



2026:CGHC:3775-DB

NAFR**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 146 of 2016**

1. Santram @ Santu Yadav, S/o Shri Sukhdev Yadav, aged about 70 Years, Occupation Agriculturist, R/o Village HathaniKala, Thana Mungeli, Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh.
2. Devlal Yadav, S/o Santram @ Santu Yadav, aged about 43 Years, Occupation Agriculturist, R/o Village HathaniKala, Thana Mungeli, Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh.

--- Appellants/Complainant**versus**

1. State of Chhattisgarh, Through District Magistrate Mungeli, District Mungeli, Chhattisgarh.
2. Sukhnandan Yadav, S/o Shri Dallu Yadav, aged about 45 Years,
3. Aatmaram Yadav, S/o Shri Anujram Yadav, aged about 55 Years,
4. Rajesh Yadav, S/o Shri Shyamji Yadav, aged about 35 Years,
5. Chandrakumar, S/o Shri Sukhnandan Yadav, aged about 27 Years,
6. Vishnu Yadav, S/o Anujram Yadav, aged about 48 Years,
7. Dallu Yadav, S/o Shri Dayaram Yadav, aged about 65 Years,

All are R/o Village HathaniKala, Thana Mungeli, Revenue District Mungeli, Civil District Bilaspur, Chhattisgarh.

--- Respondents

For Appellants	:	Mr. Sunil Sahu, Advocate.
For Respondent No.1	:	Mr. Avinash Singh, Government Advocate.
For Respondent Nos. 2 to 7	:	Ms. K. Tripti Rao, Advocate.

ACQA No. 26 of 2017

- State of Chhattisgarh, Through the Station House Officer, Police Station Mungeli, District – Mungeli, Chhattisgarh.

---Appellant**Versus**



1. Sukhnandan Yadav, S/o Dallu Yaddav, aged about 45 Years,
2. Atmaram Yadav, S/o Anujram Yadav, aged about 55 Years,
3. Rajesh Yadav, S/o Shyamji Yadav, aged about 35 Years,
4. Chandrakumar, S/o Sukhnandan Yadav, aged about 27 Years,
5. Vishnu Yadav, S/o Anujram Yadav, aged about 48 Years,
6. Dallu Yadav, S/o Dayaram Yadav, aged about 65 Years,

All are R/o Hathnikala, Police Station Mungeli, District - Mungeli
Chhattisgarh.

--- Respondents/accused persons

For Appellant	:	Mr. Avinash Singh, Government Advocate.
For Respondents	:	Ms. K. Tripti Rao, Advocate.

**Hon'ble Smt. Justice Rajani Dubey &
Hon'ble Shri Justice Radhakishan Agrawal,
Judgment on Board**

22.01.2026

Per Radhakishan Agrawal, J.

1. Since both the above-captioned appeals arise out of the same impugned judgment dated 15.06.2016, they are being heard together and disposed of by this common judgment.
2. Both the acquittal appeals filed by the complainant as well as the State arise out of the judgment dated 15.06.2016 passed by the Additional Sessions Judge, Mungeli, Chhattisgarh, in Sessions Case No. 45/2014, whereby the learned trial Court acquitted the accused persons herein of the charges under Sections 147, 148, 294, 307 read with Section 149 of Indian Penal Code (for short, "IPC"), Section 307 read with Section 149 of IPC and Section 323 read with Section 149 of IPC.
3. Case of the prosecution, in brief, is that on 20.08.2014, at about 6:00 p.m., at village Hathnikala, Police Station Mungeli, a dispute arose between the complainant party and the accused persons regarding irrigation water. It is alleged that the accused persons formed an unlawful assembly and



being armed with a *tangia* and bamboo sticks, abused the complainant party in filthy language and assaulted PW-1 Suraj Yadav, PW-2 Santram @ Santu Yadav and PW-3 Devlal Yadav, causing injuries and also attempted to commit their murder. PW-1 Suraj Yadav, son of Santram, allegedly witnessed the incident and thereafter lodged a report at Police Station Mungeli, on the basis of which, FIR (Ex.P-1) was registered against the accused persons.

