



2026:CGHC:9271-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 519 of 2018

Nitin Kumar Limbom @ Mukku S/o Nirmal Kumar Aged About 35 Years R/o Gouri Nagar, Chikhli, District- Rajnandgaon, Chhattisgarh. (Victim/ Injured),
District : Rajnandgaon, Chhattisgarh

--- Appellant

versus

1 - State Of Chhattisgarh Through Station House Officer, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

2 - Abhishek Chouhan @ Shaiki S/o Mahendra Singh Chouhan Aged About 28 Years R/o Tulsipur, Police Station- Kotwali, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

3 - Jugal Kishore Thakur@ Jugal S/o Bhagat Singh Thakur Aged About 21 Years Caste Gond, R/o Indira Nagar, Ward No.- 31, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh.,

4 - Ghanshyam Vishwakarma S/o Late Ramnath Vishwakarma Aged About 31 Years R/o Nandai Chowk, Police Station- Basantpur, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

5 - Lavkesh Patel@ Pappu S/o Horilal Patel Aged About 32 Years R/o Diwanpara, Ward No. 21, Gandhi Chowk, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

6 - Ronit Meshram @ Monu S/o Late Dharamdas Meshram Aged About 22 Years R/o Ward No.11, Station Para, Sheetla Mandir Gali, O.P.- Chikhli, Police Station- Kotwali, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

7 - Sonu Bahadur@ Nar Bahadur@ Sonu Thapa S/o Shyam Bahadur Aged About 33 Years R/o Station Para, Ward No.13, Solah Kholi, Near Bapoo School, O.P.- Chikhli, District- Rajnandgaon, Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--- Respondent(s)

ACQA No. 524 of 2018

State Of Chhattisgarh Through The In-charge Police Station Basantpur District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---Appellant

Versus

1 - Abhishek Chouhan @ Shanki S/o Mahendra Singh Chouhan Aged About 28 Years R/o Tulsipur Police Station Kotwali District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

2 - Jugal Kishore Thakur @Jugal S/o Bhagat Singh Thakur Aged About 21 Years Caste Gond, R/o Indira Nagar Ward No.31 Police Station Basantpur District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

3 - Ghanshyam Vishwakarma S/o Late Ramnath Vishwakarma Aged About 31 Years R/o Nandai Chowk Police Station Basantpur District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

4 - Lavkesh Patel @Pappu S/o Horilal Patel Aged About 32 Years R/o Diwanpara Ward No.21 Gandhi Chowk District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

5 - Ronit Meshram @Monu S/o Late Dharamdas Meshram Aged About 22 Years R/o Ward No.11 Station Para Shitla Mandir Lane O. P. Chikhli Police Station Kotwali District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

6 - Sonu Bahadur @Nar Bahadur @Sonu Thapa S/o Shyam Bahadur Aged About 33 Years R/o Station Para Ward No. 13 Chkhli District Rajnandgaon Chhattisgarh., District : Rajnandgaon, Chhattisgarh

--- Respondent(s)

CRA No. 915 of 2018

Sonu Bahadur @ Nar Bahadur @ Sonu Thapa S/o Shyam Bahadur Aged About 33 Years R/o Station Para, Ward No. 13solah Kholi, Near Babu School O. P. Chikhli, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

---Appellant

Versus

State of Chhattisgarh Through The Station House Officer, Police Station Basantpur, District Rajnandgaon Chhattisgarh, District : Rajnandgaon, Chhattisgarh

... Respondent (s)

For Appellants : Mr. Rudrapratap Dubey on behalf of Mr. Goutam Khetrapal, Advocate in ACQA No. 519/2018, Mr. Atanu Ghosh, Dy. G.A. in ACQA No. 524/2018 and Mr. Sunil Otwani, Sr. Advocate along with Mr. Amit Soni, Advocate in CRA No.915/2018.

For Respondents/State : Mr. Atanu Ghosh, Dy. G.A. in ACQA No. 519/2018 and in CRA No. 915/2018

Hon'ble Smt. Justice Rajani Dubey, J.

Hon'ble Shri Justice Radhakishan Agrawal, J.

Judgment on Board

23.02.2026

Per, Rajani Dubey, J.

1. Since the aforesaid appeals arise out of the judgment dated 12.02.2018 passed by learned Sessions Judge, Rajnandgaon in S.T.

