



2026:CGHC:16355

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRR No. 992 of 2016

1. Tamaram Umare S/o Jhumuk Ram Aged About 61 Years R/o Village Ghotwani, Police Station Dhamdha, District Durg, Chhattisgarh
 2. Dilip Kumar S/o Nakul Verma Aged About 39 Years R/o Village Bafara, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh
 3. Smt. Pushpa Bai W/o Ravishankar Sahu Aged About 50 Years R/o Village Bafara, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh
 4. Vikram Yadu S/o Manharan Yadu Aged About 35 Years
 5. Ravishankar S/o Alali Ram Sahu Aged About 60 Years
 6. Hem Prakash Verma S/o Daman Singh Aged About 32 Years
- Respondents No.4 to 6 are R/o Village Rengakathera, Police Station Khairagarh, District Rajnandgaon, Chhattisgarh

... Applicants

versus

- State Of Chhattisgarh Through The District Magistrate, Balodabazar, Chhattisgarh

... Respondent

For Applicants	:	Mr. Praveen Dhurandhar, Advocate along with Ms. Ranjana Tiwari, Advocate.
For Respondent/State	:	Mr. Ramnarayan Sahu, Dy. Government Advocate.

Hon'ble Shri Justice Radhakishan Agrawal

Order on Board

09/04/2026

1. This criminal revision preferred by the applicants/accused persons under Sections 397 read with Section 401 of the Code of Criminal



Procedure is directed against the judgment dated 07.07.2016 passed by the learned Additional Sessions Judge, Bhatapara, District Balodabazar, C.G. in Criminal Appeal No. H-07/2016, affirming the conviction of the applicants under Section 295(A) of Indian Penal Code (for short, 'IPC'), as recorded by the learned Judicial Magistrate First Class, Simga, District Balodabazar, C.G. in Criminal Case No.J-25/2015 vide judgment dated 27.01.2016, and modifying the sentence from six months' simple imprisonment with fine of Rs.500/- each to till rising of the Court along with fine of Rs.3,000/- each, in default of payment of fine, to undergo simple imprisonment for one week each.

2. Case of the prosecution, in brief, is that on 14.02.2014, at about 4:00 to 4:30 PM, at village Damakheda near Hospital Road, within the jurisdiction of Police Station Simga, the applicants were allegedly distributing certain books, which contained objectionable and derogatory statements against the religious beliefs of the *Kabir Panthi* community. The contents of the said books, particularly on pages 4, 8 and 46, were alleged to be insulting and capable of outraging the religious feelings of the said community. On the basis of a written complaint (Ex. P/1) lodged by complainant- Ashwant Das, FIR (Ex. P/4) was registered against the applicants. During investigation, one white-coloured book bearing the photograph of *Kabir Ji* on its cover was seized vide Ex. P/3, the spot map was prepared vide Ex.P-5, and statements of the witnesses were recorded. After completion of investigation, charge-sheet was filed against the applicants. Prior sanction under Section 196 of the Cr.P.C. was also obtained from the Government of Chhattisgarh vide order dated 15.12.2014, which was filed along with the charge-sheet.



3. The Court of learned Judicial Magistrate First Class, after appreciation of the oral and documentary evidence, convicted the applicants for the offence under Section 295(A) of IPC and sentenced them to undergo six months' simple imprisonment along with fine of Rs. 500/- each. The said judgment was challenged by the applicants by filing a criminal appeal, however, the appellate Court, vide judgment dated 07.07.2016, affirmed the conviction of the applicants and modified the sentence as mentioned in para 1 of this order. Hence, the present revision has been preferred by the applicants.
4. Learned counsel for the applicants submits that both the trial Court as well as the appellate Court have not properly appreciated the evidence on record and have wrongly convicted the applicants. He submits that the alleged books were not seized from the possession of the applicants and that the independent witnesses have failed to identify them. It is also contended that the sanction granted by the Government of Chhattisgarh has not been duly proved or exhibited. He also submits that the prosecution has also failed to prove that the applicants were actually distributing the alleged books. Therefore, it is prayed that the impugned judgments of conviction passed by the both the learned Courts be set aside and applicants be acquitted of the charge levelled against them.
5. Per contra, learned State counsel supports the impugned judgments and submits that the prosecution has proved its case beyond reasonable doubt. He further submits that the testimony of the complainant (PW-1) is reliable and is duly corroborated by other evidence on record. It is also submitted that valid sanction under Section 196 of the Cr.P.C. was obtained prior to filing of the charge-



