Hazaribag inaugurated the new office of NTPC at about 11:00 o'clock thereafter Yogendra Sao (MLA) and 5 to 7 persons came from Scorpio vehicle. He has further stated that they were invited or not, he does not know. He has stated that police has not inquired him.

This witness has been declared hostile on the request of the prosecution. He has denied the suggestion of the prosecution during chief examination regarding the occurrence. He has also stated that the inauguration was done prior to the coming of Yogendra Sao and in the inauguration there was no obstruction and police was also present there. He has further stated that no occurrence of any abuse assault, broking of garland etc.

17. On the other hand, the defence has also examined altogether two witnesses on his behalf.

D.W.-1 Ranjeet Das is the Assistant Soil Conservator presently posted at Chaibasa has stated that on 17/08/10, he was posted as Block Development Officer at Keredari Block. He remained on his duty from 10:00 A.M. to 5:00 P.M. He has further stated that Keredari Additional Health Center was situated at distance of 1000 Ft. from his office and Dr. S.K. Kant was in-charge of health at Additional Health Center. He has further stated that he has got no written information regarding NTPC site office inauguration at Additional Health Center. He has further stated that on 17/08/10, there was normal hue and cry by the leaders, Subsequently he heard that on that day there was inauguration of NTPC and the same was to be inaugurated by the D.C. He went there. When he went there he did not either saw anything nor heard and thereafter when he came back to his office then he heard the

conversation of 1 to 2 people that there was a hungama done by public for the procession of NTPC. In his cross examination, he has stated that he had no personal knowledge about the occurrence, he has not seen the occurrence, committed and he heard the same from the public. He has further denied the suggestion of the prosecution regarding the occurrence and he has also stated that Yogendra Sao was present there.

D.W.-2 Dr. S.K. Kant who is doctor at Additional PHC, Sultana, Katkamsandi, Hazaribag has stated he was posted as In-charge medical officer at Primary Health Center, Barkagoan, Hazaribag and Additional In-charge of Public Health Center, Keredari. On that day he remained present at Keredari P.H.C from 10:00 A.M to evening. He has further stated that he has no knowledge in writing regarding any inauguration of the office but has got the information by hearing that the inauguration of site office of NTPC has to be done, at what time, the same was to be inaugurated, he does not know but D.C, Hazaribag has to inaugurate. On that day there was training of Sahiya and Para Employees, on that time, MLA Yogendra Sao came to his office. He has further stated that prior to this Yogendra sao visits their office for sudden inspection, MLA has asked from him regarding the inauguration of office then he told him that he has got no any written information at any level about this. He has further

stated that he has informed to their superior officer regarding office construction and on that day local villagers were protesting the same.

18. I have gone through the testimony of the aforesaid prosecution witnesses and defence witnesses and I find that there is no specific evidence that Yogendra Sao has assaulted anyone or instigated the public and most of the witnesses has deposed that a mob gathered there in order to protest the inauguration of office of NTPC having their grievance that they did not want that office was to be constructed there. I also find that the M.L.A. Yogendra Sao being the public figure has been identified by most of the witnesses but no overt act has been attributed against him by any of the witnesses. It has also come in the F.I.R. that one Leeladhar Sao has assaulted the informant with Fist and Fat but that accused has been acquitted on the basis of same set of evidence, rather, the M.L.A. against whom, there is no common object or intention to obstruct the inauguration function, has been convicted. Therefore, I find substance in the arguments of learned Sr. counsel for the appellant that the learned trial Court as well as appellate Court has committed serious error of law in appreciating the material evidence available on record and arrived at conclusion of guilt of the petitioner, which is absolutely perverse and beyond the weight of evidence available on record.

19. In view of above discussion and reasons, this **Criminal Revision is allowed** and the impugned judgments of Courts below is hereby set aside and the petitioner is acquitted from the charges leveled against him.
20. Petitioner is on bail, hence he is discharged from the liabilities of bail bonds. Sureties are also discharged.
21. Pending I.A(s), if any, is also disposed of, accordingly.
22. Let a copy of this judgment along with Trial Court Records be sent back to the court concerned for information and needful.

(Pradeep Kumar Srivastava, J.)

Jharkhand High Court at Ranchi

Date:- 20/08/2026

Basant /-**NAFR**

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