

# Iqbal Rashid vs The State Of Jharkhand on 5 December, 2025

**Author: Anil Kumar Choudhary**

**Bench: Anil Kumar Choudhary**

[2025:JHHC:37650]

IN THE HIGH COURT OF JHARKHAND AT RANCHI  
Cr. Appeal (SJ) No.13 of 2025  
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(Against the Judgment of conviction dated 27.11.2024 and Order of Sentence dated 29.11.2024 passed by learned Special Judge, Cyber Crime, Jamtara in Cyber Case No. 10 of 2019)

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Iqbal Rashid, aged about 38 years, S/o- Afzal Rashid, R/o- Village- Chengaidih, P.O.+P.S.- Jamtara, District- Jamtara ... Appellant Versus The State of Jharkhand ... Respondent

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For the Appellant : Mr. Mahesh Tewari, Advocate For the Resp.- State : Mr. Naveen Kr. Ganjhu, Addl.P.P.

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PRESENT  
HON'BLE MR. JUSTICE ANIL KUMAR CHOUDHARY

By the Court:- Heard the parties.

2. This appeal under Section 415(2) of B.N.S.S., 2023 has been preferred against the Judgment of conviction dated 27.11.2024 and the Order of sentence dated 29.11.2024 passed by the learned Special Judge, Cyber Crime, Jamtara in Cyber Case No. 10 of 2019 whereby and where under the learned trial court has held the appellant guilty of the offences punishable under Sections 419, 420, 120B of the Indian Penal Code and Section 66D of the Information Technology Act, 2000 and he has been sentenced as follows:-

[2025:JHHC:37650] Name of Offence Sentence Convict Default Section- 2 sentence  
Fine Rs.5,000/-

I . P . C .

R . I .

Months

Iqbal Rashid	Section-	4		S.I. Default sentence
			Fine	
			Rs .25,000/-	
	I.P.C.	R.I.		Months S.I. Default sentence
	Section-	2		
	120B of	years		
	the I.P.C.	R.I.	Rs .5,000/-	Months S.I. Default sentence
	Section-	3		
	66D of		Fine	
	the I.T.		Rs .25,000/-	
		R.I.		Months S.I.
	Act			

3. The case of the prosecution in brief is that the appellant in criminal conspiracy with the co-accused persons was involved in cyber crime by making call over mobile phone to gullible persons and deceiving them to part with money through online mode by using threats or by alluring them. The Officer-in-charge of Cyber Crime Police Station, Jamtara on 26.09.2018, got secret information about cyber crime being committed at the place of occurrence. At about 15:10 Hours, on seeing the police team, four of the accused persons indulging in cyber crime started to flee away; but the appellant was caught at the spot while other three co-accused persons escaped. From the possession of the appellant, two mobile phones with active SIM Cards and one motorcycle were recovered. From the place of occurrence, three other mobile phones with active SIM Cards were recovered along with several SIM Cards kept in the bunch of paper and one more motorcycle was also recovered. It is stated that three other persons who succeeded in fleeing away from the place of occurrence, [2025:JHHC:37650] are the associates of the appellant. It was found out that in the mobile phone recovered from the possession of the appellant, Nineteen e-

Wallets were installed but the SIM Card was was obtained on the basis of forged document, in the name of a person. The appellant confessed his guilt before the police and disclosed the details of the Bank Accounts in the name of several persons. The appellant admitted that Kamaluddin is a

commission agent and the appellant defrauded money from gullible persons through cyber crime by using Debit Card of Kamaluddin, on giving a share of twenty per cent of the money withdrawn as a commission to Kamaluddin.

4. On the basis of the statement made by the informant- police officer, police registered Jamtara Cyber Crime Case no. 39 of 2018 and took up investigation of the case and after investigation of the case, submitted charge sheet against the appellant while keeping the investigation pending against three other co-accused persons. The charges were framed against the appellant to which the appellant pleaded not guilty.

