



2026:CGHC:27160-DB



2026:CGHC:27160-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 227 of 2026

1 - Sunil Singh S/o Sohar Singh Aged About 37 Years R/o Village Dakai, Majharpara, Police Station - Lundra District Sarguja Chhattisgarh

2 - Sohar Singh S/o Dinanath Aged About 63 Years R/o Village Dakai, Majharpara, Police Station - Lundra District Sarguja Chhattisgarh

3 - Vinod Singh S/o Sohar Singh Aged About 27 Years R/o Village Dakai, Majharpara, Police Station - Lundra District Sarguja Chhattisgarh

4 - Dhaneshwar Singh S/o Sohar Singh Aged About 39 Years R/o Village Dakai, Majharpara, Police Station - Lundra District Sarguja Chhattisgarh

5 - Ramnath Singh Alias Taparkeliha S/o Sukhsai Singh Aged About 27 Years R/o Village Taperkela, Police Station - Darima, Present Address - Village Dakai, Majharpara, Police Station - Lundra District Sarguja Chhattisgarh

... Appellant(s)

versus

1 - State of Chhattisgarh Through Police Station Lundra, District - Sarguja Chhattisgarh

... Respondent(s)

For Appellant(s)	:	Mr. Chitendra Singh, Advocate.
For State	:	Mr. S. S. Baghel, Govt. Advocate.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice.

02/07/2026

- Today, though the matter is listed for hearing on I.A. No. 01 of 2026, which is an application for suspension of sentence and



grant of bail to the appellants, considering the fact that the appellants are in jail since 18.11.2019, therefore, with the consent of learned counsel for the parties, the appeal is heard finally. Accordingly, I.A. No. 01 of 2026 is disposed of.

2. The present appeal under Section 415(2) of the Bharatiya Nagarik Suraksha Sanhita, 2023 has been filed by the appellants against the impugned judgment of conviction and sentence dated 26.11.2025 passed by the learned 5th Additional Sessions Judge, Ambikapur, District Surguja in Sessions Case No. 33/2020, whereby the appellants have been convicted and sentenced in the following manner:-

Conviction	Sentence
Under Section 148 of Indian Penal Code (only conviction u/s 148 IPC is awarded due to presence of ingredients of Section 147 of IPC in section 148 IPC.)	Simple Imprisonment for 3-3 years and a fine of Rs. 100-100/- in default of payment of fine to further undergo imprisonment for a period of 10-10 years.
Under Section 323/149 of Indian Penal Code.	Simple Imprisonment for 1-1 year and a fine of Rs. 500-500/- in default of payment of fine to further undergo imprisonment for a period of 50-50 days.
Under Section 302/149 of Indian Penal Code.	Rigorous Imprisonment for Life and a fine of Rs. 500-500/- in default of payment of fine to further undergo imprisonment for a period of 50-50 days.
All the sentences will run concurrently.	

3. The prosecution case, in brief, is that on 18.11.2019, the complainant Vishnu Yadav (PW-4) lodged a report with the police



that on 17.11.2019 at about 06:00 PM, when he along with his brother Rambilas Yadav and other villagers, namely, Suresh Pawle and Girwar Yadav, was returning from their field, near the house of Lov Kumar at village Dakai, the accused persons, who were awaiting them and were armed with a spade (shovel), tried to stop them. When they stopped their motorcycle, the accused persons started assaulting them, as a result of which they sustained injuries, and his elder brother Rambilas received injuries on his head. He took his elder brother to Medical College Hospital, Ambikapur, but he was declared dead on 17.11.2019 at about 10:00 PM.