4. During investigation, spot map was prepared vide Ex.P-4. The injured victims were sent for medical examination, where PW-8 Dr. G.B. Singh examined them and gave MLC reports vide Exs.P-21 to P-23. The accused persons were taken into custody and their memorandum statements were recorded vide Exs.P-5 to 7, 13, 15 and 16, pursuant to which, one *tangia* was seized from accused- Sukhnandan Yadav vide Ex.P-8 and bamboo sticks were seized from accused persons, namely, Atmaram Yadav, Rajesh Yadav, Chandra Kumar, Vishnu Yadav and Dallu Yadav vide Exs.P-9, 10, 14, 17 and 18 respectively. From the spot, plain and blood-stained soil, a scarf and one pair of slippers were seized vide Ex.P-12. The seized articles were sent to FSL for chemical examination, and the FSL report has been brought on record vide Ex.P-42.
5. Statements of the witnesses were recorded and after completion of the investigation, a charge sheet was filed against the accused persons before the concerned trial Court. The accused persons abjured their guilt and prayed for trial.
6. The trial Court, after hearing counsel for the parties and appreciating the evidence on record, by the impugned judgment acquitted the accused persons herein of said charges leveled against them.



7. Learned counsel for the complainant as well as the State submit that the learned trial Court is unjustified in acquitting the accused persons as there is ample evidence available on record connecting them with the offences in question. They further submit that the learned trial Court committed a serious error in acquitting the accused persons despite the presence of injured eye-witnesses. They also submit that the prosecution case stands fully proved by the consistent testimonies of the injured witnesses, namely Suraj Yadav (PW-1), Santram @ Santu Yadav (PW-2) and Devlal Yadav (PW-3), whose presence at the spot cannot be doubted as they themselves sustained injuries in the incident. Therefore, it is prayed that the impugned judgment acquitting the accused persons be set aside.
8. On the other hand, learned counsel for the accused persons supports the impugned judgment and submits that there is no cogent or clinching evidence on record to establish that the accused persons are the perpetrators of the crime in question. She further submits that the prosecution has failed to prove its case beyond all reasonable doubt. She also submits that the learned trial Court, after appreciating the entire evidence on record, has rightly acquitted the accused persons. Consequently, it is prayed that the appeals filed by the complainant as well as the State deserve to be dismissed.
9. We have heard learned counsel for the parties and perused the material available on record.
10. The Supreme Court in the matter of *Jafarudheen and others vs. State of Kerala*¹ has considered the scope of interference in Appeal against acquittal, which reads as under:-

“25. While dealing with an appeal against acquittal by invoking Section 378 CrPC, the appellate court has to

¹ (2022) 8 SCC 440



consider whether the trial court's view can be terms as a possible one, particularly when evidence on record has been analysed. The reason is that an order of acquittal adds up to the presumption of innocence in favour of the accused. Thus, the appellate court has to be relatively slow in reversing the order of the trial court rendering acquittal. Therefore, the presumption in favour of the accused does not get weakened but only strengthened. Such a double presumption that enures in favour of the accused has to be disturbed only by thorough scrutiny on the accepted legal parameters."

11. The question that now arises for consideration is whether the accused persons are the authors of the crime in question.
12. In order to prove its case, prosecution examined Suraj Yadav (PW-1), Santram @ Santu Yadav (PW-2) and Devlal Yadav (PW-3) as eye-witnesses as well as injured witnesses to the incident. PW-1 Suraj Yadav has stated that on the date of the incident, at around 6:00 p.m., while he was proceeding towards his storehouse to collect fodder (*paira*) for cattle, he saw from a distance that accused persons were assaulting PW-2 Santram and PW-3 Devlal with *lathis* and a *tangia*. He has stated that accused- Sukhnandan was armed with a *tangia*, whereas the remaining accused were armed with *lathis*. He has further stated that PW-2 Santram sustained injuries on his head, hands and legs, while PW-3 Devlal sustained injuries on his head and back. He has also stated that the accused persons did not assault him. In his cross-examination, PW-1 Suraj Yadav admitted that he himself did not sustain any visible injury and that when he reached the spot, he found his father Santram and Devlal lying there and except for them, no one else was present at the spot. Thus, it appears that he did not witness the incident.

Furthermore, PW-2 Santram, an injured witness, has stated that due to a dispute over irrigation water, the accused persons arrived at the spot armed with a *tangia* and *lathis* and assaulted him. He has further



stated that accused- Sukhnandan inflicted *tangia* blows on him, causing injuries on his head, hands and legs and that his teeth were broken. He has also stated that when PW-3 Devlal intervened, he was also assaulted by the accused persons. In his cross-examination, PW-2 admitted that in his police statement recorded under Section 161 Cr.P.C. (Ex.D-2), he had stated that while attempting to prevent the assault, he raised his hand, due to which, his hand was broken into three pieces. He further admitted that accused- Sukhnandan assaulted him with an axe, resulting in broken teeth, injury on his hip and on the shin of his leg. Similarly, PW-3 Devlal Yadav, also an injured witness, alleged that he sustained *tangia* blows on his head and back.