5. In support of its case, the prosecution altogether examined four witnesses. The appellant-accused persons did not examine any witness in his defence. PW-1 namely Chitranjan Mishra- Inspector of Police stated about the raid being conducted on getting secret information that the appellant and the co-accused persons were indulging in cyber- crime, by the side of the river by hiding themselves behind a Bamboo Bush. He has also stated about the appellant being apprehended at the spot and details of the recovery of mobile phones, SIM Cards, Motorcycle, Pass Book of SBI. It was found out that in the mobile, [2025:JHHC:37650] several e-wallets were installed by the appellant. The appellant also admitted that the SIM Card which is in mobile phone, is a forged one and by using the same, he used to transfer money obtained by cyber- crime to the Account of co-accused namely Kamaluddin and giving twenty percent of the money transferred to the Account of Kamaluddin as commission. He has categorically stated that the appellant and his associates in total four persons are members of the group and together on the basis of the forged mobile and forged SIM Cards, they are posing themselves as Bank Manager and by so deceiving the gullible persons by fraudulently and dishonestly inducing them to part with the details of their ATM Card, OTP Number, CVV Number used to cheat several persons. He identified the appellant in the court.

6. In his cross-examination, he stated that he came to know about the transactions made in the e-wallet by the technical experts. Only two suggestions were given to him in his cross examination. The first suggestion was that the accused person was apprehended erroneously and the second suggestion was that the mobile phone which was seized from the accused persons belongs to someone else. It is pertinent to mention here that there is absolutely no cross-examination of the PW-1 regarding the statement made in his examination-in-chief that the appellant and the co-accused persons were members of a group running cybercrime and by using forged mobile and forged SIM Cards, they were posing themselves as Bank Manager and fraudulently obtaining the details of ATM Cards, OTP Number, CVV Number and were used to cheat gullible persons.

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7. PW-2 namely Sunil Kumar Choudhary is also another Police Inspector-cum-Officer In-charge, Jamtara, Cyber P.S. who took part in the raid; which was conducted on 26.09.2018 upon the cyber criminals and he has also corroborated the case of the prosecution like the PW-1. He has also stated about the appellant being apprehended at the place of occurrence along with forged SIM Cards, mobile phones, motorcycle, Passbook; the details of which has been stated by him. From the mobile phone which was used by the appellant with forged mobile number was found to be having e-wallets

and there was transaction of huge money by the said e-wallets. The appellant disclosed the details of the Bank Account with the branches of different Banks at Delhi and Punjab owned by the appellant in different Banks. The same were seized by the police after preparing the seizure list, copy of which was given to the appellant. The PW-2 submitted a self-written application. On the basis of which, Jamtara Cyber Crime Case No. 39 of 2018 was registered. On being proved by him, the typed self-statement of the PW-2-informant was marked as Ext.1 and the endorsement regarding registration of the case was marked Ext.1/1. The seizure list on being proved by the PW-2 was marked Ext.2 and the same also bore the signature of the appellant as well as the PW-2 besides the witness. The formal FIR was marked Ext.3. The material objects were marked Ext.4 to 11. He identified the appellant in the court.

8. In his cross examination, he stated that he was In-charge of Jamtara Cyber P.S. at the time of lodging of the FIR. He has further [2025:JHHC:37650] stated that he has no special knowledge about how the cheating was done by using the mobile recovered from the appellant.

9. PW-3 namely Lal Mohammad Ansari is the Chowkidar of the place of occurrence locality. He has also supported the case of the prosecution. Like the PW-1 and PW-2, he has stated about the appellant being apprehended at the place of occurrence and recovery of mobile phones, SIM Cards, Motorcycle, Passbook of SBI. He has further stated about seizure of the same and the preparation of the seizure list upon which PW-3 also signed and on being proved by him, the signatures were marked Ext.2/1 and Ext.2/2 respectively.

10. In his cross examination, his statement in Examination-in-chief about the appellant apprehended at the place of occurrence while the co-accused persons fled away and whose name was disclosed by the appellant and the recovery of the articles were not challenged by putting any questions regarding the same to the PW-3.

