



2026:CGHC:20583



2026:CGHC:20583

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

WPC No. 579 of 2023

Jagdish Prasad Rathore S/o Late Shri Rikhi Ram Rathore Aged About 60 Years R/o Mauhadih, Post Jharna, Janjgir, District Janjgir-Champa (C.G.)

... **Petitioner**

versus

- 1 - State Of Chhattisgarh Through Secretary, Department Of Revenue, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)
- 2 - Secretary Health And Family Welfare, Mantralaya, Mahanadi Bhawan, Atal Nagar, Naya Raipur, District Raipur (C.G.)
- 3 - Collector Janjgir, District Janjgir-Champa (C.G.)
- 4 - Collector Sakti, District Sakti (C.G.)
- 5 - Sub-Divisional Officer (Revenue) Janjgir, District Janjgir-Champa (C.G.)
- 6 - Sub-Divisional Officer (Revenue) Sakti, District Sakti (C.G.)
- 7 - Tahsildar Saragaon Tahsil Office Saragaon, District Janjgir-Champa (C.G.)
- 8 - Tahsildar Baradwar Tahsil Office Baradwar, District Sakti (C.G.)
- 9 - Sarpanch Village Mauhadih, Post Jharna, Janjgir, District Janjgir-Champa (C.G.)

... **Respondents**

(Cause-title taken from Case Information System)

For Petitioner	:	Mr. Anirrudh Shrivastava, Advocate
For Respondent-State	:	Mr. Saumitra Kesharwanai, Panel Lawyer
For Respondent No.9	:	Mr. Rajvansh Singh, Advocate

**Hon'ble Shri Amitendra Kishore Prasad, Judge****Order on Board****01.05.2026**

1. By filing the present petition, the petitioner has challenged the impugned order dated 06.06.2022 (Annexure-P/1) passed by the Sub-Divisional Officer (Revenue), whereby financial assistance has been denied on account of the death of the petitioner's wife, Late Smt. Fulwara Bai Rathore, who died on 07.10.2021 allegedly due to snake bite. The rejection is based on the F.S.L. Report dated 31.12.2021, which did not detect snake venom in the examined articles, and the final enquiry report describing the cause of death as "bite by a poisonous creature," which is not covered under the amended provisions of Revenue Book Circular-6(4) dated 09.06.2015. It is contended that the impugned order is arbitrary and unsustainable, as it overlooks material evidence, including the fact that the deceased was treated for snake bite at the hospital and the Patwari's report also clearly attributes the death to snake bite. The petitioner has prayed for following reliefs :-

"10.1 That, this Hon'ble Court may kindly be pleased to call for the entire records in relation to the case of the petitioner from the possession of respondents for its kind perusal.

10.2 That, this Hon'ble Court may kindly be pleased to issue a writ or writs/order or orders quashing impugned order dated 06.06.2022



(Annexure-P/1) being arbitrary, illegal and against the law.

10.3 That, this Hon'ble Court may kindly be pleased to hold that the death of the wife of the petitioner has been caused by snake bite.

10.4 That, this Hon'ble Court may kindly be pleased to direct the respondent authorities to provide the financial assistance of Rs.10 lakhs to the petitioner.

10.5 That, this Hon'ble Court may kindly be pleased to grant any other relief/reliefs in favour of the petitioner, which the Hon'ble Court deemed fit & just in the facts and circumstances of the case, including awarding of the costs to the petitioner.”

2. Learned counsel for the petitioner submits that the petitioner is a marginal farmer owning only a little more than one acre of land and his wife, Late Smt. Fulwara Bai Rathore, died on 07.10.2021 due to a snake bite sustained during the intervening night of 06.10.2021. It is contended that the petitioner himself witnessed the incident and saw the snake coming down from the bed immediately after the deceased raised alarm upon being bitten on her left ring finger. He further submits that the deceased was immediately taken to Barrister Thakur Chhedi Lal District Hospital, Janjgir, where she was admitted in the early hours and treated specifically for “snake bite,” as recorded in the hospital documents. Thereafter, owing to her critical condition, she was referred and subsequently admitted to NKH Multi Speciality



Hospital, Champa, where also the treatment records, medicolegal certificate, and final diagnosis consistently record the case as one of poisonous snake bite. It is further argued that during the course of treatment, the deceased was administered anti-venom injections, placed on ventilator support, and treated in accordance with established protocol for neurotoxic snake envenomation, including administration of neostigmine and atropine sulphate. Despite prolonged treatment and expenditure of approximately Rs. 1,60,000/-, the deceased ultimately succumbed on 07.10.2021.

