



2026:CGHC:18645-DB

NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR

CRA No. 887 of 2024

1 - Sukhlal Manjhi @ Balli S/o Laxman Manjhi Aged About 48 Years
Occupation- Agriculturist, R/o Village Dangbuda, Khalpara, P.S. Sitapur,
District- Sarguja, Chhattisgarh

... Appellant(s)

versus

1 - State of Chhattisgarh Through P.S. Outpost- Sitapur, District-
Sarguja, Chhattisgarh

... Respondent(s)

For Appellant(s) : Mr. Ashutosh Singh Kachhawaha, Advocate.

For Respondent/State : Mr. Shailendra Sharma, Panel Lawyer.

Hon'ble Shri Ramesh Sinha, Chief Justice

Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ravindra Kumar Agrawal, J.

23/04/2026

1. The present appeal has been filed under Section 374(2) of the Code of Criminal Procedure, 1973 (for short "the Cr.P.C.") against the impugned judgment of conviction and sentence dated



12.03.2024 passed by the learned Sessions Judge, Surguja (Ambikapur), District Surguja (Chhattisgarh) in Sessions Trial No. 78/2020, arising out of Crime No. 86/2020 of Police Station Sitapur, whereby the appellant has been convicted for the offence punishable under Section 302 of the Indian Penal Code and sentenced to imprisonment for life along with a fine of Rs. 1,000/-, with a default stipulation that in case of non-payment of fine, he shall undergo additional rigorous imprisonment for a period of three months.

2. Brief facts of the case are that the deceased Jugni Bai was the wife of the appellant. She was found lying dead in an injured condition in her house on 27.06.2020. On 28.06.2020 at about 01:10 a.m., the complainant Narsingh (PW-1) gave a mere intimation Ex.P/1 to the police stating that he had been informed by his niece Rajkumari (PW-4) that the appellant was assaulting the deceased with a club (danda) inside their house. On the basis of the report of Narsingh, FIR Ex.P/2 was registered on 28.06.2020 at 01:20 a.m. for the offence under Section 302 of the Indian Penal Code against the appellant. Thereafter, inquest Ex.P/4 of the dead body of the deceased was prepared by the police in the presence of witnesses, and the dead body was sent for post-mortem examination to CHC Sitapur. PW-2 Dr. Pratik Rajwade conducted the post-mortem of the deceased and submitted his report Ex.P/11. While conducting the post-mortem, the doctor found the following external injuries on the body of the deceased:

- Abrasion of size 1 × 1 cm present below the left eye.
- Abrasion of size 2 × 1 cm present on the upper



part of the left elbow.

- Abrasion of size 1 × 1 cm present on the right elbow.
- Abrasion of size 3 × 1 cm present on the middle of the left thigh.
- Fracture present near the left wrist.
- Swelling present on the left side of the face.
- Swelling present on the private parts (external and internal genitalia).
- Lacerated wound of size 3 × 3 × 0.5 cm present on the anterior part of the left leg.

3. On internal examination, the doctor found congestion of lungs and great vessels with clotted blood. The liver, spleen, and kidneys were found congested; the kidney was found ruptured, and internal bleeding/hemorrhage was present in the abdominal cavity.
4. After conducting the post-mortem, the doctor opined that the cause of death was internal haemorrhage/bleeding in the abdominal cavity due to rupture of the kidney and liver. The duration of death was approximately 24 to 36 hours prior to post-mortem examination, and the nature of death was homicidal.
5. The spot map Ex.P/5 was prepared by the police, and Ex.P/9 was prepared by the Patwari. Blood-stained and plain soil, as well as a wooden stick (danda), were seized vide seizure memos Ex.P/13 and Ex.P/7 respectively. The clothes of the deceased, sent from the hospital, were seized vide seizure memo Ex.P/14. The seized wooden stick was sent for query to the doctor who conducted the post-mortem, and the doctor submitted his query report Ex.P/12, wherein he opined as follows:



बिंदु क्रमांक (1): क्या मृतिका जुगनी बाई की मृत्यु आरोपी से जप्त डंडा से मारपीट करने से आ सकती है?