11. PW-4 namely Ajay Kumar Panjekar was also an Inspector of Police. He has recorded the statement of the appellant and the statement of the witnesses. He obtained CAIF and Call Detail Reports. The same on being proved by him was marked Ext.P-5/PW4 and the certificate in terms of Section 65B of the Indian Evidence Act was marked as Ext.P-6/PW4. He further stated that total transaction of Rs.9,81,302/- was found in the Kotak Mahindra Bank Account, the number of which has been mentioned by the PW-4 which was used by the appellant. He submitted charge sheet against the appellant while continuing the investigation on technical points. He found a transaction of Rs.6,71,410/- in the Bank Account; the passbook of [2025:JHHC:37650] which was recovered by the police from the place of occurrence. After technical investigation, it was found that the appellant who is the cybercriminal involved in this case has cheated and thereby dishonestly induced eight victims of huge sums of money, the names and amounts of which the victims had been defrauded, has specifically been stated by the PW-4 in para-12 of his deposition and he also proved the Bank statement with the certificate under Section 2A of the Bankers' Books Evidence Act, 1891; which on being proved by the PW-4, has been marked Ext.P-8/PW4. He verified the details of the seized mobile phones, SIM Card numbers, which were issued in the name of the appellant and other forged persons, the details of which upon being proved has been marked Ext.P-9/PW4. After completion of the technical investigation against the appellant, the PW-4 submitted supplementary charge sheet

against the named accused persons of the case being Siraj Ansari, Naseem Ansari and Kamaluddin Ansari.

12. In his cross-examination, the PW-4 has stated that he cannot say that the cheated amount was transferred to which wallet of the mobile phone; that was recovered from the accused persons. He, after investigation, could not find any person namely Md. Gosia of District of Giridih in whose name one of the SIM Card was issued but he did not verify the voters list of village- Bholapur. He did not bring out the Call Dump of that day. He only obtained the details of the transactions from the concerned account of the Kotak Mahindra Bank but could not get the KYC. The mobile number that was linked to the Bank Account could not be contacted but transaction in that account continued till 30.09.2018. It is pertinent to mention here that there is absolutely no [2025:JHHC:37650] cross-examination of the PW-4 regarding his statement made in his examination-in-chief that after technical investigation, it was found out that the appellant has cheated and fraudulently induced eight persons to part with the respective different amounts by cheating nor there is any cross-examination of the PW-4 that the Bank Account of Kotak Mahindra Bank which was used by the appellant for committing the cybercrime bore a transaction of Rs.9,81,302/-.

13. In his statement recorded under Section 313 of the Code of Criminal Procedure, the appellant denied the allegations against him and pleaded that he is innocent.

14. The learned trial court considered that it is difficult to obtain direct oral evidence in case of crime committed through cyber space and digital device. It also considered that Ext.5 is the statement of the transaction of the money obtained from the account of the victims from the pay wallets payment and though the appellant does not deny the same but he has not come up with any explanation as to what was the occasion for the victims transferring huge amount of money to their accounts. Similarly, the appellant could not explain the transactions made in the account of Rajaul Ansari in the account maintained in with Sadar Bazar, Delhi, Chandni Chowk branch. Though he did not cross-examine the prosecution witnesses about their statements that the said account was used by the appellant for committing cheating and thereby dishonestly inducing the victims to part with money.

15. The learned trial court considered that prosecution has successfully proved from the CDR of the SIM Card numbers recovered from the possession of the accused and also from the place of [2025:JHHC:37650] occurrence which has been used over several persons for receiving money through digital means. The learned trial court then considered that the prosecution has proved the transaction of Rs.9,81,302/- though the same was also not denied by the accused but there was no explanation for receiving of such huge amounts in such account. The learned trial court also considered that transactions of Rs.6,71,410/- in the account of co-accused Kamaluddin Ansari which has been marked Ext.7; in which huge amount of money was received by cheating and fraud. The learned trial court also relied upon Ext.P-8 which is the statement of the account and which is admissible in evidence in view of the certificate furnished under the provisions of the Bankers' Books Evidence Act. The learned trial court then considered that the Investigating Officer has found that there was no person in the name of Md. Gosia of Giridih district in whose name one of the SIM Cards was recovered, exists.