No.80/2015, they are being disposed of by this common judgment. By the impugned judgment, accused Abhishek Chouhan @ Shanki, Jugal, Ghanshyam, Lavkesh and Ronit were acquitted of offence under Sections 307/34 and 120-B, 212 of IPC and Section 25 (1-B)(a) and 27 of Arms Act, 1959, whereas accused/ Sonu Bahadur @ Nar Bahadur @ Sonu Thapa was convicted under Section 307 of IPC and Section 25 (1-B) (a) of the Arms Act, 1959 and sentenced as under:

Conviction	Sentence
U/S 307 of IPC	R.I. for 10 years and fine amount of Rs. 50,000/-, in default thereof to suffer additional imprisonment for 01 year.
U/S 25(1-B) (a) of Arms Act, 1959	R.I. for 03 years and fine amount of Rs. 1,000/-, in default thereof to suffer additional imprisonment for 01 year.

Both the sentences were directed to run concurrently.

2. Brief facts of the case are that on 27th July 2015, the Police Control Room, Rajnandgaon received telephonic as well as wireless information that a gunshot was fired at *Funwara Chowk*, Jamatpara, and that an injured person, namely Munku, had been sent to the Government District Hospital, Rajnandgaon for medical treatment. Acting upon the said information, the police proceeded to the Government District Hospital, Rajnandgaon and recorded the statement of the injured- Nitin Limbom alias Mukku. The injured stated that on 27th July 2015 at about 6:00 p.m., he had gone to Body Tech Gym situated near *Funwara Chowk*, Jamatpara, in his Swift car. After exercising for approximately one and a quarter hours, he left for home at approximately 7:20 p.m. and was walking towards his Swift car

when Sonu Thapa, accompanied by another co-accused person, approached him on a motorcycle and straightway gave him threat by saying, "*I will kill you today.*" As the injured ran towards his car to save his life, Sonu Thapa fired at him with a pistol, which was in his possession. Three bullets struck him, injuring his back, waist, right armpit and left hand. After firing the shots, the accused Sonu and co-accused fled from the spot on a motorcycle, whereupon the injured drove himself to the hospital for medical treatment. On being informed of the said incident by the injured/complainant, a dehati nalishi was registered at Police Station Basantpur vide Ex. P/3 and F.I.R. was also registered vide Ex. P/3-A. During the course of investigation, one empty cartridge was seized from the spot. The bullet extracted from the body of the injured/complainant during medical treatment was preserved by the attending doctor and taken into custody. The blood-stained clothes worn by the injured at the time of the incident were duly seized and forwarded to the Forensic Science Laboratory, Raipur for chemical examination. A spot map was prepared. The statements of the accused persons were recorded and seizure proceedings were also conducted. Upon collection of sufficient incriminating material against the accused, they were arrested, and the statements of the prosecution witnesses were recorded and after completion of usual investigation, charge-sheet under Sections 307/34 and 120-B of IPC and Section 25 (1-B) (a) and 27 of Arms Act, 1959 was filed against the accused persons Abhishek, Jugal, Ghanshyam, Ronit and Sonu, whereas the charge-sheet was filed against the accused Lavkesh for offence under Sections 307/34, 120-B and 212 of IPC and Section 25

(1-B) (a) and 27 of Arms Act, 1959. The accused persons abjured their guilt and prayed for trial.

3. In order to establish the charges against the accused, the prosecution has examined as many as 42 witnesses. The statements under Section 313 of Cr.P.C. of the accused have been recorded, in which they denied the incriminating charges leveled against them and pleaded their innocence that they have been falsely implicated in this case.
4. After hearing counsel for the respective parties and appreciation of oral and documentary evidence on record, the learned trial Court while acquitting the accused Abhishek Thakur @ Shanky, Jugal, Ghanshyam, Ronit and Lavkesh of all the charges, convicted and sentenced the accused Sonu Bahadur @ Nar Bahadur @ Sonu Thapa as mentioned in the inaugural paragraph of this judgment.
5. Learned counsel for the appellant/complainant in ACQA No. 519/2018 submits that the impugned judgment of acquittal is bad in law and facts, hence the same is liable to be set aside. The Learned Trial Court has failed to appreciate the evidence recorded in its true and correct perspective and the prosecution had proved its case beyond all reasonable doubts against the respondents No. 2 to 6. Learned trial Court has failed to appreciate the statement of Ravi Sahu, who is witness of conspiracy and he supported the case of prosecution, but the learned trial Court without appreciating the statement of this witnesses, has acquitted the respondents no. 2 to 6 of the offence under Section 120-B and 307/34 of IPC. He would further submit that learned trial Court has failed to appreciate the statement of witness

Dinesh Maheshwari (PW-1), who has has categorically stated about involvement of respondents no. 2 & 3 in alleged commission of crime. Learned trial Court has also failed to appreciate that respondent Nos. 2 to 7 hatched conspiracy with each other for committing murder of the appellant/complainant. Therefore, looking to the facts and circumstances of the case, the judgment of acquittal of the learned trial Court is perverse and is liable to be set aside.