3. Learned counsel submits that the post-mortem report, though mentioning “unknown bite,” clearly records the presence of a bite mark on the ring finger and notes relevant circumstances such as bluish discoloration of the body, while the investigating officer, in the viscera questionnaire, has categorically opined that the death was caused due to snake bite based on circumstantial evidence. It is also pointed out that the Patwari report and statements of witnesses support the same conclusion. It is contended that the sole reliance placed by the authorities on the FSL report dated 31.12.2021, which did not detect snake venom, is wholly misplaced, particularly in view of the unexplained delay of more than two months in sending the samples and the admitted fact that multiple anti-venom injections were administered, which could have neutralized the venom. The FSL report, it is argued, does not conclusively rule out snake bite and merely states absence of



detected poison in the examined samples. He thus submits that overwhelming ocular, medical, and circumstantial evidence establishes that the death occurred due to snake bite, and the denial of financial assistance by terming it as “bite by a poisonous creature” is arbitrary, hyper-technical, and contrary to the provisions of the Revenue Book Circular (6-4). It is further urged that in such cases, the standard of proof is preponderance of probabilities, and therefore, the impugned order deserves to be set aside and appropriate financial assistance be directed to be granted to the petitioner.

4. Reliance has been placed upon the judgment rendered by the Hon’ble Supreme Court in ***Criminal Appeal No. 1692 of 2022, Buddhadeb Saha & Ors. v. The State of West Bengal, decided on 13.09.2023***, to contend that in cases where there is a discrepancy between ocular and medical evidence, the ocular evidence assumes greater significance and ordinarily prevails, as medical evidence is essentially corroborative in nature. It is thus submitted that when the direct and circumstantial evidence clearly establish the cause of death, a contrary or inconclusive medical opinion cannot be made the sole basis to discard otherwise reliable evidence. Further reliance has been placed upon the judgment passed by this Court in ***Nomin Bai Netam v. State of Chhattisgarh & Ors. (WPC No.90/2019 decided on 14.01.2019)*** to buttress his submissions.



5. On the other hand, learned counsel appearing for the State/respondents No.1 to 8, vehemently opposes the petition and supports the impugned order dated 06.06.2022. It is submitted that the competent authority has passed the order strictly in accordance with law and on the basis of material available on record, and no interference is warranted in exercise of writ jurisdiction. He further submits that as per the F.S.L. Report dated 31.12.2021, no snake venom was detected in the viscera and other articles sent for examination, which is a scientific and expert opinion and carries significant evidentiary value. It is contended that in absence of confirmation of snake venom, the authorities have rightly concluded that the death cannot be conclusively attributed to snake bite. It is further submitted that the final enquiry report submitted by the SHO also indicates that the death was caused due to “bite by a poisonous creature,” and since such category is not covered under the provisions of Revenue Book Circular (6-4) dated 09.06.2015, the petitioner is not entitled to financial assistance. The authorities have, therefore, acted within the four corners of the governing policy.
6. Learned State counsel contends that the benefit under the Revenue Book Circular is conditional and can be extended only when the case strictly falls within the enumerated categories, and the burden lies upon the claimant to establish eligibility. In the present case, in view of the inconclusive medical and forensic evidence, such burden has not been satisfactorily discharged. It is



also argued that mere treatment for snake bite or statements of witnesses cannot override the scientific findings of the F.S.L., and the administrative authorities are justified in placing reliance upon such expert reports while arriving at their conclusion. He thus submits that the impugned order is reasoned, lawful, and based on proper appreciation of evidence, and the present petition, being devoid of merit, deserves to be dismissed.

7. Learned counsel appearing for respondent No.9, while supporting the petitioner, submits that the evidence on record clearly establishes that the death of the deceased occurred due to snake bite. It is contended that the contemporaneous medical records of both the District Hospital, Janjgir and NKH Multi Speciality Hospital, Champa consistently reflect that the deceased was treated for snake bite and was administered anti-venom injections, which substantiates the petitioner's case. It is further submitted that the Patwari report, statements of the petitioner and other witnesses, as well as the findings noted during post-mortem and in the viscera-related questionnaire all point towards snake bite as the cause of death. These materials, taken together, satisfy the test of preponderance of probabilities, which is sufficient for grant of relief under the Revenue Book Circular. He thus submits that the reliance placed solely on the F.S.L. report is misplaced, particularly in view of the delay in examination of samples and the possibility of venom being neutralized due to medical treatment. The impugned order, therefore, deserves to be



set aside and the petitioner be granted financial assistance in accordance with law.