sheet, and the said sanction order dated 15.12.2014, issued by the Government of Chhattisgarh, was filed along with the charge-sheet before the concerned JMFC and a copy of the same was also supplied to the accused persons. Therefore, the sanction order was already on record at the time of taking cognizance by the trial Court. Hence, it is prayed that the criminal revision filed by the applicants be dismissed.

6. I have heard learned counsel for the parties and perused the material available on record.
7. PW-1 Ashwant Das/complainant has deposed that on 14.02.2014, at about 4:00 to 4:30 PM, near Hospital Road at village Damakheda, the applicants were distributing certain books among the public. He stated that he took one of the books and found that it contained objectionable and insulting statements against the *Kabir Panthi* community. He further stated that when he objected to the same, the applicants tried to take the book back, but he kept it with him. Thereafter, he lodged a written complaint (Ex. P-1), on the basis of which, FIR (Ex. P-2) was registered against the applicants. In cross-examination, nothing material could be elicited to discredit his testimony. His statement remains consistent and supports the prosecution case.
8. PW-2 Bhanu Singh and PW-3 Kheduram Nishad have supported the prosecution case with regard to the distribution of objectionable books by the applicants and their seizure. Their statements duly corroborate the testimony of PW-1 Ashwant Das.
9. PW-5 Prabhat Sahu, Investigating Officer, has deposed that on receipt of the written complaint (Ex.P-1), he registered the FIR (Ex.P-2) and started the investigation. He visited the place of occurrence at village



Damakheda, prepared the spot map (Ex.P-5), and recorded the statements of the witnesses. He further stated that during investigation, one white coloured book containing objectionable material, was seized vide seizure memo (Ex.P-3). He identified the seized book before the Court and stated that it contained objectionable passages relating to the *Kabir Panthi community*. He also deposed that after completion of investigation, he obtained sanction for prosecution under Section 196 of the Cr.P.C. from the Government of Chhattisgarh, Department of Law and Legislative Affairs. The sanction order dated 15.12.2014 was received, and thereafter he filed the charge-sheet No. 435/2014 before the concerned JMFC along with the said sanction order. This part of his statement has not been challenged by the accused persons in their cross-examination. Further, no material contradiction or omission could be brought on record to discredit his testimony. His evidence clearly establishes the investigation, seizure of the objectionable books, and compliance of the requirement of prior sanction.

10. From the above evidence, it is clear that the books in question contained objectionable and derogatory statements against the religious beliefs of the *Kabir Panthi* community and were being distributed by the applicants at a public place during a religious gathering. The act of distributing such material, along with its contents, shows deliberate and malicious intention to hurt the religious feelings of the said community, thereby attracting the offence under Section 295(A) of IPC. It is also evident from the record that prior sanction under Section 196 of the Cr.P.C. was obtained from the Government of Chhattisgarh vide order dated 15.12.2014.



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11. The learned trial Court, after proper appreciation of the evidence, has rightly held the applicants guilty under Section 295(A) of IPC. The learned appellate Court has again examined the evidence and affirmed the conviction, while taking a lenient view with regard to the sentence part of the applicants. Thus, both the learned trial Court as well as Appellate Court have recorded concurrent findings of fact based on proper appreciation of the evidence available on record, which do not call for any interference by this Court.
12. Accordingly, the criminal revision, being devoid of merit, is dismissed.
13. No order as to costs.

Sd/-

(Radhakishan Agrawal)
Judge