16. It appears that there is some printing error in the impugned judgment and apparently para-14, 15 and 16 has been misprinted in the judgment which appears to be a part of the order of sentence. The learned trial court after considering the evidence in the record, came to the conclusion that the prosecution has successfully proved commission of the offences punishable under Sections 419, 420, 120B of the Indian Penal Code and Section 66D of the Information Technology Act, 2000 beyond the shadow of reasonable doubt against the appellant and held the appellant guilty of the said offences while acquitted him of rest of the charges framed against him and cancelled the bail of the [2025:JHHC:37650] appellant, took him into custody and on 29.11.2024 passed the order of sentence as already indicated above.

17. Learned counsel for the appellant submits that there was material contradictions in the testimony of all the witnesses yet the learned trial court convicted the appellant by holding him guilty of the offences as already indicated above. It is next submitted that the learned trial court has failed to appreciate the case from the correct angle and has failed to appreciate that there is no victim who come forward to claim that this appellant has cheated any person or misappropriated their money in any manner. It is then submitted that the learned trial court ought to have considered that possessing mobile phone or more than two SIM Cards itself is not an offence and that the prosecution has failed to substantiate the charges against the appellant. It is then submitted that the learned trial court failed to appreciate that except the recovery and seizure of mobile phones and the motorcycles, other items are not of the accused.

18. The learned counsel for the appellant relies upon the judgment of the Hon'ble Supreme Court of India in the case of A. M. Mohan vs. The State represented by SHO & Another reported in 2024 INSC 233 and submits that in that case relating to the offence of cheating by the accused to his friend by deceiving his friend and inducing him to pay Rs.1,60,01,000/- for business project, the Hon'ble Supreme Court of India relied upon the judgment in the case of Prof. R.K. Vijayasathathy & Another vs. Sudha Seetharam & Another reported in (2019) 16 SCC 739, paragraph Nos. 16 to 20 of which read as under:-

"16. The ingredients to constitute an offence of cheating are 10 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] as follows:

16.1. There should be fraudulent or dishonest inducement of a person by deceiving him:

16.1.1. The person so induced should be intentionally induced to deliver any property to any person or to consent that any person shall retain any property, or 16.1.2. The person so induced should be intentionally induced to do or to omit to do anything which he would not do or omit if he were not so deceived; and 16.2. In cases covered by 16.1.2. above, the act or omission should be one which caused or is likely to cause damage or harm to the person induced in body, mind, reputation or property.

17. A fraudulent or dishonest inducement is an essential ingredient of the offence. A person who dishonestly induces another person to deliver any property is liable for

the offence of cheating.

18. Section 420 of the Penal Code reads thus:

"420. Cheating and dishonestly inducing delivery of property.--Whoever cheats and thereby dishonestly induces the person deceived to deliver any property to any person, or to make, alter or destroy the whole or any part of a valuable security, or anything which is signed or sealed, and which is capable of being converted into a valuable security, shall be punished with imprisonment of either description for a term which may extend to seven years, and shall also be liable to fine."

19. The ingredients to constitute an offence under Section 420 are as follows:

19.1. A person must commit the offence of cheating under Section 415; and 19.2. The person cheated must be dishonestly induced to

(a) deliver property to any person; or

(b) make, alter or destroy valuable security or anything signed or sealed and capable of being converted into valuable security.

20. Cheating is an essential ingredient for an act to constitute an offence under Section 420."

and submits that in this case, the victim has not come to court to depose against the appellant and there was transaction in the account of Kamaluddin even after the arrest of the appellant, so the impugned judgment of the conviction and the order of sentence is not sustainable in law. Hence, it is submitted that the same be quashed and set aside.