6. Learned counsel for the appellant/State in ACQA No. 524/2018 submits that learned trial Court has failed to consider the substantial fact that the prosecution case is based upon the version propounded by the eye witnesses as well as medical evidence, which clearly prove that the accused persons have committed the said offence. According to the version of the eye witnesses namely Dinesh Maheshwari (PW-1) and Ravi Sahu (PW-3) the accused Sonu Thapa came in a bike (motor cycle) along with one other person and made gunshot on the complainant, further the medical evidence, i.e. MLC report given by Dr. Rahul Singram (PW-15) it is clear that the injury caused to the injured/complainant was due to gunshot. In the investigation, the involvement of the present respondents in the crime in question have been *prima facie* made out and on the basis of material evidences the above said offence has been constituted against the respondents, however, the learned trial Court has not considered the case of the prosecution in proper perspective matter and acquitted the respondents. Therefore, looking to the facts and circumstances of the case, the judgment and finding of the learned trial Court is perverse and is liable to be set aside.

7. In CRA No. 915/2018, learned Sr. Counsel submits that the impugned judgment of the learned trial Court is bad, perverse and against the law as well as facts of the case. Learned trial Court has failed to appreciate that there are so many contradictions and omissions in the statements of the prosecution witnesses. The necessary ingredients constituting offence under Section 307 of the IPC and Section 25(1-B)(a) of the Arms Act are missing in the present case. The appellant has been convicted solely on the basis of circumstantial evidence, and the chain of circumstances required to conclusively establish the appellant's guilt is incomplete. Therefore, the judgment of conviction and order of sentence passed by the learned trial Court is liable to be set aside.

Alternatively, he submits that if this Court ultimately comes to the conclusion that the conviction of the appellant is proper, then, considering the fact that the incident took place in the year 2015, this appeal is pending since 2018, the appellant is now aged more than 40 years; the appellant remained in jail for more than 03 years and 10 months and he did not misuse the liberty while being on bail, the jail sentence awarded to the appellant may be reduced to the period already undergone by him.

8. *Ex adverso*, learned counsel for the State supporting the impugned judgment submits that the learned trial Court minutely appreciated the oral and documentary evidence and has rightly convicted and sentenced the appellant in CRA No. 915/2018, but wrongly acquitted the other co-accused persons of all the charges.

9. We have heard learned counsel for the parties and perused the material available on record.
10. It is clear from the record of the learned Trial Court that it framed charges under Sections 307/34 and 120-B of IPC and Section 25 (1-B) (a) and 27 of Arms Act, 1959 against the accused Abhishek Thakur @ Shanky, Jugal, Ghanshyam, Ronit and Sonu, whereas accused Lavkesh was charged under Sections 307/34, 120-B and 212 of IPC and Section 25 (1-B) (a) and 27 of Arms Act, 1959. After appreciation of oral and documentary evidence available on record, learned trial Court while acquitting co-accused Abhishek Thakur @ Shanky, Jugal, Ghanshyam, Ronit and Lavkesh of all the charges, convicted and sentenced the only accused Sonu Bahadur @ Nar Bahadur @ Sonu Thapa as mentioned in the inaugural paragraph of this judgment.
11. PW-1, Dinesh Maheshwari has stated that on the evening of the incident, at around 7:30 p.m., he was at *Funwara Chowk* near Gurudwara with his friend Ravi, when he suddenly heard a sound resembling a firecracker. He observed Sonu Thapa arrive on a motorcycle with another person. Sonu Thapa was armed with a pistol and fired at Mukku alias Nitin. After the firing, accused Sonu Thapa and his acquaintance fled towards another motorcycle, in which co-accused Jugal was driving the motorcycle.
12. PW-2, complainant/injured- Nitin Kumar Limbom @ Mukku has stated that on the date of the incident, i.e., 27.07.2015, he had gone to the gym at *Funwara Chowk*, Rajnandgaon. He left the gym at around 7:15 p.m. and had parked his Swift car nearby. While walking towards his car, carrying a bag in one hand and drinking a protein shake in the

other, he noticed the accused seated on a motorcycle at some distance from his vehicle. He further stated that he heard a voice from behind saying, "*Suno Mukku Bhai.*" When he turned around, he saw a boy named Sonu Thapa sitting on a motorcycle and he took out a pistol from his waist, loaded it and told him that "*he would kill him today, he will not leave him*" and he fired a bullet at him due to which, he sustained injuries on his body. Thereafter, he drove his car himself to the hospital for medical treatment.

