



2026:CGHC:13610-DB



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HIGH COURT OF CHHATTISGARH AT BILASPUR**CRMP No. 810 of 2026**

State Of Chhattisgarh Through- Station House Officer, Police Station
Nawagarh, District Bemetara,(Cg)

... Petitioner(s)**versus**

1 - Kulbul Sahu S/o Late Manbodh Sahu Aged About 65 Years R/o
Village Barbaspur, Nawagarh, District Bemetara,(C.G.)

2 - Rakesh Sahu S/o Arjun Sahu Aged About 30 Years R/o Village
Barbaspur, Nawagarh, District Bemetara,(C.G.)

... Respondent(s)

For Petitioner(s) : Mr. Nitansh Jaiswal, Dy. G.A.

Hon'ble Shri Ramesh Sinha, Chief Justice**Hon'ble Shri Ravindra Kumar Agrawal, Judge****Judgment on Board****Per Ramesh Sinha, Chief Justice****23.03.2026**

1. Heard Mr. Nitansh Jaiswal, learned Deputy Government Advocate
for the appellant/State.



2. By way of present petition filed under Section 419(3) of the BNSS, the State has sought leave to appeal against the impugned judgment of acquittal dated 31.12.2025 passed by the learned Sessions Judge, Bemetara, District- Bemetara (C.G.) in Sessions Trial No. 24/2024 by which, the respondents have been acquitted from charged under Section 302 of the IPC and respondents.
3. The prosecution case, in brief, is that on 13.05.2024 at about 10:00 a.m., complainant Asharam Gandharva, a resident of village Barbaspur and serving as Kotwar, received information from village head Ramsagar Sahu that a dead body of a woman was lying on the boundary of his field situated at Barbaspur Khar. Acting upon such information, the complainant reached the spot where he found Ramsagar Sahu, Rakesh Sahu, and Laxman Nishad present. Upon inspection, the deceased was identified as Kamin Bai Nishad, aged about 65 years, wife of late Banshilal Nishad, resident of the same village. It was observed that the head of the deceased had been brutally crushed, indicating a homicidal death.
4. During preliminary inquiry at the spot, witness Niranjan Sahu disclosed that he had last seen the deceased proceeding towards the fields at about 7:00 a.m. on the same day. Another witness, Rakesh Sahu, stated that when he reached the field at about 9:00 a.m. for ploughing work with his tractor, he noticed the deceased lying dead at the edge of the field. On the basis of these



circumstances, it was suspected that between 7:00 a.m. and 9:00 a.m., some unknown person, with the intention to commit murder, assaulted the deceased with a stone, resulting in her death.

5. On the basis of the merg intimation, the matter was forwarded to Police Station Navagarh, where initially a merg was registered and thereafter, upon confirmation of homicidal death during inquest and postmortem, Crime No. 169/2024 was registered against unknown persons for the offence punishable under Sections 302 and 201 of the Indian Penal Code. During investigation, the police prepared a spot map, seized blood-stained and plain soil, as well as the stone allegedly used in the commission of offence. The memorandum statement of accused Rakesh Sahu was recorded, and pursuant thereto, certain incriminating articles including clothes of accused Kulbul were seized. The tractor and its documents were also seized from Govind Sahu. Statements of several witnesses were recorded under Section 161 of the Code of Criminal Procedure.
6. After completion of investigation, charge-sheet was filed before the Court of Judicial Magistrate First Class, Bemetara, from where the case was committed/received for trial. Charges were framed against accused Kulbul for offences punishable under Sections 302 and 201 of the IPC and against accused Rakesh Sahu under Section 202 of the IPC. The charges were read over and explained to the accused persons, who abjured guilt and claimed to be tried.



7. During examination under Section 313 of the Cr.P.C., the accused denied all incriminating circumstances appearing against them in the prosecution evidence and pleaded false implication. The accused did not examine any witness in defence. However, upon appreciation of the oral and documentary evidence on record, the learned trial Court found that the prosecution had failed to prove the charges beyond reasonable doubt and consequently acquitted all the accused persons of the offences alleged against them.
8. Learned State counsel submits that although the scope of interference in an appeal against acquittal is limited, it is equally well-settled that the appellate Court is vested with ample and wide powers to re-appreciate and re-evaluate the entire evidence on record. Where such reappraisal demonstrates that the findings recorded by the learned trial Court are manifestly erroneous, perverse, or contrary to the material available on record, the appellate Court would be fully justified in setting aside the order of acquittal and recording a finding of conviction in accordance with law. In the present case, the learned trial Court has gravely erred in acquitting the respondents of the offences charged, as it has failed to properly appreciate the cogent and reliable evidence brought on record by the prosecution. The prosecution had duly proved beyond reasonable doubt the charge under Section 302 of the IPC, yet the same was not considered in its true import, particularly when the dead body of the deceased Kamin Bai was found near the land of accused Kulbul Sahu, with whom there



existed a prior boundary dispute, thereby establishing motive.