4. The FIR for the offences under Sections 302, 147, 148 and 149 of the IPC was registered against five accused persons, namely, Sunil Singh, Dhaneshwar Singh, Vinod Singh, Sohar Singh and Ramnath Singh @ Taparkeliha. The merg intimation Ex.P/1 was also recorded at the Police Assistance Centre, Medical College Hospital, Ambikapur, on the basis of the memo issued by the doctor. The merg intimation was forwarded to the jurisdictional police, which is Ex.P/25. The inquest Ex.P/17 was prepared in the presence of the witnesses, and then the dead body was sent for post-mortem to Medical College Hospital, Ambikapur, where Dr. J. S. Saruta (PW-9) conducted the post-mortem of the dead body of the deceased and found multiple injuries on the dead body, including fractures on the frontal, parietal and occipital bones, and opined that the cause of death was shock due to fracture of the



skull bone and excessive haemorrhage and that the death was homicidal in nature. Blood-stained and plain soil from the spot were seized vide seizure memo Ex.P/12. The spot map Ex.P/13 was prepared by the Patwari and Ex.P/18 was prepared by the police. One Suresh Pawle (PW-5) had also been injured in the assault made by the accused persons, who was also sent for his medical examination to the Primary Health Centre, Lundra, where he was medically examined by the doctor, who found abrasions on the left knee joint and chin, which were simple in nature, and his MLC report is Ex.P/40.

5. The accused persons were arrested on 18.11.2019 and their memorandum statements Ex.P/2 to Ex.P/6 were recorded, and based on their memorandum statements, one spade (shovel) was seized vide seizure memo Ex.P/7 from accused Sunil Singh, one bamboo club was seized from accused Sohar Singh vide seizure memo Ex.P/8, one axe was seized from accused Vinod Singh vide seizure memo Ex.P/9, one bamboo club was seized from accused Ramnath Singh @ Taparkeliha vide seizure memo Ex.P/10, and one carpenter axe was seized from accused Dhaneshwar Singh vide seizure memo Ex.P/11. The accused persons were also sent for their medical examination to the Primary Health Centre, Lundra, where they were medically examined by the doctor, but no injuries were found on their bodies. The seized weapons from the accused persons were sent for their query report to the doctor who conducted the post-



mortem. After examining the weapons, the doctor gave his report Ex.P/22 and opined that the injuries as mentioned in the post-mortem report may have been caused by the articles sent, and for confirmation of blood, the articles were referred for chemical examination to the FSL. The seized articles were sent to Regional FSL, Surguja, Ambikapur, from where FSL report Ex.C/1 was received, and from the FSL report, blood-stained soil, the spade (shovel) seized from accused Sunil Singh and the clothes of the deceased were found to be stained with human blood, whereas blood was found on the carpenter axe seized from accused Dhaneshwar Singh and the underwear of the deceased.

6. Statements of the witnesses under Section 161 of Cr.P.C. have been recorded, and after completion of the usual investigation, charge-sheet was filed against the accused persons before the learned Judicial Magistrate First Class, Ambikapur, for the offences under Sections 302, 147, 148, 149 and 323 of IPC.
7. The case was committed to the Court of the learned Sessions Judge, Surguja, Ambikapur, from where the same has been transferred for its trial to the learned trial Court. The learned trial Court has framed charges against the accused persons for the offences under Sections 147, 148, 323/149 and 302/149 of the IPC. The accused persons denied the charge and claimed trial.



8. In order to prove the charge against the accused persons, the prosecution has examined as many as 14 witnesses. Statement of the accused persons under Section 313 of Cr.P.C. have been recorded, in which they denied the circumstances appearing against them, pleaded innocence and have submitted that they have been falsely implicated in the offence.
9. The accused Vinod Singh and Ramnath stated that they were not present on the spot, and the accused Sunil Singh stated that at the time of the alleged incident, they were engaged in extinguishing the fire. Three defence witnesses, namely, DW-1 Rakesh Kumar Rawat, DW-2 Biju Nayar and DW-3 Sohar Singh, have been examined by the accused persons in their defence.
10. After appreciation of oral as well as documentary evidence led by the prosecution, the learned trial Court convicted and sentenced the appellants/accused persons as has been mentioned in the earlier part of this judgment. Hence, this appeal.
11. Learned counsel appearing for the appellants submitted that the prosecution has failed to prove its case beyond reasonable doubt. There are material omissions and contradictions in the evidence of the prosecution witnesses, which cannot be made the basis to convict them for the offence in question. There is a counter case against the complainant party on the report lodged by the accused side. Though on their report, the complainant party has been