13. PW-3 Ravi Sahu has stated that on the date of incident, he heard the sound of firing and he saw that the accused Sonu Thapa was firing with a pistol upon Nitin @ Mukku.
14. PW-4 Srijan Lal Sahu has stated that approximately three months prior, at about 7:00–7:30 p.m., he saw Mukku Nepali entering through Gate No. 1 of the District Hospital in a blood-soaked condition. Upon being asked about the incident, Mukku informed him that the accused Thapa and other co-accused had shot him.
15. PW-15 Dr. Rahul Singh Roy and PW- 41 Dr. Runa Singh have examined the complainant/injured- Nitin Kumar Limbu (PW-2) on 27.07.2015 and found gunshot injuries upon the body of the injured, gave their reports vide Exs. P/24 & Ex. P/84 respectively.
16. PW- 42, Investigating Officer- Rajesh Chaudhary has lodged the dehati nalishi vide Ex. P/3 at District Hospital, Rajnandgaon and as per statement of injured/complainant- Nitin Limbu @ Munku.
17. Close scrutiny of statements of injured/complainant Nitin Limbu @ Munku (PW-2) and other eye- witnesses, clearly shows that all the witnesses have stated against the accused Sonu Thapa and saw that

other co-accused persons fled from the spot. Furthermore, in cross-examination, the witnesses conceded to the defense's suggestion that, following the sound of like firecracker, there was stampede.

18. Thus, the learned trial Court after minutely appreciating the statements of all the witnesses and all documents rightly acquitted the other co-accused persons of all the charges as there is no any cogent and clinching evidence proved by the prosecution against them.
19. The Hon'ble Apex Court vide its judgment dated 12.02.2024 (Criminal Appeal No 1162 of 2011) passed in **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 vidence, 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 must 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.”

20. Keeping in view the aforesaid legal proposition of as well and looking to the statements of witnesses, this Court is also of the view that the findings recorded by the learned Trial Court are based on proper appreciation of oral and documentary evidence. That apart, it is settled position of law that the scope of interference in exercise of revisional powers of the High Court is quite limited inasmuch as it has to only verify that whether there is any material irregularity and/or illegality coupled with arbitrariness or perverseness in the impugned order or not. In the present cases, no such circumstance is there warranting interference by this Court. Accordingly, the acquittal appeals are devoid of any merits and the same are liable to be and are hereby **dismissed**.
21. As regards Criminal Appeal of accused/ Sonu Bahadur@ Nar Bahadur @ Sonu Thapa, it is clear the injured/complainant- Nitin Kumar Limbom @ Mukku stated against the accused Sonu, other eye-witnesses have also supported that the accused Sonu shot him with country made pistol and pistol was seized from the accused Sonu and ballistic expert and F.S.L. report have also supported the prosecution case. PW-41 Dr. Runa Singh and PW-15 Rahul Singh Roy found gunshot injuries upon the body of the injured. Thus, learned trial Court rightly convicted the accused Sonu for offence under Section 307 of IPC and 25 (1-B) of the Arms Act, 1959, we find no illegality or irregularity in the said findings recorded by learned Trial Court.

22. As regards sentence, it is clear that the incident took place in the year 2015 and criminal appeal is pending since 2018. The appellant is now aged more than 40 years; and he remained in jail for more than 03 years and 10 months, he did not misuse the liberty while being on bail, he is facing the *lis* since 2015 i.e. for about more than 10 years and no useful purpose would be served in again sending him to jail, therefore, in the interest of justice, it would be appropriate if the sentence imposed upon him is reduced to the period already undergone by him.

23. On the basis of aforesaid discussions,

- *Ex consequenti*, the acquittal appeals filed by the complainant and the State being devoid of any substance are hereby **dismissed**.
- The criminal appeal filed by the appellant Sonu stands **allowed in part** while maintaining the conviction of the appellant for offence under Section 307 of IPC and Section 25 (1-B) (a) of Arms Act, 1959 and the sentenced imposed under the Arms Act, the substantive jail sentence under Section 307 of IPC is hereby reduced to the period already undergone by him. However, the fine amount imposed upon him under the section with default sentenced by learned trial Court shall remain intact. The impugned judgment stands modified to the above extent.

The appellant is reported to be on bail. However, keeping in view the provisions of Section 481 of BNSS, 2023 the appellant is directed to furnish a personal bond for a sum of Rs. 25,000/- with one surety in the like amount before the Court concerned

which shall be effective for a period of six months along with an undertaking that in the event of filing of special leave petition against the instant judgment or for grant of leave, the aforesaid appellant on receipt of notice thereon shall appear before the Hon'ble Supreme Court.

The trial Court record along with a copy of this judgment be sent back immediately to the trial Court concerned for compliance and necessary action.

Sd/-
(Rajani Dubey)
JUDGE

Sd/-
(Radhakishan Agrawal)
JUDGE