उत्तर: उक्त जप्तशुदा डंडा से मारपीट करने से मृतिका की मृत्यु संभव है।

बिंदु क्रमांक (2): क्या आरोपी से जप्त डंडा में मानव रक्त मौजूद है?

उत्तर: डंडे पर पाए गए रक्त के धब्बों के संबंध में उसे सीलबंद कर रासायनिक परीक्षण हेतु भेजने की सलाह दी गई।

बिंदु क्रमांक (3): अन्य कोई तथ्य हो तो बताने का कष्ट करें।

उत्तर: उक्त जप्तशुदा डंडे का रेखाचित्र तैयार किया गया, जिसकी लंबाई 60 सेमी, एक सिरे की गोलाई 10.5 सेमी, मध्य भाग की गोलाई 9 सेमी तथा दूसरे सिरे की गोलाई 7 सेमी है।

6. The blood-stained and plain soil, the wooden stick seized from the accused, and the clothes of the deceased and the accused were sent for chemical examination to the Regional Forensic Science Laboratory, Ambikapur. The FSL report Ex.P/18 was received, according to which human blood was found on the blood-stained soil, the wooden stick, the shirt and gamcha of the appellant, and the clothes of the deceased. The blood group was found to be "A" on the wooden stick, the shirt of the appellant, and the clothes of the deceased.
7. The appellant was arrested on 28.06.2020, and his memorandum statement Ex.P/6 was recorded. Statements of witnesses under Section 161 Cr.P.C. were also recorded. After completion of usual investigation, charge-sheet was filed before the learned Judicial Magistrate First Class, Sitapur for offences under Sections 302 and 506 of the IPC. The case was thereafter committed to the Court of the learned Sessions Judge, Surguja at Ambikapur for



trial.

8. The learned trial Court framed charges against the appellant under Sections 302 and 506 of the IPC. The appellant denied the charges and claimed to be tried.
9. In order to prove the charges, the prosecution examined as many as 10 witnesses. The statement of the appellant under Section 313 Cr.P.C. was recorded, wherein he denied all the incriminating circumstances appearing against him, pleaded innocence, and stated that he has been falsely implicated. He did not lead any evidence in his defence.
10. After appreciation of the oral as well as documentary evidence led by the prosecution, the learned trial Court convicted the appellant and sentenced him as stated in the earlier part of this judgment. Hence, the present appeal.
11. Learned counsel for the appellant submits that the prosecution has failed to prove its case beyond reasonable doubt. It is argued that there are material omissions and contradictions in the evidence of the prosecution witnesses, which cannot form the basis for conviction. There is no eyewitness to the alleged incident, and the case rests entirely on circumstantial evidence along with the testimony of a child witness. PW-4 Rajkumari, who is projected as a key witness, has not witnessed the actual assault and has only seen the deceased lying after the incident. It is further submitted that the independent witness to the



memorandum and seizure, PW-5 Nirmal Manjhi, has turned hostile and has not supported the recovery of the weapon from the appellant. It is contended that there is no evidence of any culpable intention on the part of the appellant to commit murder. The medical evidence indicates that the injuries were not confined to vital parts, and the doctor has not specifically opined that the injuries were sufficient in the ordinary course of nature to cause death. The alleged delay in reporting the matter to the police and the inconsistencies in the testimony of PW-1 Narsingh create serious doubts about the prosecution version. According to learned counsel, the evidence on record is insufficient to sustain the conviction of the appellant, and therefore, he is entitled to be acquitted of the charges.

12. On the other hand, learned counsel for the State opposes the appeal and submits that the prosecution has proved its case beyond reasonable doubt. It is submitted that, except for minor omissions or contradictions, the evidence adduced by the prosecution unerringly points towards the guilt of the appellant in committing the murder of his wife. The nature of injuries found on the body of the deceased, including rupture of the liver and kidney, clearly indicates that the assault was severe and sufficient to cause death, and the medical evidence of PW-2 Dr. Pratik Rajwade establishes that the death was homicidal in nature.

