



2026:CGHC:21283

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AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 432 of 2015

- 1 - Uttam Yadav S/o Sarju Prasad Yadav Aged About 37 Years R/o Village- Parsada, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh ( **Died as per order dated 31.07.2025**)
- 2 - Pramendra Yadav S/o Sarju Prasad Yadav Aged About 34 Years R/o Village- Parsada, Police Station- Ratanpur, District- Bilaspur, Chhattisgarh
- 3 - Birendra Yadav S/o Sarju Prasad Yadav Aged About 37 Years R/o Village- Parsada, Police Station- Ratanpur, District: Bilaspur, Chhattisgarh ( **Died as per order dated 22.09.2025**)
- 4 - Dhananjay @ Mudda Yadav S/o Sarju Prasad Yadav Aged About 26 Years R/o Village- Parsada, Police Station- Ratanpur, District : Bilaspur, Chhattisgarh

... Appellants

versus

The State of Chhattisgarh, Through Station House Office, Police Station Ratanpur, District- Bilaspur, Chhattisgarh

--- Respondent/State

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For Appellants : Mr. Siddhant Tiwari, Advocate.

**Hon'ble Smt. Justice Rajani Dubey J.****C A V Judgement**

1. This appeal is preferred under Section 374 (2) of the Code of Criminal Procedure, 1973 against the judgment dated 12.01.2015 passed by learned Special Judge, SC & ST (Prevention of Atrocities) Act, 1989, Bilaspur, District- Bilaspur (C.G.) in Special Sessions Case No. 29/2011 wherein the said Court convicted the appellants and sentenced them as under:-

| <b>Conviction</b>            | <b>Sentence</b>                                                                                                                                                           |
|------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Under Section 294 of IPC.    | Imprisonment for the period undergone, with fine amount of Rs. 1,000/-, in default of payment of fine, to undergo additional S.I. for 03 months to appellants No. 1 to 3. |
| Under Section 323/34 of IPC. | Imprisonment for the period undergone, with fine amount of Rs. 1,000/-, in default of payment of fine, to undergo additional S.I. for 03 months to appellants No. 1 to 3. |
| Under Section 294 of IPC.    | Imprisonment till rising out Court with fine amount of Rs. 1,000/-, in default of payment of fine, to undergo additional S.I. for 03 months to appellants No. 4.          |
| Under Section 323/34 of IPC. | Imprisonment till rising out Court with fine amount of Rs. 1,000/-, in default                                                                                            |

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|  | of payment of fine, to undergo additional S.I. for 03 months to appellants No. 4. |
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2. In this matter appellant No. 1- Uttam Yadav, and appellant No. 3- Birendra Yadav have passed away on 10.11.2020 and 19.01.2022, respectively. As no applications have been filed to continue the appeal on their behalf, the appeal, insofar as it relates to these appellants, stands abated and is accordingly dismissed.
  
3. The brief facts of the case are that the complainant- Anjani Kumar Suryawanshi (PW-7), lodged an FIR at Police Station- Ratanpur on 18.01.2011, alleging that on 17.01.2011, during the *Bidaar* festival in village- Parsada, his wife- Sheetbai, was serving as the Sarpanch of the said village. At about 10:30 p.m., upon receiving information regarding a quarrel in the Yadav locality, the complainant proceeded to the said place on his motorcycle. Upon reaching near the house of Kushal Yadav, he found that a crowd had gathered and the quarrel had already subsided. While attempting to pass through the crowd and leave the place on his motorcycle, the accused persons—Uttam Yadav, Virendra Yadav, Pramendra Yadav, and Mudda Yadav—acting in furtherance of their common intention, allegedly abused him using filthy caste-based language and assaulted him with hands and fists, causing him to fall from his motorcycle. The incident was witnessed by Dilen Kumar Yadav, Shiv Narayan Yadav and others present at the spot. Dilen Kumar intervened, rescued the complainant and took him to his house and owing to fear, the complainant remained at Dilen Kumar's residence overnight and was unable to report the incident immediately.

Subsequently, he lodged an FIR, on the basis of which, Sub-Inspector Amit Shukla registered a case under the relevant provisions of law. The complainant was medically examined and considering that he belonged to a Scheduled Caste, the case diary was handed over to Mukti Tirkey, S.D.O.P., Kota, for investigation. During the course of investigation, the S.D.O.P. prepared a spot map of the incident, seized the caste certificate of the complainant issued by the Additional Tahsildar, Bilaspur, recorded statements of witnesses, and arrested the accused persons. After completion of due and necessary investigation, they were charge-sheeted before the Court of concerned Jurisdictional Magistrate, who, in turn, committed the case for trial. On the basis of the material contained in the charge-sheet, learned trial Court framed charges against the accused for alleged commission of offence under Sections 294, 506, 323/34 of IPC & Section 3 (1) (x) of Atrocities Act. The accused have abjured guilt were subjected to trial.

4. In order to establish the charges against the accused persons, the prosecution has examined as many as 10 witnesses. The statement 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. However, four witness examined by them in their defence.
5. The learned trial Court after hearing the counsel for the respective parties and considered the material available on record and thereby convicted and sentenced the present appellants/accused as mentioned in inaugural para of this judgment. Hence, this present appeal.
6. Learned counsel for the appellants Nos. 1 and 3 submits that judgment

of conviction and sentence passed by trial Court is arbitrary, illegal and contrary to the law applicable to the facts and circumstances of the case. The learned trial Court has failed to properly appreciate the evidence on record and the learned trial Court has erred in convicting the appellants under the aforesaid Sections. It is further submitted that the prosecution's case rests on extremely weak and unreliable evidence, as the independent witnesses—Harbansh (PW-3), Dilendra Kumar Yadav (PW-4), Shivnarayan Yadav (PW-5), Shiv Prasad Yadav (PW-6), and Krishna Kumar (PW-9)—were declared hostile and did not support the prosecution's case. The learned trial Court erred in ignoring the hostility of these witnesses, thereby placing undue reliance on the testimony of the complainant alone. It is further submitted that the appellants were falsely implicated in this case by the complainant due to a prior enmity arising out of political rivalry, as the appellants had supported a candidate contesting against the wife of the complainant for the election of Sarpanch of Gram Panchayat Parsada. Thus, the findings recorded by learned trial Court are highly perverse and the impugned judgment of conviction and order of sentence being bad in law is liable to be set aside.