8. I have heard learned counsel appearing for the parties and perused the materials on record.
9. In ***Buddhadeb Saha*** (supra), the Hon'ble Supreme Court has observed as under :-

“28. In a research article titled, “Negative viscera report and its medico-legal aspects”, it has been mentioned that in many cases, the viscera report is negative on three major basis, namely it can be procedure based, sample based or lab based. The said research paper reveals that there are circumstances in which viscera test may not reveal the presence of compounds from the following circumstances:—

- 1. Sample quantities received by FSL much less than those prescribed for optimal analysis;*
- 2. Required quantity and quality of preservative not used during sampling;*
- 3. Appropriate temperature, time and container not maintained for preservation of sample;*
- 4. Difficulty in detection of poison due to vomiting, purging or elimination from the system by the kidneys or due to prolonged stay in the hospital immediately prior to the death;*



5. *Not sending stomach wash (gastric lavage) and vomit along with viscera for examination;*

6. *Some organic poison decompose due to improper preservation or temperature control;*

7. *Site of sample collection on the body also play an important role;*

8. *In postmortem decomposition, many poisons present in the tissue undergo chemical changes which cannot be detected in routine toxicological analysis;*

29. *This Court in Mahabir Mandal v. State of Bihar, (1972) 1 SCC 748, looked into the observations found at page 477 of the Modi's Medical Jurisprudence and Toxicology (Seventeenth edition) and held that under some circumstances, if the whole of the poison has disappeared from the lungs by evaporation, or has been removed from the stomach and intestines by vomiting and purging, and after absorption has been detoxified, conjugated and eliminated from the system by the kidneys and other channels, it is possible that there may not be traces of poison.*

30. *Thus, the absence of detection of poison in the viscera report alone need not be treated as a conclusive proof of the fact that the victim has not died of poison.*

31. *In Mahabir Mandal (supra), this Court has observed as under:-*



“Empty reference has been made by Mr.Chari to report dated December 23, 1963 of the Chemical Examiner, according to whom no poison could be detected in the viscera of Indira deceased. This circumstance would not, in our opinion, militate against the conclusion that the death of the deceased was due to poisoning. There are several poisons particularly of the synthetic hypnotics and vegetable alkaloids groups, which do not leave any characteristic signs as can be noticed on post mortem examination.”

(Emphasis supplied)

32. The above observation of this Court was based on the reference made in the Modi's Medical Jurisprudence and Toxicology. Those references were also referred to by this Court, which are as follows:-

“It is quite possible that a person may die from the effects of a poison, and yet none may be found in the body after death, if the whole of the poison has disappeared from the lungs by evaporation, or has been removed from the stomach and intestines by vomiting and purging, and after absorption has been detoxified, conjugated and eliminated from the system by the kidneys and other channels. Certain vegetable poisons may not be detected in the viscera, as they have no reliable tests, while some organic poisons, especially the alkaloids and



glucosides, may be oxidation during life or by putrefaction after death, be split up into other substances which have no characteristic reactions sufficient for their identification.”

(Emphasis supplied)

33. As pointed out by this Court in a number of cases, where the deceased dies as a result of poisoning, it is difficult to successfully isolate the poison and recognise it. Lack of positive evidence in this respect would not result in throwing out the entire prosecution case, if the other circumstances clearly point out the guilt of the accused.

34. According to Modi's Medical Jurisprudence and Toxicology, 23rd Edition, Editors : K. Mathoharan and Amrit K Patnaik, the preserved materials should be sent to the concerned Forensic Science Laboratory, through the concerned police station as quickly as possible. Otherwise, the poison may not be detected during the analysis of the viscera, even though they may contain some poison.”