acquitted, they have challenged the judgment of acquittal by
an acquittal appeal before this Court bearing Acquittal Appeal No.
76 of 2026, in which notices have been issued to the acquitted
accused persons, and the said acquittal appeal is pending for
consideration. The complainant party came to the house of the
present appellants, causing mischief by fire and damage to their
party, and when the appellants protested, the complainant party,
in order to save themselves in the report lodged by the present
appellants, falsely implicated the present appellants in the report
lodged by them. The deceased received injuries under the
influence of liquor and sustained injuries in an accident while
returning from the field. He would further submit that the
prosecution has not properly investigated the case regarding the
incident. The appellants were present at the alleged spot at the
relevant point in time. The alleged incident is at night time and
there is no source of light at the place, yet naming the appellants
in the FIR itself is suspicious. In view of the inconsistent evidence
of the prosecution witnesses, the appellants are entitled to the
benefit of the doubt, and they may be acquitted of the alleged
offences.

12. On the other hand, learned counsel appearing for the State
opposed the submissions made by learned counsel for the
appellants and submitted that the prosecution has proved its case
beyond reasonable doubt. Barring minor omissions and
contradictions, the evidence of the prosecution witnesses is



reliable and sufficient to hold the appellants guilty of the alleged offences. The prosecution case is based on eye-witnesses, including injured witness PW-5 Suresh Pawle. The witnesses have duly identified the accused persons as causing injuries to the deceased. On the body of the deceased, a number of injuries, including fracture of the skull, were found, which was the cause of his death. It is not a case that the incident occurred all of a sudden or in the heat of passion, but it occurred when the complainant party was returning from the field and, on the way, the appellants were waiting for them armed with weapons of offence.

13. He would also submit that the counter case initiated on the report lodged by the accused persons relates to the incident after the present incident, and it is not a case wherein, in the same incident, both the parties have lodged a report and counter-report, although the date of the incident is the same. The witnesses have duly supported the prosecution's case. The weapons of offence have been seized from the accused persons, and blood has been found on the spade (shovel) seized from appellant Sunil Singh, as also on the clothes of the deceased. The judgment passed by the learned trial Court is based on proper appreciation of evidence and does not suffer from any perversity or illegality, and, therefore, the appeal filed by the appellants is liable to be dismissed.



14. We have heard learned counsel for the parties and perused the record of the trial Court.

15. The first and foremost question that arises for consideration would be the nature of the death of the deceased. The learned trial Court, while considering the nature of death of the deceased, relied upon the evidence of PW-4 Vishnu Yadav, PW-5 Suresh Pawle and PW-8 Girwar Yadav, who are the eye-witnesses to the incident and also witnesses to the inquest Ex.P/17. They have stated in their evidence that they saw the injuries on the dead body of the deceased, and they also saw the incident in which injuries were caused to the deceased by the accused persons. The evidence of these witnesses has been supported by the evidence of Dr. J.S. Saruta (PW-9), who conducted the post-mortem of the deceased.

16. PW-9, Dr. J. S. Saruta, stated in his evidence that on 18.11.2019, he conducted the post-mortem of the deceased Rambilas Yadav and found the following injuries on his body:-
 - *L/W present on the (L) side frontal region & L/W present also (R) Parietal region.*
 - *Incised Wound Present on the (R) Parietal region*
 - *Incised wound present on the (L) Parietal region*
 - *Incised wound Present on the (L) Ear*
 - *On opening the scalp, scalp Haematoma present on the (L) (R) Frontal region.*
 - *of Frontal, (L) Parietal, & Occipital Bone (Multiple #) Present.*
 - *Extradural Haematoma Present.*



