IN THE HIGH COURT OF JHARKHAND AT RANCHI

Cr. Revision No. 1332 of 2023

Sandeep Tapadia @ Sandeep Tapadiya P.P., aged about 42 years, son of Sushil Kumar Tapadia, resident of Flat No.101, Mathura Villa, Station Road, Near Ghora Chowk, Jugsalai, P.O. and P.S.-Jugsalai, District-East Singhbhum, Jharkhand ……Petitioner

Versus

The State of Jharkhand …. Opp.Party

For the Petitioner : Mr. Siddharth Ranjan, Advocate
For the State : Mr. Manoj Kumar Mishra, A.P.P.
For the O.P. No.2 : Mrs. Vani Kumari, Advocate

PRESENT
CORAM: HON'BLE MR. JUSTICE PRADEEP KUMAR SRIVASTAVA
ORDERS

CAV On 30.10.2026 **Pronounced on 20 /11/2026**

1. Heard Mr. Siddharth Ranjan, learned counsel for the petitioner and learned A.P.P. assisted by learned counsel for the opposite party No.2, Mrs. Vani Kumari.

2. This criminal revision is directed against the order dated 11.08.2023 passed by learned Additional Sessions Judge-IV East Singhbhum whereby M.C.A. No.1561 of 2023/ 1027 of 2023 filed by the petitioners in S.T. No.247 of 2021 under section 227 of Cr.P.C. has been rejected.

3. The petitioners of MCA No.1561 of 2023 namely Tunnu @ Tuna Singh @ Jhuna Singh, Ranjit Chaudhary, Abhishek Kumar @ Bittu and Ashok Kumar have not challenged the impugned order rather MCA No.1027 of 2023 filed by the present petitioner Sandeep Tapadia has assailed the

rejection of his application under section 227 of Cr.P.C. by the impugned order.

4. Learned counsel for the petitioner assailing the impugned order has submitted that although he was named in the FIR but his name appeared in the third charge-sheet filed by the police in the year 2018 on the same materials, which were collected while submitting first and second charge-sheet against other co-accused persons. It is further submitted that there is no iota of evidence at all against the petitioner showing his involvement in the alleged murder of the informant's husband. As per FIR itself, there is allegation that there was commercial dispute between the deceased and Vicky Tapadia (brother of the present petitioner), who was running Tapadia Construction but the petitioner was neither partner of the firm nor associated with the said firm in any manner belonging to his brother. Therefore, there was no dispute between the petitioner and the deceased and no motive has been scribed against the petitioner for causing murder of the deceased. In course of investigation, no material has been collected against the petitioner showing his involvement and participation in the alleged occurrence. It is further submitted that other co-accused persons including Vicky Tapadia has faced trial and in course of trial, none of the witnesses examined by the prosecution have attributed any role or any conspiracy of the petitioner with other co-accused persons. Therefore, framing of charge-sheet against the

petitioner and proceeding towards trial shall amount to misuse of process of the court causing serious prejudice and unwarranted humiliation and harassment to the petitioner. Learned trial court has passed the impugned order only on the basis of assumption and presumption without discussing the materials incriminating the present petitioner in commission of the alleged offence. Therefore, the impugned order is fit to be set aside and this revision may be allowed.

5. Learned counsel for the petitioner has placed reliance upon following reported judgment:-

(i) Yogesh @ Sachin Jagdish Joshi v State of Maharashtra (2008) 10 SCC 394

(ii) P. Vijayan v State of Kerala & Anr. (2010) 2 SCC 398

(iii) Hardeep Singh v State of Punjab & Ors. (2014) 3 SCC 92

(iv) Nitya Dharmananda @ K. Lenin and Anr. v Gopal Sheelum Reddy also known as Nithya Bhaktananda and Anr.(2018) 2SCC 93

6. On the other hand, learned A.P.P. assisted by learned counsel for the opposite party No.2 has opposed the aforesaid contentions raised on behalf of the petitioner and submitted that the petitioner is named accused in FIR and there is direct allegation of firing against the deceased causing his death. The witnesses interrogated during

investigation have categorically stated about the involvement of the present petitioner in the alleged offence. The petitioner was partner in the construction firm of his brother or not has to be proved by him not by the prosecution during trial of the case. The petitioner cannot take advantage of any evidence of prosecution witnesses testified during trial or other co-accused persons because the accused was not facing trial along with other co-accused persons. The witnesses have to depose afresh against the present petitioner during trial and subjected to the cross-examination. Therefore, there is no reason to interfere with the impugned order at the present stage of the proceeding and there is no merits in this revision and fit to be dismissed.