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19. Learned Addl.P.P. appearing for the State defends the impugned judgment and submits that there is absolutely no cross-examination of the prosecution witnesses on the point of recovery of the mobile phones, SIM Cards, Passbook of the State Bank of India having a transaction of Rs.6,71,410/- and also another account of Kotak Mahindra Bank with a transaction of Rs.9,81,302/-. There is absolutely no cross-examination of PW-4 regarding his statement made in examination-in-chief in para-12 of his deposition that the technical investigation revealed that it is the appellant and the other co-accused persons of the case who have cheated and thereby dishonestly induced eight persons whose names and amounts defrauded from each of them by the appellant have been mentioned in para-12. It is next submitted that in the absence of any cross-examination of these witnesses on the vital aspects of the culpability of the appellant in the offence, the same is to be accepted to be true and rightly the learned trial court has done so. It is then submitted that unlike the case of cheating where the accused came face-to-face with the victim in a cybercrime, the accused never comes face-to-face with the victim. So, the victim has no opportunity to see and

identify the accused in a court of law. Hence, the evidence in such cases has to be substantial in nature and this case being no exception, the prosecution has brought evidence that too unchallenged regarding the circumstance which leads to the only conclusion that it is the appellant, who has committed the offences and thus, the learned trial court having rightly held the appellant guilty and convicted him and sentenced him, the impugned judgment does 12 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] not suffer from any illegality. Hence, it is submitted that this appeal, being without any merit, be dismissed.

20. Having heard the submissions made at the Bar and after carefully going through the materials available in the records, it is pertinent to mention here that it is a settled principle of law that if a party wishes to raise any doubt as regards the correctness of the statement of a witness, the said witness must be given an opportunity to explain his statement by drawing his attention to that part of it, which has been objected to by the other party, as being untrue and without this, it is not possible to impeach his credibility, as has been held by the Hon'ble Supreme Court of India in the case of Laxmibai (Dead) Through LRs. & Another vs. Bhagwantbuva (Dead) Through LRs. & Others reported in AIR 2013 (SC) 1204, para-31 of which as under:-

"31. Furthermore, there cannot be any dispute with respect to the settled legal proposition, that if a party wishes to raise any doubt as regards the correctness of the statement of a witness, the said witness must be given an opportunity to explain his statement by drawing his attention to that part of it, which has been objected to by the other party, as being untrue. Without this, it is not possible to impeach his credibility. Such a law has been advanced in view of the statutory provisions enshrined in Section 138 of the Evidence Act, 1872, which enable the opposite party to cross-examine a witness as regards information tendered in evidence by him during his initial examination in chief, and the scope of this provision stands enlarged by Section 146 of the Evidence Act, which permits a witness to be questioned, inter-alia, in order to test his veracity. Thereafter, the unchallenged part of his evidence is to be relied upon, for the reason that it is impossible for the witness to explain or elaborate upon any doubts as regards the same, in the absence of questions put to him with respect to the circumstances which indicate that the version of events provided by him, is not fit to be believed, and the witness himself, is unworthy of credit. Thus, if a party intends to impeach a witness, he must provide adequate opportunity to the witness in the witness box, to give a full and proper 13 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] explanation. The same is essential to ensure fair play and fairness in dealing with witnesses. (See: Khem Chand v. State of Himachal Pradesh, AIR 1994 SC 226 : (1993 AIR SCW 3675); State of U.P. v. Nahar Singh (dead) & Ors., AIR 1998 SC 1328 : (1998 AIR SCW 1200); Rajinder Pershad (Dead) by L.Rs. v. Darshana Devi (Smt.), AIR 2001 SC 3207 : (2001 AIR SCW 3042); and Sunil Kumar & Anr. v. State of Rajasthan, AIR 2005 SC 1096) : (2005 AIR SCW 589)."(Emphasis given by me)