It is further submitted that the testimony of PW-4 Rajkumari is wholly reliable. Her presence at the house is natural, being the



daughter of the appellant and the deceased. Her statement that the appellant prevented her from entering the house and that she later found him sitting near the deceased with the weapon of offence constitutes a strong incriminating circumstance. Moreover, the FSL report (Ex.P/18) confirms the presence of human blood of blood group "A" on the appellant's clothes as well as on the seized wooden stick, which matches the blood group found on the clothes of the deceased. Therefore, there is sufficient, cogent, and clinching evidence against the appellant to sustain his conviction, and therefore, the appeal is liable to be dismissed.

13. We have heard learned counsel for the parties and perused the record of the case.
14. The homicidal death of the deceased has not been specifically challenged by the appellant. The learned trial Court, after considering the evidence of PW-2 Dr. Pratik Rajwade, who conducted the post-mortem of the deceased, opined that the cause of death was internal bleeding and hemorrhage as a result of abdominal injuries, including rupture of the liver and kidney, and that the mode of death was homicidal in nature. In cross-examination, the doctor denied that injuries No. 7 and 8 found on the body of the deceased could have been caused by a fall on a pointed surface or a hard solid object. He further denied the suggestion that he had prepared the post-mortem report at the instance of the police without properly examining the body. Although he admitted that certain abrasions could be caused by a



fall, he remained firm in his opinion that the cumulative injuries and internal ruptures leading to death were consistent with assault by a blunt object such as a wooden stick. Nothing substantial could be elicited from the testimony of the doctor to discredit his evidence or to suggest that the death of the deceased was otherwise than homicidal in nature. The evidence of PW-2 Dr. Pratik Rajwade is further corroborated by the testimony of PW-1 Narsingh and PW-4 Rajkumari, who provided the initial information and witnessed the inquest, thereby confirming that the deceased was found lying in her house with multiple injuries on her body.

15. PW-4 Rajkumari is the witness who stated that she saw the appellant sitting near the body of the deceased immediately after the incident with the weapon of offence. Further, from the evidence of the witnesses to the inquest Ex.P/4, the homicidal nature of the death of the deceased has been found proved by the learned trial Court on the basis of the evidence available on record. The said finding is one of fact recorded by the learned trial Court, and the same is neither perverse nor contrary to the evidence on record. We are also in agreement with the said finding that the death of the deceased was homicidal in nature.
16. So far as the involvement of the appellant in the offence in question is concerned, the case of the prosecution rests upon the testimony of PW-4 Rajkumari, who is the daughter of both the appellant and the deceased. PW-4 Rajkumari stated in her



evidence that on the date of the incident, she had gone to a neighbour's house along with her siblings to watch television. On hearing the noise of a quarrel between her parents, she immediately rushed back to her house. When she attempted to enter the house, the appellant obstructed her and did not permit her to go inside. After the noise of the altercation subsided, she entered the house and found her mother lying dead on the floor, and the appellant was sitting beside her holding a wooden stick (danda). She immediately informed the incident to Narsingh (PW-1), who thereafter came to the spot. The wooden stick used in the assault was found in the possession of the appellant at that time. The police were informed and the mere intimation was subsequently recorded. In cross-examination, she denied the suggestion that she and her siblings had stayed back at the neighbour's house after watching television, and clarified that they had returned home first. She consistently stated that the appellant had prevented her from entering the house during the quarrel. She also denied the suggestion that her parents lived peacefully, and instead stated that they used to quarrel frequently. She further denied the allegation that she was deposing falsely due to being scolded by her father in the past. Although she did not witness the actual assault, she reached the spot immediately after the quarrel subsided and found the appellant in an incriminating position with the weapon near the deceased. No other person was present at the spot except the appellant and the deceased. The



appellant also did not lodge any report with the police nor offer any explanation regarding the presence of his wife's dead body inside his house. From the testimony of this witness as well as the conduct of the appellant, his presence at the spot at the relevant time clearly points towards his involvement in the offence. Being the daughter of both the deceased and the appellant, she is a natural witness who has deposed about the facts which she personally witnessed.