In support of his contention, he relied upon the judgment of Hon'ble Calcutta High Court in the matter of **Sher Singh @ Satya Narayan Chouhan vs. State of West Bengal**<sup>1</sup>

7. *Ex adverso*, learned counsel for the State vehemently opposes the submissions of the appellants' counsel and submits that the prosecution has established its case beyond reasonable doubt. The learned trial Court meticulously evaluated the oral and documentary evidence,

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1 CRA No. 680 of 2007

correctly appreciating the credibility of witnesses and the circumstances of the case. Consequently, the conviction and sentence imposed on the appellants are wholly justified and the impugned judgment requires no interference by this Court.

8. I have heard learned counsel for the parties and perused the material available on record including the impugned judgment.
9. It is evident from record of learned Trial Court that it framed charge against the appellant for offence under Sections 294, 506, 323/34 of IPC & Section 3 (1) (x) of Atrocities Act. Learned Trial Court after minutely appreciating the oral and documentary evidence, convicted the appellants/accused for the aforesaid offences and acquitted them of the offences under Sections 294 and 506 of IPC and sentenced as mentioned in inaugural para of this judgment.
10. PW-7, the complainant Anjani Kumar Suryawanshi, stated that on 17.01.2011, while riding his motorcycle towards the locality of Yadav, he saw approximately ten boys standing in front of the house of Virendra Yadav and Kushal Yadav. As he attempted to pass through the crowd, the accused persons—Uttam Yadav, Virendra Yadav, Pramendra Yadav, and Mudda Yadav, allegedly abused him using filthy caste-based language and assaulted him with hands and fists, causing him to fall from his motorcycle. Thereafter, he lodged an F.I.R. vide Ex. P/7 at Police Station- Ratanpur of the said incident.

During his cross-examination, he denied the suggestion that on the date of the incident, he abused by using filthily language towards Birendra Yadav in front of his house while under the influence of liquor. He also denied consuming liquor on the occasion of the *Bidar* festival,

which allegedly caused him to fall from his motorcycle.

11. PW-8, Laxman, corroborated the statement of the complainant- Anjani Kumar (PW-7), stating that the accused persons abused the complainant upon his caste and assaulted him with hands and fists, causing him to fall from his motorcycle.
12. PW-2, Dr. A.M. Shrivastava, examined the complainant- Anjani Kumar and found a reddish-blue bruise about one inch below the left eye. He opined that it was a simple injury caused by a hard and blunt object and appeared to occur within 6 to 24 hours of examination. He gave his report vide Ex. P/2.

In his cross-examination, he admitted this suggestion of defence that if a person falls face-first onto a rough surface while riding a cycle, they may sustain serious injuries.

13. PW-3 Harbansh, PW-4 Dilendra Kumar Yadav, PW-5 Shivnarayan Yadav and PW-6 Shiv Prasad Yadav did not support the prosecution case. Accordingly, they were declared hostile by the prosecution and were cross-examined; however, they denied all suggestions put forth by the prosecution. PW-4 and PW-6 further deposed that at the relevant time, the accused- Birendra was sitting in his home, at that time, the complainant- Anjani Kumar came under the influence of liquor, used abusive language toward him. When the accused attempted to stop the complainant from abusing filthily language, the complainant allegedly began assaulting him.
14. It has been held by Hon'ble Calcutta High Court in the matter of **Sher Singh (supra)** in para 20, which reads as under:-

**"20. It is now also settled that the order of**

conviction can be passed on the basis of the sole testimony of the injured witness subject to the fact the same is trustworthy enough to be relied upon and if doubts occurs about the reliability then corroboration is necessary. In the instant case, excepting the statement made before the police station by the de facto injured complainant, no other oral or documentary evidence can be found to support the same.”

15. In view of the foregoing decision, it is evident in the present case that the complainant- Anjani Kumar Suryawanshi, alleged that four persons/accused had assaulted him; however, the medical evidence of PW-2, Dr. A.M. Shrivastava, reveals only a single injury and he has admitted the possibility that such injury could have been caused by a fall from a bicycle. Furthermore, independent witnesses have corroborated the defence's account, stating that while the accused- Birendra Yadav, was sitting in his home, at that time, the complainant came under the influence of liquor, used abusive language towards him. When the accused attempted to stop the complainant from abusing filthily language, the complainant allegedly began assaulting him, but the learned trial Court did not appreciate all these facts and it is evident that the prosecution has failed to prove its case beyond reasonable doubt against the accused persons.
16. *Ex consequenti*, the appeal is **allowed** and the impugned judgment dated 12.01.2015 of the learned trial Court is hereby set aside. The appellants No. 2 and 4 are acquitted of the charges leveled against

them.

17. The appellants No. 2 and 4 are reported to be on bail. However, keeping in view the provisions of Section 481 of BNSS, 2023 the appellants are also directed to furnish a personal bond for a sum of Rs. 25,000/- each 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 appellants No. 2 and 4 on receipt of notice thereon shall appear before the Hon'ble Supreme Court.
18. 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**