



2026:CGHC:21217

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

ACQA No. 17 of 2023

State of Chhattisgarh, Through Police Station- Abhanpur, District - Raipur,
Chhattisgarh

... Appellant

versus

1 - Dwarika Singh Thakur @ Chhotu S/o Jamvant Singh, Aged About 42
Years, R/o Village Gatapara, Abhanpur, Police Station Abhanpur, District -
Raipur, Chhattisgarh

2 – (Deleted As Per Honble Court Order Dated- 21-11-2025) Harishchand
Yadav S/o Shivcharan Yadav, Aged About 35 Years, R/o Village Gatapara,
Abhanpur, Police Station Abhanpur, District - Raipur, Chhattisgarh

... Respondents

For Appellant : Mr. Anand Gupta, Dy. Government Advocate.

For Respondent No.1 : Mr. Ravindra Sharma, Advocate appears along
with Mr. Sahil Sahu, Advocate

Single Bench : Hon'ble Shri Justice Sanjay S. Agrawal

Judgment on Board

06.05.2026

1. This appeal has been preferred by the appellant/State under Section 378 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 31.03.2022, passed by the Additional Chief Judicial Magistrate, Raipur, District Raipur (C.G.) in Case No. 5599/2015 (Crime No.06/2015), whereby, the respondents- Dwarika Singh Thakur @ Chhotu and one Harishchand Yadav, have

been acquitted with regard to the offence punishable under Sections 294, 506 Part-II and 323 read with Section 34 of IPC.

2. During the pendency of this appeal, the respondent No.2- Harishchand Yadav has died on 02.06.2022 and his name has already been deleted vide order dated 21.11.2025.
3. According to the prosecution, it is alleged that on 05.01.2015, when the Complainant- Parmeshwar Sahu was in the Panchayat meeting, the respondent- Dwarika Singh Thakur @ Chhotu and said deceased- Harishchand Yadav came and called him and took him in their Car and told him not to fill-up the nomination form for Panchayat Election and when it was refused, he was, then assaulted by them, while abusing him with filthy words in the name of mother and sister and they threatened him also to kill.
4. The Complainant, in his evidence has stated that on the said fateful day, he was asked by the respondents not to fill-up the nomination form for the Panchayat Election and when he refused, he was then assaulted and abused by them and, deposed further that he was assaulted by them with hands and fists and, it appears, as revealed from his alleged report (Ex.P-1) that the alleged incident was seen by two persons, namely, Dhananjay Sahu (PW-2) and Ritesh Kumar Sahu (PW-5), but, in his cross-examination, as revealed from para 7, would, however, show that the alleged incident was not seen by any one. His statement is, thus, found to be deviated from his own report (Ex.P-1), lodged on 05.01.2015. That apart, Dhananjay Sahu (PW-2) and Ritesh Kumar Sahu (PW-5), alleged to have seen the occurrence of the incident, have, however, not corroborated the alleged allegations made

by him in his said report, as Dhananjay Sahu (PW-2) in his statement has stated that he was not aware regarding the alleged incident, nor has seen that the Complainant was assaulted or abused by the respondents. Likewise is the statement of said Ritesh Kumar Sahu (PW-5), as revealed from para 3 of his testimony.

5. In view of the aforesaid evidence, it is, thus, difficult to hold that on the said fateful day, the Complainant- Parmeshwar Sahu was assaulted or abused, or even was threatened by them and even the injuries caused to him, as revealed from MLC report (Ex.P-4) could be caused by falling in view of the statement of Dr. D.K. Jha (PW-3).
6. In view of the aforesaid background and, in absence of any cogent and reliable evidence led by the prosecution, the trial Court, has therefore, not committed any illegality in acquitting the respondent- Dwarika Singh Thakur @ Chhotu and the another accused/respondent - Harishchand Yadav (deceased), while acquitting them from the commission of the alleged crime, so as to call for any interference in this appeal.
7. The appeal, being devoid of merit, is accordingly, dismissed.

Sd/-
(Sanjay S. Agrawal)
JUDGE