17. The doctor has opined that the cause of death is shock due to fracture of the skull bone and excessive haemorrhage, which is homicidal in nature. In cross-examination, though he admitted that if a person dashed against a pointed pole at a high speed of more than 100 kilometres while riding his motorcycle, such injuries could have been caused on his body, he denied that if the deceased had received treatment in time, he would not have died. He voluntarily stated that multiple injuries were found on the body of the deceased and that his death was possible due to excessive bleeding. He also admitted that if a person is assaulted by an axe and a carpenter's axe, the nature of the injuries from both weapons might be different. However, from his entire cross-examination, the defence could not rebut the evidence of the doctor that the deceased died due to injuries and that his death was homicidal in nature. The learned trial Court has also considered the evidence of the doctor and the injuries found on the body of the deceased and held that the deceased died due to injuries and that his death was homicidal, which, in the opinion of this Court, does not suffer from any perversity, and this Court also concurs with the finding recorded by the learned trial Court.
18. So far as the involvement of the appellants in the offence in question is concerned, the prosecution relied upon the evidence of eye-witnesses to the incident. PW-4 Vishnu Yadav, PW-5 Suresh Pawle and PW-8 Giriwar Yadav are the eye-witnesses

produced by the prosecution, out of whom Suresh Pawle (F.V.S.) is the injured witness.

19. PW-5, Suresh Pawle, has stated in his evidence that on the date of the incident at about 06:30 PM, he, along with the deceased Rambilas Yadav, Vishnu Yadav and Giriwar Yadav, was returning from their field. On the way, near the house of Lov, accused Sohar stopped him, and as he got down from the motorcycle, appellant Sunil Singh gave a blow with a spade (shovel) on the head of the deceased Rambilas, due to which he fell on the ground. Thereafter, all the accused persons, namely, Dhaneshwar Singh, Vinod Singh, Ramnath Singh @ Taparkeliha and Sohar Singh, started assaulting the deceased with danda, axe and carpenter's axe. Appellant Sohar exhorted the other accused persons that he would give evidence against them and that he too would be killed, and then Ramnath Singh @ Taparkeliha assaulted him with a danda, by which he received injuries on his back and chin. At the same time, Vishnu Yadav (PW-4) reached there and started shouting for help; thereafter, the accused persons/appellants fled from the place. Vishnu brought a Bolero vehicle, through which they took his brother to Ambikapur hospital, and due to fear, he went back to his house. In cross-examination, he admitted that he had been employed as a tractor driver with the deceased for the last 10 years. He also looked after the field of the deceased. They had gone to the field of the deceased to load tomatoes into the vehicle. After loading and accounting, they proceeded to their



houses, and he and the deceased Rambilas left the field together.

Though he admitted that he himself had not lodged any report with the police, he stated that he had gone along with the deceased on his motorcycle and that witness Vishnu Yadav and his brother-in-law were on their motorcycle. From the cross-examination of this witness, the substantive evidence of assault made by the accused persons upon the deceased and upon him also could not be rebutted by the defence. He, being the companion of the deceased at the time of the incident and also having received injuries, duly supported the prosecution case that it was the accused persons who assaulted the deceased, by which he died. With respect to the earlier incident allegedly caused by the complainant party to the accused party, he denied the suggestion that it was the complainant party who caused mischief to the house of the accused Sohar and set his house on fire by pouring kerosene oil and also set on fire the tractor of Heeralal. Though he also admitted that one Chaitendra lodged a report against them, he denied that they committed any offence.