17. PW-1 Narsingh has stated in his evidence that the appellant is his uncle and the deceased was his aunt. On the date of the incident at about 10:00 p.m., while he was sleeping after dinner, PW-4 Rajkumari came to him crying and informed him that her father was assaulting her mother with a stick. She further stated that when she tried to intervene, the appellant threatened to kill her as well, due to which she fled in fear. He further stated that when he looked into the appellant's house along with Rajkumari, he saw the deceased lying dead inside. Thereafter, he lodged the report and stood firm in his testimony. In cross-examination, he admitted that due to the passage of time he had forgotten some details, which he recollected upon being questioned further. He admitted that the appellant and the deceased were residing in the same house and confirmed that PW-4 Rajkumari had given the first information regarding the incident. Nothing could be elicited in his cross-examination to discredit his version regarding the information received from the child witness.



18. From the evidence of PW-4 Rajkumari, the presence of the appellant at the spot stands duly established. Her testimony further shows that the appellant caused injuries to the deceased while they were alone inside the house.
19. The wooden stick (danda), which is the weapon of offence seized from the appellant, was sent for medical opinion, wherein the doctor in query report Ex.P/12 opined that the injuries found on the body of the deceased could have been caused by the said stick. Further, as per FSL report Ex.P/18, blood was found on the said stick, which matched the blood group 'A' found on the clothes of the deceased.
20. In the matter of ***State of Maharashtra vs. Ahmed Shaikh Babajan and Others*** reported in ***2009 (14) SCC 267***, the Hon'ble Supreme Court held in para 35 and 36 as under:

"35. Very recently in *Ashok Kumar Chaudhary & Ors. Vs. State of Bihar* this Court had the occasion to deal with the question of creditworthiness of the evidence of relatives of the victim. On a review of several decisions on the point, including *Dalip Singh Vs. State of Punjab*, *Masalti Vs. State of U.P.* and *Rizan & Anr. Vs. State of Chhattisgarh*, it has been observed that though the Court has to scrutinize such evidence with greater care and caution but such evidence cannot be discarded on the sole



ground of the interest of such witness in the prosecution. The relationship per se does not affect the credibility of a witness. Merely because a witness happens to be a relative of the victim of the crime, he/she cannot be characterized as an "interested" witness. The term "interested" postulates that the person concerned has some direct or indirect interest in seeing that the accused is somehow or the other convicted either because he had some animus with the accused or for some other oblique motive.

36. In *Namdeo Vs. State of Maharashtra*, one of us (C.K. Thakker, J.) has said that a close relative cannot be characterized as an "interested" witness. He is a natural witness. His evidence, however, must be scrutinized carefully. If on such scrutiny, his evidence is found to be intrinsically reliable, inherently probable and wholly trustworthy, conviction can be based on the 'sole' testimony of such witness. Close relationship of witness with the deceased or victim is no ground to reject the evidence. On the contrary, close relative of the deceased would normally be most reluctant to spare the real culprit and falsely implicate an innocent one."

21. Close scrutiny of the evidence makes it clear that it is the



appellant, and none else, who committed the murder of the deceased. The facts and circumstances of the case, along with the evidence available on record, clearly point towards the guilt of the appellant. He inflicted repeated blows with a wooden stick on the body of the deceased, as a result of which she sustained severe internal injuries and died on the spot. The appellant has not offered any explanation for his presence or for the death of his wife inside their shared residence in his statement under Section 313 Cr.P.C., nor has he explained the presence of blood group 'A' on his clothes and on the seized weapon. Therefore, we find no reason to differ with the finding recorded by the learned trial Court. We accordingly uphold the conviction and sentence passed by the learned trial Court against the appellant for the offence under Section 302 of IPC.

22. In the result the appeal filed by the appellant fails and hereby **dismissed**. The appellant is reported to be in jail since 28.06.2020, he shall undergo the entire sentence as awarded by the learned trial Court.
23. Registry is directed to send a copy of this judgment to the concerned Superintendent of Jail where the appellant is undergoing his jail sentence to serve the same on the appellant informing him that he is 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.



24. 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

Alok