- 10.** Reverting to the facts of the present case, it is quite vivid that the material available on record overwhelmingly points towards the death of the deceased having been caused by snake bite. The consistent and contemporaneous medical records of the District Hospital, Janjgir as well as NKH Multi Speciality Hospital, Champa, clearly reflect that the deceased was treated for snake



bite and administered anti-venom therapy. The presence of a bite mark noted in the post-mortem report, coupled with the Patwari report and statements of witnesses, further fortify the said conclusion. Even the circumstances narrated by the petitioner, who is an eyewitness to the incident, inspire confidence and remain unshaken. In such a scenario, the mere absence of detection of snake venom in the F.S.L. report cannot be construed as conclusive so as to dislodge the otherwise cogent and convincing evidence available on record, particularly when the possibility of non-detection due to delay in examination and administration of anti-venom injections cannot be ruled out.

11. At this juncture, this Court deems it apposite to examine Circular-6 of Part IV of the Revenue Book Circular (RBC), which governs the grant of financial assistance in cases of death arising out of specified natural causes. A perusal of the said Circular indicates that it is a beneficial provision intended to provide immediate succour to the family of the deceased in cases of untimely death due to contingencies such as snake bite, among others. The scheme does not envisage a hyper-technical or rigid standard of proof, but rather contemplates a pragmatic assessment of the cause of death on the basis of available material and surrounding circumstances, so as to ensure that the intended relief is not defeated on technical grounds. Circular-6 of Part IV is quoted below for easy reference:-



“(06) अन्य आनुग्राहिक राहत

(क) जन हानि के लिए निकटतम वारिस को आर्थिक सहायता अनुदान:-

प्राकृतिक आपदा से, नैसर्गिक विपत्तियों के कारण, नदी, तालाब, बांध, कुंआ, नहर, नाला या गड्ढे में गिरकर डूबने से, सर्प, बिच्छू, गुहेरा या मधुमक्खी के काटने से, नाव दुर्घटना से, आग में जलने से, रसोई गैस का सिलेण्डर या स्टोव फटने से, खदान धसकने से, लू (Sun Stroke) से, आकाशीय बिजली या आंधी, तूफान, अतिवृष्टि, बाढ़ की स्थिति के दौरान पेड़/डंगाल के गिरने अथवा विद्युत प्रवाह/तार से मृत्यु हो जाने पर मृत व्यक्ति के परिवार के निकटतम व्यक्ति/वारिस को रुपये 4,00,000 (रुपये चार लाख) की आर्थिक सहायता कलेक्टर द्वारा स्वीकृत की जाएगी।”

12. From the perusal of Circular-6 Part IV of the Revenue Book Circular (RBC), it is evident that in case of death due to snake bite, financial assistance to the tune of Rs.4,00,000/- is to be awarded to the nearest legal heir of the deceased. The provision specifically includes death caused by “snake bite” and does not prescribe any rigid or technical requirement for establishing the same beyond reasonable doubt. The emphasis is on the occurrence of death due to such natural causes. Though the respondents have taken a stand that in absence of confirmation of snake venom in the F.S.L. report, the benefit cannot be extended, there is no such restrictive condition provided in the Circular.
13. Considering the matter in its entirety, it is clear from the aforesaid provision that once the death is attributable to snake bite on the



basis of available material and surrounding circumstances, the compensation is liable to be granted by the Collector. In the present case, the medical records, treatment documents, Patwari report, and statements of witnesses consistently indicate that the deceased was treated for snake bite and ultimately succumbed to the same. Therefore, the mere absence of detection of venom in the F.S.L. report, particularly in the backdrop of delay in examination and administration of anti-venom injections, cannot be made a ground to deny the benefit.

- 14.** In light of the aforesaid aspects of the matter, this Court is of the view that the respondent authorities have erred in rejecting the claim of the petitioner by adopting a hyper-technical approach and by placing sole reliance on the F.S.L. report, ignoring the overwhelming evidence on record. The impugned order is thus not sustainable in the eyes of law.
- 15.** In the result, the impugned order dated 06.06.2022 (Annexure P/1) passed by the Sub-Divisional Officer (Revenue) is hereby set aside. The concerned Collector, Janjgir, District Janjgir-Champa (C.G.) is directed to grant financial assistance of Rs.4,00,000/- to the petitioner on account of death of his wife due to snake bite, in accordance with the provisions of Revenue Book Circular (6-4). The aforesaid exercise shall be completed within a period of 60 days from the date of production of certified copy of this order.



16. With the aforesaid observations and directions, the instant writ petition stands **disposed of**.

17. There shall be no order as to costs.

Sd/-
(Amitendra Kishore Prasad)
Judge

Yogesh