Further, the learned Trial Court failed to give due weight to the FSL report (Ex. P/37), which clearly indicates presence of human blood of group 'B+' on the clothes of the deceased as well as on the waist cloth and lungi seized from the accused, thus providing strong incriminating linkage. Moreover, the medical evidence of Dr. Rishabh Agrawal (PW-22), who categorically opined that the injuries sustained by the deceased could be caused by the seized stone, coupled with the recovery of blood-stained stone from the spot, further corroborates the prosecution case, yet the same was unjustifiably ignored. Further, the chain of circumstantial evidence, including last seen, motive, recovery, and scientific evidence, clearly establishes the guilt of the accused, and the learned Trial Court erred in disregarding these material aspects and in holding otherwise, despite due compliance of all mandatory procedures under the Code of Criminal Procedure by the investigating agency, thereby rendering the impugned judgment unsustainable in the eyes of law.

9. We have heard learned counsel for the State and perused the impugned judgment along with the trial Court record annexed with the present appeal.
10. The learned Special Judge, after a detailed appreciation of the oral and documentary evidence on record, acquitted the respondents/accused by holding that the prosecution had failed to



establish a complete and unbroken chain of circumstantial evidence so as to conclusively point towards the guilt of the accused. The Court observed that the case rested entirely on circumstantial evidence, yet crucial links in the chain were missing, including the absence of any eyewitness, failure to establish the “last seen together” theory, and lack of scientific corroboration such as confirmation of the deceased’s blood group on the seized articles. The alleged motive arising out of prior dispute over agricultural land was also found to be weak and unsubstantiated. The Court further noted that mere recovery of articles at the instance of the accused, in the absence of forensic confirmation and independent corroboration, could not be relied upon to sustain a conviction. Placing reliance on the settled principles governing circumstantial evidence, particularly as laid down in ***Sharad Birdhichand Sarda v. State of Maharashtra (AIR 1984 SC 1822)***, the Trial Court held that the prosecution evidence did not meet the threshold of proving guilt beyond reasonable doubt.

11. It was further held that in the absence of proof of the principal offence of murder under Section 302 IPC, the ancillary allegations relating to destruction of evidence under Section 201 IPC and omission to inform under Section 202 IPC could not be sustained. The Court found that the prosecution failed to prove that accused Kulbul Sahu had caused the death of the deceased Kamin Bai



Nishad by inflicting a fatal blow with a stone, or that any subsequent act was committed to conceal the offence. Similarly, no cogent evidence was led to establish that co-accused Rakesh Sahu had knowledge of the alleged offence and intentionally failed to inform the authorities despite being legally bound to do so. In view of these material deficiencies and inconsistencies, the Court concluded that the prosecution had failed to prove its case beyond reasonable doubt and, accordingly, acquitted the accused persons of all the charges levelled against them.

12. Taking into consideration the findings recorded by the trial Court, acquitting the respondents/accused from aforesaid offences, we do not find any reason to allow this petition seeking grant of leave to appeal.
13. Recently, applying the law governing the scope of interference in an appeal against acquittal, the Hon'ble Supreme Court in the case of **"State of Rajasthan Vs. Kistoora Ram"** reported in **2022 SCC OnLine SC 984**, has held as follows:-

"8. The scope of interference in an appeal against acquittal is very limited. Unless it is found that the view taken by the Court is impossible or perverse, it is not permissible to interfere with the finding of acquittal. Equally if two views are possible, it is not permissible to set aside an order of acquittal, merely because the Appellate Court finds the way of conviction to be more probable. The interference would be warranted only if the view taken is not



possible at all."

- 14.** Thus, for the foregoing reasons, the CRMP seeking for leave to appeal being totally devoid of merits the same is **rejected**. Consequently, the appeal also stands **dismissed**.

Sd/-

(Ravindra Kumar Agrawal)
Judge

Sd/-

(Ramesh Sinha)
Chief Justice

Manpreet