7. I have gone through the record as well as impugned order in the light of contention raised on behalf of both side.

8. It appears that the informant, Ranju Devi is none else but wife of the deceased. It is alleged that 01.08.2015 at about 4:45 am, the informant's husband left his house in his car bearing Reg. No.OD-02F-3194 and picked up his friend Chandra Shekhar Verma and proceeded toward Jubli Park. At about 5:40 am, Chandra Shekhar Verma made a call the informant that her husband has been shot by Vicky Tapadia and Sandeep Tapadia (petitioner) along with other miscreants and he has been brought to T.M.H. hospital. The informant along with other family members rushed towards T.M.H. Hospital and found her husband was

died due to firearm injury. The informant has also narrated her husband Ram Sakal Prasad had a construction firm in the name of R.S. Construction and the accused persons were also engaged in construction in the name of Tapadia Construction Firm. Her husband along with accused persons have constructed apartments in joint venture at Bistupur and some other places but at present some difference and dispute arose between the parties relating to payment of money earned under the said business. It is alleged that the husband of the informant locked some flats which was in his share. It is also alleged that just about one week ago prior to the incident, the accused persons broken the locks and taken possession of the flats upon which the husband of the informant demanded his share of Rs.2.25 crores. The accused persons namely Sandeep Tapadia (petitioner) and Munna Tapadia have replied that instead of giving his share, they would kill her husband. Thereafter, this occurrence took place and FIR was lodged. After completion of investigation, the petitioner has been charge-sheeted under section 302/34 and 120B of IPC.

9. From perusal of FIR, there remains no doubt that the petitioner is named in the FIR and there is direct allegation of shooting the deceased due to business dispute. The witnesses interrogated during investigation have also consistently corroborated the prosecution story and it is also undisputed that the deceased was died due to firearm injury. The

petitioner has raised main defence plea that he had no business rivalry with the deceased and was not a partner of Tapadia Construction Firm and also relies upon the testimony of witnesses examined during trial of other accused persons in S.T. No.367 of 2016. It appears that learned trial court has dealt with the aforesaid pleas of the petitioner in the impugned order relying on several judgments of Hon'ble Apex Court as guidelines.

10. Learned counsel for the petitioner has placed reliance upon reported judgments of Hon'ble Apex Court in the case of ***Yogesh @ Sachin Jagdish Joshi v. State of Maharashtra (2008) 10 SCC 394***, wherein it has been held that "It is trite that the words "not sufficient ground for proceeding against the accused" appearing in the Section 227 Cr.P.C postulate exercise of judicial mind on the part of the Judge to the facts of the case in order to determine whether a case for trial has been made out by the prosecution. However, in assessing this fact, the Judge has the power to sift and weigh the material for the limited purpose of finding out whether or not a *prima facie c*ase against the accused has been made out. The test to determine a prima facie case depends upon the facts of each case and in this regard it is neither feasible nor desirable to lay down a rule of universal application. By and large, however, if two views are equally possible and the Judge is satisfied that the evidence produced before him gives rise to suspicion only as

distinguished from grave suspicion, he will be fully within his right to discharge the accused. At this stage, he is not to see as to whether the trial will end in conviction or not. The broad test to be applied is whether the materials on record, if unrebutted, make a conviction reasonably possible."

11. Another citation relied upon by the petitioner in ***P. Vijayan v State of Kerala and Anr. (2010) 2 SCC 398*** has reiterated the same principle.

12. One more citation relied upon by the petitioner in ***Hardeep Singh v State of Punjab & Ors. (2014) 3 SCC 92*** pertains to the invocation of the provision under section 319 Cr.P.C and at present, stage of the proceeding is not relevant in the present case.

13. In the instant case, the insistence of the petitioner at present stage upon proof of partnership and production of partnership deeds showing the petitioner was partner of the Tapadia Construction Firm along with the deceased is not a disputed question to be decided at the trial. The fact in issue is as to whether the accused was involved in committing murder of the deceased by using firearm or not to be proved by the prosecution. The petitioner has not brought on record any sterling materials to be considered as a defence which absolutely negates his involvement in the alleged murder.

14. From perusal of the record along with impugned order, it transpires that there is direct allegation against the petitioner of opening firearm

against the deceased and he has also threatened to kill the deceased on demand of Rs.2.25 crores of his shares in the constructed flats. The points of argument taken by the petitioner are subject matter of evidence to be adduced during trial and no defence plea can be accepted at the present stage of proceeding.

15. In view of the above discussion and reasons, I do not find any illegality or infirmity in the impugned order calling for any interference by way of this revision, which stands **dismissed**.

16. Pending I.A(s), if any, is also disposed of, accordingly.

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

(Pradeep Kumar Srivastava, J.)

High Court of Jharkhand, Ranchi

Date:-20/ 11 /2026

Pappu/-N.A.F.R.

Uploaded on 20/ 11/2026