21. It is pertinent to mention here that there are instances galore where the Hon'ble Supreme Court of India has held that in the absence of cross-examination of a witness, the evidence of such witness



remains un-challenged and ought to be believed. In the case of State of U.P v. Nahar Singh reported in AIR 1998 SC 1328, the Hon'ble Supreme Court of India in paragraph no. 13 and 14 held as under:-

"13. It may be noted here that that part of the statement of PW-1 was not cross-examined by the accused. In the absence of cross examination on the explanation of delay, the evidence of PW-1 remained unchallenged and ought to have been believed by the High Court. Section 138 of the Evidence Act confers a valuable right of cross-examining the witness tendered in evidence by the opposite party. The scope of that provision is enlarged by Section 146 of the Evidence Act by allowing a witness to be questioned:

(1) to test his veracity, (2) to discover who he is and what is his position in life, or (3) to shake his credit, by injuring his character, although the answer to such questions might tend directly or indirectly to criminate him or might expose or tend directly or indirectly to expose him to a penalty or forfeiture.

14. The oft quoted observation of Lord Herschell, L.C. in Browne v. Dunn, (1893) 6 The Reports 67, clearly elucidates the principle underlying those provisions. It reads thus:

"I cannot help saying, that it seems to me to be absolutely essential to the proper conduct of a cause, where it is intended to suggest that a witness is not speaking the truth on a particular point, to direct his attention to the fact by some questions put in cross-examination showing that that imputation is intended to be made, and not to take his evidence and pass it by as a matter altogether unchallenged, and then, when it is impossible for him to explain, as perhaps he might have been able to do if such questions had 14 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] been put to him, the circumstances which, it is suggested, indicate that the story he tells ought not to be believed, to argue that he is a witness unworthy of credit. My Lords, I have always understood that if you intend to impeach a witness, you are bound, whilst he is in the box, to give an opportunity of making any explanation which is open to him; and, as it seems to me, that is not only a rule of professional practice in the conduct of a case, but it is essential to fair play and fair dealing with witnesses."

This aspect was unfortunately missed by the High Court when it came to the conclusion that explanation for the delay is not at all convincing. This reason is, therefore, far from convincing."(Emphasis given by me) Similarly in the case of Sunil Kumar & Another v. State of Rajasthan reported in AIR 2005 SC 1096, the Hon'ble Supreme Court of India observed in paragraph No.13 of the judgment as under:-

"13. .... Additionally, no question was asked to the investigating officer as to the reason for the delayed dispatch of the FIR. Had this been done, investigating officer could have explained the circumstances. That having not been done, no adverse inference can be drawn." (Emphasis given by me)"

22. Now coming to the facts of the case; as already indicated above, there is absolutely no cross-examination of the PW-1 wherein he has categorically stated that the appellant and the co-accused persons were members of a group of criminals and together they with forged mobile phones and SIM Cards, were impersonating as Bank Manager and was obtaining the details of the ATM Card, OTP number, CVV number and were cheating them. So, this portion of the testimony of the PW-2 in the absence of the cross-examination is to be treated as true. There is absolutely no cross-examination of the PW-2 and PW-3 regarding the seizures made from the possession of the appellant at the place of occurrence in presence of the appellant. The statement made by the PW-4 in para-12 to the effect that after technical investigation, it was 15 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] found out that the appellant has cheated eight persons of different amounts and dishonestly induced them to part with the said amount, has also remained unchallenged. The details of the eight persons and the money they have parted with by way of being deceived and dishonestly to pay as has been mentioned in para-12 but the same is supported by the statement of the concerned accounts the statement of which has been marked exhibit and they were accompanied by the certificate as well as the requirement under Section 2A of the Bankers' Books Evidence Act, 1891 and in view of Section 4 of the Bankers' Books Evidence Act, 1891, such statement of accounts being certified copy of the entry and Bankers' Book is to be received as prima facie evidence of existence of such entry and is to be admitted as evidence of the matters, transaction and accounts therein recorded in every case; more so when the transaction in the accounts were not challenged and the appellant does not throw light on the fact as to how eight victims were liable to pay the amount defrauded to him; is certainly a strong incriminating circumstance against the appellant, as has been held by the Hon'ble Supreme Court of India in the case of State of Rajasthan vs. Kashi Ram reported in (2006) 12 SCC 254 wherein it was observed by the Hon'ble Supreme Court of India that if the accused does not throw light on the fact which is within his knowledge, his failure to offer some plausible explanation would be a strong incriminating circumstance against him.