20. From the entire evidence of PW-5, Suresh Pawle, it would clearly reveal that the injuries found on the body of the deceased had been caused by the appellants. He also denied the suggestion of accidental injuries to the deceased.
21. PW-4 Vishnu Yadav, who is the younger brother of the deceased Rambilas, is another eye-witness to the incident and duly



supported the prosecution case. He stated in his evidence that on the date of the incident, he had gone to his field to load the tomatoes into the vehicle of the vegetable merchants. After their work, they proceeded towards their houses, his brother and Suresh Pawle on one motorcycle, and he and his brother-in-law Girwar Yadav were on another motorcycle. When they reached near the house of Iov Kuamr, the accused persons Sunil Singh with spade(shovel) Sohar Singh with danda, Ramnath @ Taparkeliha with danda, Vinod with axe and Daneshwar with carpenter's axe were waiting them and as and when they reached there, the accused Sohar Singh stopped his brother and at the same moment the accused Sunil Singh assaulted his brother on his head by spade(shovel). Even after he fell on the ground, he was again assaulted twice, and other accused persons started assaulting him with the weapons they had. Suresh Pawle was also assaulted by Ramnath @ Taparkeliha, in which he also received injuries on his chin and knee. After seeing the incident, they started shouting, and then the accused persons fled. He took his brother to the hospital in a Bolero vehicle, where he was declared dead. He lodged the report, which is Ex.P/16. In cross-examination, he admitted that there were two FIR have been lodged by them, one by Suresh Pawle and another by him. He denied that the deceased received accidental injuries to his body. He also showed his ignorance about the earlier incident of causing a fire on the property of the accused, Sohar Sai. Despite his detailed cross-examination, the defence could not be able to



extract any material that would make his evidence doubtful or create any suspicion about his witnessing the incident by him.

22. PW-4 Vishnu Yadav is the lodger of the FIR, and he named all the accused persons in the FIR. The defence had tried to put the case of the prosecution on the platform of a counter case by giving a suggestion about the previous incident of causing mischief by fire, but this witness denied the same. His presence on the spot is also quite natural, given the fact that he is the younger brother of the deceased; his evidence cannot be discarded.
23. PW-8, Girwar Yadav, is another eye-witness who was present on the spot and was coming back from the field along with PW-4, on one motorcycle and the deceased Suresh Pawle on another motorcycle. He stated in his evidence that on the date of the incident at about 06:00 PM, when they were returning from the field after loading tomatoes in the vehicle, on the way near the house of Lov Kumar, the accused persons were waiting for them. The accused Sunil Singh was having a spade, Sohar Singh and Ramnath @ Taparkeliha were having a danda, Vinod Singh was having an axe, and Dhaneshwar Singh was having a carpenter's axe with them. Sohar Singh stopped the vehicle of the deceased, and as soon as he stopped the vehicle, Sunil Singh gave a blow to the head of the deceased Rambilas with a spade, by which he fell down on the ground, and even after falling on the ground, the accused Sunil Singh assaulted him. The accused persons also



assaulted Suresh Pawle. When they raised the alarm, the accused persons fled. The injured Rambilas was being taken to the hospital by his brother in the Bolero vehicle, where he was declared dead. He too remained firm in his detailed cross-examination by the accused persons, and he categorically deposed about the involvement of the accused persons in the offence as well as the manner in which they caused injuries to the deceased. He also denied that they were the aggressors and caused mischief by fire to the threshing field of Sohar Singh. He also denied that, due to a previous dispute and political rivalry, they falsely implicated the accused persons in the offence. But for minor omissions or contradictions, which are trivial in nature, the defence could not be able to elicit any discrepancy in the material part of his evidence. He, being the witness who accompanied the deceased, has disclosed the entire incident and the manner in which it occurred.

