

**IN THE HIGH COURT OF JHARKHAND AT RANCHI**

**Cr. Revision No. 134 of 2012**

Tileshwar Lohara @ Tileshwar Lohar and Others  
 ... .. Petitioners  
 Versus  
 State of Jharkhand & Another ... .. Opp. Parties

---

**CORAM: HON'BLE MRS. JUSTICE ANUBHA RAWAT CHOUDHARY**

---

For the Petitioners : Mr. Ashutosh Kumar Madhukar, Advocate  
 For the State : Mrs. Niki Sinha, A.P.P.  
 For the O.P. No. 2 : Mr. Nehru Mahto, Advocate

Through Video Conferencing

**07/06.09.2021**

1. Heard Mr. Ashutosh Kumar Madhukar, learned counsel appearing on behalf of the petitioners.
2. Heard Mr. Nehru Mahto, learned counsel appearing on behalf of the opposite party No. 2.
3. Heard Mrs. Niki Sinha, learned counsel appearing on behalf of the opposite party-State.
4. Learned counsel for the petitioners has submitted that the impugned judgment of conviction passed by the learned courts below are perverse and are fit to be set aside. Learned counsel has submitted that there was land dispute between the parties and accordingly, the petitioners could not have been convicted for offence under Section 379 and 447 of the Indian Penal Code. He has relied upon the judgment passed by the Hon'ble Supreme Court reported in **AIR 1972 SC 949** equivalent citation **(1972)3 SCC 841**. Learned counsel for the petitioners submits that sentence of the petitioners is also on the excessive side in view of the fact that as per the allegation, the petitioners had entered into the field of the informant and had taken away paddy crop worth Rs. 4,000/- only and they have been sentenced for two years simple imprisonment under Section 379 IPC and have also been convicted for the offence under Section

447 IPC for a period of two months. Learned counsel has also submitted that the petitioners have remained in custody at least from the date 17.2.2012, when they surrendered, to 29.03.2012, when they were released on bail. Learned counsel has also submitted that case is of the year 2002 and much time has elapsed from the date of incident.

5. Learned counsel appearing on behalf of the opposite party No. 2, on the other hand, has submitted that there are concurrent findings recorded by the learned courts below and out of seven petitioners before this court, except petitioner No. 4 and petitioner No. 7, rest of them have history of previous conviction as recorded by the learned courts below and the conviction of these persons was in connection with Sikidiri P.S. Case No. 27/2002 corresponding to G.R. Case No. 3200 of 2002 for the offence under Sections 147,148,324,323 IPC in connection with the same piece of land i.e. Khata No. 57. Learned counsel submits that considering this aspect of the matter, the petitioners do not deserve any sympathetic view of this court.
6. Learned counsel appearing on behalf of the opposite party-State has also supported the submissions made by learned counsel for the opposite party No. 2.
7. Arguments are concluded.
8. Post this case for judgment on 13.09.2021.

**(Anubha Rawat Choudhary, J.)**