13. However, when the evidence of the aforesaid witnesses is examined in the light of the medical evidence, serious contradictions emerge. Dr. G.B. Singh (PW-6), who medically examined the injured persons, did not find any injury caused by a sharp-edged weapon on the bodies of PW-2 Santram and PW-3 Devlal nor did he opine the nature of their injuries. He further admitted that PW-2 Santram did not sustain any axe injury on his head or hip and that PW-3 Devlal neither suffered any axe injury nor sustained 10–12 blows by a stick, as alleged. He also admitted that there was overwriting with regard to the time mentioned in the MLC reports of the injured persons. Dr. R. Jeetpure (PW-7), the Radiologist, categorically stated that no fracture was detected in the X-ray examination of PW-3 Devlal Yadav. PW-1 Suraj Yadav was also found to have no external injury. Thus, the allegations regarding fractures, broken teeth and injuries caused by sharp-edged weapons are not corroborated by the medical evidence. Further, such allegations made by PW-2 Santram and PW-3 Devlal before the Court were neither mentioned in the FIR (Ex.P-1) nor in their police



statements recorded under Section 161 Cr.P.C. (Exs.D-1 and D-2).

Moreover, PW-12 D. Banjare, Inspector, admitted in his cross-examination that the name of accused- Chandrakumar was added later in the FIR by an arrow after accused- Atmaram. He further admitted that accused- Dallu and Vishnu were not named in the FIR and that the complainants (Santram and Devlal) did not specify which accused was armed with which weapon or as to who caused the head injuries to them. These improvements are material in nature and create serious doubt about the reliability of the prosecution witnesses.

14. Apart from the above, although the independent witnesses to the memorandum and seizure, namely Santosh Kumar (PW-4) and Bhajan Singh (PW-5), admitted their signatures on the memorandum statements and seizure memos, but they did not support the prosecution case and stated that no memorandum or seizure proceedings were conducted in their presence. Consequently, the seizure of the alleged *tangia* and bamboo sticks becomes doubtful and as such, the recoveries lose their evidentiary value.

15. Thus, from the overall evidence on record, it is quite vivid that there are material contradictions and omissions in the statements of PW-1 Suresh Yadav, PW-2 Santram @ Santu and PW-3 Devlal and their statements do not corroborate with the medical evidence of PW-8 Dr. G.B. Singh and PW-11 Dr. R. Jitpure as well as the contents of FIR (Ex.P-1) and their police statements recorded under Section 161 Cr.P.C. (Exs.D-1 & D-2). Besides above, there is no cogent and clinching evidence on record to show that accused persons are the perpetrators of the crime in question. The learned trial Court has elaborately discussed the evidence led by the prosecution and after analyzing the entire evidence led by the prosecution, came to the



conclusion that the prosecution has failed to prove its case beyond reasonable doubt against the accused persons and as such, acquitted the accused persons of the said charges.

16. The Hon'ble Apex Court in its judgment dated 12.02.2024 passed in Criminal Appeal No.1162 of 2011 in case of *Mallappa and Ors. Versus State of Karnataka*, has held in para 36 as under:-

"36. Our criminal jurisprudence is essentially based on the promise that no innocent shall be condemned as guilty. All the safeguards and the jurisprudential values of criminal law, are intended to prevent any failure of justice. The principles which come into play while deciding an appeal from acquittal could be summarized as:-

- "(i) Appreciation of evidence is the core element of a criminal trial and such appreciation must be comprehensive inclusive of all evidence, oral and documentary;
- (ii) Partial or selective appreciation of evidence may result in a miscarriage of justice and is in itself a ground of challenge;
- (iii) If the Court, after appreciation of evidence, finds that two views are possible, the one in favour of the accused shall ordinarily be followed;
- (iv) If the view of the Trial Court is a legally plausible view, mere possibility of a contrary view shall not justify the reversal of acquittal;
- (v) If the appellate Court is inclined to reverse the acquittal in appeal on a re- appreciation of evidence, it specifically address all the reasons given by the Trial Court for acquittal and must cover all the facts;
- (vi) In a case of reversal from acquittal to conviction, the appellate Court must demonstrate an illegality, perversity or error of law or fact in the decision of the Trial Court."

17. Considering the facts and circumstances of the case and the law laid down by the Hon'ble Supreme Court in *Jafarudheen & Mallappa* (supra), the view taken by the learned trial Court appears to be a plausible and



possible view. In the absence of any patent illegality or perversity, this Court is not inclined to interfere with the impugned judgment.

18. Accordingly, both the acquittal appeals filed by the complainant as well as the State against the acquittal of accused persons is hereby dismissed.

Sd/-
(Rajani Dubey)
Judge

Sd/-
(Radhakishan Agrawal)
Judge

Akhilesh