24. From the evidence of these three witnesses, PW-4, PW-5 and PW-8, the prosecution is able to prove that the present appellants are the perpetrators of the crime who assaulted the deceased, by which he died. The quality of evidence given by them is considered to be of sterling quality as there is no infirmity found in their evidence, and they can be put under the category of sterling witnesses as has been held by the Hon'ble Supreme Court in the case of ***Santosh Prasad alias Santosh Kumar v. State of Bihar*** reported in **2020 (3) SCC 443** has held in para 5.4.2. that :-



5.4.2. In *Rai Sandeep*, this Court had an occasion to consider who can be said to be a "sterling witness". In para 22, it is observed and held as under (SCC p. 29)

"22. In our considered opinion, the "sterling witness" should be of a very high quality and calibre whose version should, therefore, be unassailable. The court considering the version of such witness should be in a position to accept it for its face value without any hesitation. To test the quality of such a witness, the status of the witness would be immaterial and what would be relevant is the truthfulness of the statement made by such a witness. What would be more relevant would be the consistency of the statement right from the starting point till the end, namely, at the time when the witness makes the initial statement and ultimately before the court. It should be natural and consistent with the case of the prosecution qua the accused. There should not be any prevarication in the version of such a witness. The witness should be in a position to withstand the cross-examination of any length and howsoever strenuous it may be and under no circumstance should give room for any doubt as to the factum of the occurrence, the persons involved, as well as the sequence of it. Such a version should have co-relation with each and every one of other supporting material such as the recoveries made, the weapons used, the manner of offence committed, the scientific evidence and the expert opinion. The said version should consistently match with the version of every other witness. It can even be stated that it should be akin to the test applied in the case of circumstantial evidence where there should not be any missing link in the chain of circumstances to hold the accused guilty of the offence alleged against him. Only if the version of such a witness qualifies the above test as well as all other such similar tests to be applied, can it be held that such a witness can be called as a "sterling witness" whose version can be accepted by the court without any corroboration and based on which the guilty can be punished. To be more precise, the version of the said witness on the core spectrum of the crime should remain intact while all other attendant materials, namely, oral, documentary and material objects should

match the said version in material particulars in order to enable the court trying the offence to rely on the core version to sieve the other supporting materials for holding the offender guilty of the charge alleged."

25. Further, merely being closely related to the deceased or a relative of the deceased cannot be a ground to disbelieve the evidence of an eyewitness. In the case of **Dharnidhar Vs. State of Uttar Pradesh and others, (2010) 7 SCC 759**, the Hon'ble Supreme Court held as follows:

"12. There is no hard-and-fast rule that family members can never be true witnesses to the occurrence and that they will always depose falsely before the Court. It will always depend upon the facts and circumstances of a given case. In *Jayabalan v. UT of Pondicherry*, (2010) 1 SCC 199, this Court had occasion to consider whether the evidence of interested witnesses can be relied upon. The Court took the view that a pedantic approach cannot be applied while dealing with the evidence of an interested witness. Such evidence cannot be ignored or thrown out solely because it comes from a person closely related to the victim. The Court held as under: (SCC p. 213, paras 23-24)

"23. We are of the considered view that in cases where the court is called upon to deal with the evidence of the interested witnesses, the approach of the court, while appreciating the evidence of such witnesses must not be pedantic. The court must be cautious in appreciating and accepting the evidence given by the interested witnesses but the court must not be suspicious of such evidence. The primary endeavour of the court must be to look for consistency. The evidence of a witness cannot be ignored or thrown out solely because it comes from the mouth of a person who is closely related to the victim."

13. Similar view was taken by this Court in *Ram Bharosey v. State of U.P.*, (2010) 1 SCC 722, where the Court stated the dictum of law that a close relative



of the deceased does not, per se, become an interested witness. An interested witness is one who is interested in securing the conviction of a person out of vengeance or enmity or due to disputes and deposes before the court only with that intention and not to further the cause of justice. The law relating to appreciation of evidence of an interested witness is well settled, according to which, the version of an interested witness cannot be thrown overboard, but has to be examined carefully before accepting the same.”