23. As has rightly been submitted by the learned Addl.P.P. that unlike a normal case of cheating where the victim had the occasion to see the accused, certainly, the cybercrime stands in a different footing, 16 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] where there is no occasion for the victim to come face-to-face with the accused and in such cases, it cannot be insisted upon that the victim has to come to court to identify the accused but to bring home the charge, the evidence is to be put forth basically by way of circumstances, which lead to the only conclusion that it is the accused who has committed the offences.

24. Now coming to Section 419 of the Indian Penal Code which provides punishment for cheating by personation whereas Section 420 of the Indian Penal Code provides for punishment of cheating and dishonestly inducing delivery of property. Section 66D of the Information Technology Act, 2000 provides punishment for cheating by personation by using any communication device.

25. Now coming to the facts of the case; in view of the discussions made above as the prosecution has successfully brought on record the recovery of forged SIM Cards, several mobile phones having several e- wallets facility, the transaction made in the Bank Account- one of Rs.6,71,410/- and in the other of Rs.9,81,302/- to which the appellant had access and which accounts were used by the appellant and at least, eight persons who have been cheated by the appellant has dishonestly been

induced to part with substantial amount of money as has been mentioned in detail in para-12 of the PW-4 and the statement of accounts of the connected Bank Accounts of the victims as well as the appellant and the co-accused whose account was used by the appellant for commission of the cybercrime and which has been proved beyond reasonable doubt; itself goes to show that the prosecution has succeeded in establishing all the three offences punishable under 17 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] Sections 419, 420 of the Indian Penal Code and Section 66D of the Information Technology Act, 2000.

26. The contention of the appellant that after arrest of the appellant, also in one of the account of the co-accused Kamaluddin in which there was transaction is concerned, it is the case of the prosecution that has been established by unchallenged evidence that there were altogether four persons in the group of the appellant; out of which, only the appellant was arrested, whereas the other three managed to flee away from the place of occurrence which fact remains undisputed. So, when the three accused persons were at large, they are indulging in other cybercrimes and ensuring money transferred to the account, cannot be a ground to disbelieve the case of the prosecution; in support of which the prosecution has put forth cogent evidence, as already discussed above in the foregoing paragraphs of this judgement.

27. Under such circumstances, this Court is of the considered view that no illegality has been committed by the learned trial court in convicting the appellant of the offences punishable under Sections 419, 420 of the Indian Penal Code as well as Section 66D of the Information Technology Act, 2000.

28. So far as the sentence is concerned, keeping in view the fact that Jamtara has become infamous because of the large number of cybercrimes committed in the locality, victimizing people from all over the country and to control the same, deterrence is highly essential; this Court is of the considered view that the sentence imposed on the appellant for the offences as already indicated above in the foregoing paragraph of this judgement appears to be reasonable and thus do not 18 Cr. Appeal (SJ) No.13 of 2025 [2025:JHHC:37650] warrant any interference of this Court in exercise of the power of this Court under Section 415(2) of the B.N.S.S., 2023.

29. Accordingly, this appeal, being without any merit, is dismissed.

30. In view of disposal of this appeal, pending interlocutory application, if any, is disposed of being infructuous.

31. Let the Trial Court Records be sent back to the court concerned with a copy of this judgement forthwith.

(Anil Kumar Choudhary, J.) High Court of Jharkhand, Ranchi Dated the 05th of December, 2025  
AFR/ Saroj Uploaded on 22/12/2025 19 Cr. Appeal (SJ) No.13 of 2025