26. Further, with respect to the common object of the accused persons is also reflected from their presence on the spot along with the weapon of the offence and waiting for the complainant party. It is the case of the prosecution from the time of lodging of the FIR that when the deceased, injured and eye-witnesses returning from the filed, on the way all the accused persons waiting for them having armed with spade(shovel), axe, carpenter axe and danda and as and when the deceased reached there, the accused Sohar Singh stopped his motorcycle and immediately the accused Sunil gave blow on his head by spade(shove) by which he fell down and even after his fall he repeatedly assaulted by him and other accused persons. The injured Suresh Pawle was also assaulted by Ramnath @ Taparkeliha. In such circumstances, it can be said that the accused persons had a common object to commit the murder of the deceased, and they, in furtherance of their common object, assaulted the deceased. The active participation in the offence of all the accused persons has been narrated by the witnesses, and the accused persons fled from the



place together. Thus, the common object to commit murder of Rambilas has also been proved in the case.

27. So far as the defence of the accused persons that is presented is a counter case to the report lodged by them at Police Station Lundra in support of their defence, they examined three defence witnesses, Ramkesh Kumar Rawat DW-1, Biju Nayar DW-2 and Sohar Singh DW-3. They also produced the documents Ex.D/1 to Ex.D/31, which are the record of Crime No. 136/2019 registered at Police Station, Lundra and the Sessions Trial No. 238/2021, the copy of the FIR of Crime No. 136/2019, is filed by the accused persons as Ex.D/7 in the said FIR Ex.D/7 the date and time of incident is mentioned as 17.11.2019 at about 20:30 hours for which the FIR was registered on 19.11.2019 at 16:20 hours on the report of Chaitendra Singh. In the present case, from the FIR Ex.P/16, the date and time of the incident is 17.11.2019 at 18:00 to 18:30 hours, and the FIR was registered on 18.11.2019 at 10:00 AM. From perusal of the FIR Ex.D/7, it transpires that after the present incident, a fire incident occurred in the threshing field of the accused Sohar Singh, and till that time, the present incident had already occurred. Therefore, the present incident is not a counter case for which the defence is claiming benefit. The incident of fire for which the FIR Ex.D/7 was registered is subsequent to the present offence of murder of the deceased Rambilas.



28. DW-1, Rakehs Kumar Rawat and DW-2 Biju Nayar, are fireman who was a member of the team of fire extinguishers employed as Homeguards, their evidence is limited only to the extent that they extinguished the fire at village Dakai on the date of the incident.
29. DW-3, Sohar Singh, is one of the accused who has been examined himself to prove the documents of Ex.D/21 to Ex.D/31, which are the certified copies of the record of the Sessions Case No. 238/2021, which is with respect to the incident of fire. The incident of fire is not in dispute, with the additional fact that it was subsequent to the murder of the deceased Rambilas.
30. From the aforesaid facts and circumstances of the case, evidence available on record, particularly the evidence of injured eye-witness PW-5 Suresh Pawle, and other eye-witnesses PW-4 Vishnu Yadav, and PW-8 Girwar Yadav, the prosecution has proved the offence against the appellant and their involvement beyond reasonable doubt in the commission of the murder of the deceased Rambilas and causing simple injury to PW-5 Suresh Pawle. Further, human blood was found on the spade(shovel) seized from the appellant Sunil Singh (Article-C) and blood was found on the carpenter axe seized from Dhaneshwar (Article -G) and the other articles of blood-stained soil (Article-A) and clothes of the deceased (Article-H). The learned trial Court has also considered the evidence available on record, and there is no



perversity or illegality in its consideration. We do not find any scope for interference in the present appeal filed by the appellants.

31. The appeal filed by the appellants is devoid of merit, liable to be and is hereby **dismissed**.
32. The appellants are reported to be in jail. They shall undergo the entire sentence awarded by the learned trial Court.
33. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellants are undergoing their jail sentence to serve the same on the appellants informing them that they are at liberty to assail the present judgment passed by this Court by preferring an appeal before the Hon'ble Supreme Court with the assistance of High Court Legal Services Committee or the Supreme Court Legal Services Committee.
34. Let a copy of this judgment and the original records be transmitted to the trial Court concerned forthwith for necessary information and compliance.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice