



CGHC010445922025



2026:CGHC:26527-DB

AFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 2140 of 2025**

Semal Deepak S/o Late Semal Ramesh Aged About 32 Years R/o Ward No. 08, Ambedkar Para, Konta, District Sukma, Chhattisgarh

... Appellant**versus**

Union Of India Through N.I.A. Branch Raipur, C.G.

... Respondent

For Appellant	:	Mr. Somkant Verma and Mr. Manoj Chouhan, Advocates
For Respondent/UOI	:	Mr. B. Gopa Kumar, Advocate along with Ms. Navya Gopan and Mr. Ayush Bhatt, Advocates



CGHC010149302026



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NAFR

HIGH COURT OF CHHATTISGARH AT BILASPUR**CRA No. 1010 of 2026**

1 - Nara Bhaskar S/o Nara Raghu Aged About 24 Years R/o Bhejjipara Ward No. 10, Konta, Distt. Sukma, Chhattisgarh.



2 - Telam Mutta S/o Telam Raja Aged About 32 Years R/o Village Banda,
Mausampara, P.S. Konta, Distt. Sukma, Chhattisgarh.

... Appellants

versus

Union Of India Through The N.I.A. Branch Raipur, Distt. Raipur, Chhattisgarh.

... Respondent

(Cause title taken from Case Information System)

For Appellants	:	Mr. Amit Singh Chauhan, Advocate (through Legal Aid)
For Respondent/UOI	:	Mr. B. Gopa Kumar, Advocate along with Ms. Navya Gopan and Mr. Ayush Bhatt, Advocates

Hon'ble Shri Ramesh Sinha, Chief Justice
Hon'ble Shri Ravindra Kumar Agrawal, Judge

Judgment on Board

Per Ramesh Sinha, Chief Justice

30/06/2026

1. Both these appeals are arising out of the same crime number and same Special (NIA) Case No. 9 of 2024, therefore they are being heard and decided together.
2. Both these criminal appeals have been filed by the appellants against the impugned judgment of conviction and sentence dated 22.04.2025, passed by the learned Special Judge (NIA/Scheduled Offences) Bastar, Place Jagdalpur, in Special (NIA) Case No. 9 of 2024, whereby the appellants have been convicted and sentenced in the following manner:-



For the appellant- Semal Deepak (in CRA No. 2140 of 2025)

CONVICTION	SENTENCE
U/s. 04(b) of the Explosive Substances Act 1908	Rigorous Imprisonment for 07 years
U/s. 05 of the Explosive Substances Act 1908	Rigorous Imprisonment for 05 years
U/s. 38(2) of Unlawful Activities (Prevention) Act 1967	Rigorous Imprisonment for 05 years & fine amount of Rupees 500/- in default of fine R.I. for 01 month
U/s. 39 (2) of Unlawful Activities (Prevention) Act 1967	Rigorous Imprisonment for 05 years
All the sentences are directed to run concurrently.	

For the appellants- Nara Bhaskar and Telam Mutta (in CRA No. 1010 of 2026)

CONVICTION	SENTENCE
U/s 4(b) of Explosive Substances Act, 1908	R.I. for 7 years (to both the appellants)
U/s 5 of Explosive Substances Act, 1908	R.I. for 5 years (to both the appellants)
U/s 23(1) of Unlawful Activities (Prevention) Act, 1967	R.I. for 5 years and fine of Rs. 500/-, in default of payment of fine, 1 month R.I. (to both the appellants)
U/s 38(2) of Unlawful Activities (Prevention) Act, 1967	R.I. for 5 years (to both the appellants)
U/s 39(2) of Unlawful Activities (Prevention) Act, 1967	R.I. for 5 years (to both the appellants)
All the sentences are directed to run concurrently.	

3. The case of the prosecution, in brief, is that the police inspector Shivanand Singh (PW-16) received a secret information on 08.03.2023



that the appellant Semal Deepak along with his two friends is going to Belpochcha jungle to supply the explosive substances to Vetti Bhima, who was engaged in naxalite activities. Inspector Shivanand Singh informed the secret information to his senior officer Rohit Shukla (PW-7) and reduced in writing in rojnamcha (exhibit P-36). The secret information panchnama (exhibit P-37) was also prepared by the police. The SDOP Rohit Shukla (PW-7) constituted a search party and the search party along with arm ammunition, investigation kit, documents, laptop, printer proceeded towards village Banda, Belpochcha and their departure was recorded in rojnamcha (exhibit P-25). On the way the witnesses M. Mallika Arjun (PW-1) and Madvi Nitin (PW-20) met and they were asked to be the independent witnesses. When the search party reached near Belpochcha jungle, they saw three persons in a motorcycle, who tried to ran after seeing the police persons. They were intercepted by the police and they disclosed their names as Semal Deepak, Nara Bhaskar and Telam Mutta and disclosed that on the instance of Vetti Bhima, who was the commander of banned moist organization. They are going to village Gompad to supply the explosive substance to one Rama, who was also engaged in naxalite activities. From the bag of accused Semal Deepak, 20 nos. batteries, 45 nos. electronic detonators, one mobile phone and one naxalite banner, were recorded. From the plastic carry bag of accused Nara Bhaskar, 33 gelatin rod, one bundle of electric wire and one mobile phone have been seized and from the plastic carry bag of accused Telam Mutta, cordex wire 49 feet and 10 gelatin rod were seized. On being asked, they disclosed that, they have no document or bill of the seized substance. The search party took the accused persons and seized



explosive substance to CRPF Camp, Murliguda and recovery panchnama (exhibit P-4) with respect to seizure from Semal Deepak, exhibit P-3 with respect to seizure from accused Nara Bhaskar and exhibit P-5 with respect to seizure from Telam Mutta have been prepared and seizure panchnama (exhibit P-6) was prepared. The accused persons were arrested and their arrest have been informed to their family members.

4. Spot map (exhibit P-26) was prepared and they were taken to Konta police station and their arrival was recorded in rojnamcha (exhibit P-27). FIR (exhibit P-28) was registered against the accused persons for the offence under Section 34 of the IPC, Section 4-B of the Explosive Substances Act, 1908 and Sections 23(1), 38 and 39 of the Unlawful Activities (Prevention) Act, 1967.
5. During the patrolling at Murliguda road, the Assistant Sub-Inspector Harishchandra Uike (PW-13) has taken into custody the accused Papi Putti Reddy on suspicion, who disclosed that he was the resident of Laxminagaram and he was feeling nervousness. After informing the SDOP, they took him to Konta police station and his memorandum statement (exhibit P-1) was recorded, in which he disclosed about his involvement in various incidents and disclosed that he concealed the detonator, cordex wire and gelatin rod in the shrubs at Murliguda road. On his instance, the said articles have been seized and seizure memo (exhibit P-2) was prepared and he too was arrested. The seized explosive substance were sent for its examination to BDS team and sent to Reserved Police Station, Sukma. On 15.05.2023, they sent a



request letter (exhibit P-22) to the Special Court (NIA) South Bastar, Dantewada for disposal of the explosive substances and after obtaining due permission from the Court as well as from the Superintendent of Police, Sukma, the explosive substances were disposed of at firing range of Reserved Police Centre, Sukma by the BDS team. After its disposal, the plain and gunpowder mixed soil have been collected from there and sent it for its chemical examination to FSL. The disposal panchnama (exhibit P-21) was prepared. The FSL report (exhibit P-24) was received from Regional FSL, Jagdalpur, District Bastar.

6. Statement of the witnesses under Section 161 of CRPC have been recorded. The sanction for prosecution was obtained from the District Magistrate as well as Home Department, State of Chhattisgarh, Raipur (exhibit P-35) and after completion of usual investigation charge sheet was filed before the learned trial Court.
7. The learned trial Court framed charge against the accused persons and after framing of charge, 7 witnesses were examined. Thereafter, in pursuance of the order passed by the Ministry of Home, Government of India, the case was transferred to NIA Court and by the order dated 15.04.2024 passed by this Court in TP (CR) No. 14 of 2024, the case was transferred to the NIA Court on 29.04.2024 for its trial.
8. The learned Special Court (NIA) framed charge against the accused persons under Section 4(b) and 5 of Explosive Substances Act, 1908 and Section 23(1), 38(2) and 39(2) of the Unlawful Activities



(Prevention) Act, 1967. The accused persons denied the charge and claimed trial.

9. In order to prove the charge against the accused persons, the prosecution has examined as many as 21 witnesses. Statements of the accused persons under Section 313 of CRPC have been recorded, in which they denied the circumstances, pleaded innocence and submitted that they have been falsely implicated in the offence. One defence witness Purnachand Naidu (DW-1) has been examined by the defence.
10. After appreciation of oral as well as documentary evidence led by the parties, the learned trial Court acquitted the accused Papi Putti Reddy from the alleged offences, however convicted the accused persons Semal Deepak, Nara Bhaskar and Telam Mutta as has been disclosed in the earlier part of this judgment. Hence these appeals.
11. Mr. Somkant Verma, learned counsel appearing for the appellant Semal Deepak would submit that, the prosecution has failed to prove its case beyond reasonable doubt. There are material omissions and contradictions in the evidence of prosecution witnesses, which cannot be made basis to convict the appellant for the alleged offence. The appellant has been convicted only on suspicion and the alleged recovery from the appellant has not been proved in accordance with law. The appellant was not found in possession of explosive substances and the same has been seized from an open place accessible to all. The mandatory provisions of the Explosive Substances Act, 1908 and the Unlawful Activities (Prevention) Act,



1967 have not been complied with. There are material inconsistencies in the evidence of the prosecution witnesses including the evidence of Rohit Shukla (PW-7) and Shivanand Singh (PW-16). The independent witnesses have not supported the prosecution case and there is no cogent and clinching evidence against the appellant, therefore, his appeal may be allowed and he may be acquitted from the alleged offence.

12. Mr. Amit Singh Chouhan, learned counsel appearing for the appellants Nara Bhaskar and Telam Mutta adopting the submissions made by learned counsel for the appellant Semal Deepak, would submit that, only the paper formalities have been prepared by the police and no explosive substances have been seized from these appellants. The prosecution has failed to produce any reliable evidence against the appellants to connect them in the offence in question. He would also submit that the independent witnesses have not supported the prosecution case and there is no evidence that they involved in naxalite activities. The judgment passed by the learned trial Court is perverse and contrary to the evidence available on record and has not been considered in its proper perspective, therefore, these appellants are also entitled for their acquittal.
13. Mr. B. Gopa Kumar, learned counsel appearing for the Union of India opposes the submissions made by learned counsel for the respective appellants and would submit that the prosecution has proved its case beyond reasonable doubt. But for minor omissions or contradictions the evidence of the prosecution witnesses are fully reliable, which are



sufficient to hold the appellant guilty for the alleged offence. When the police proceeded for search on the secret information, the appellants were apprehended and electronic detonator, cordex wire and gelatin rod have been seized from them, which was being used in explosive substance. The place, from where the seizure was made from the accused persons is a dense forest area and naxalite affected and various naxalite activities occurred there. The appellants could not explained about the possession of such a huge quantity of explosive substances. The seizure of explosive substances and the suspicious activities of the accused persons have been proved by the witnesses, and there is no infirmity or perversity in the impugned judgment passed by the learned trial Court. The appeals being sans merit, liable to be dismissed.

14. We have heard learned counsel for the respective parties and gone through the record of the trial Court.
15. PW-16 Shivanand Singh, Inspector of Police, received the secret information about the offence. He stated in his evidence that on 08.03.2023, he received secret information that the accused Semal Deepak along with his two friends is going to supply explosive substances to Vetty Bhima. He informed it to his senior officer and reduced in rojnamcha, which is exhibit P-36. Secret information panchnama (exhibit P-37) was prepared in presence of the witnesses and copy of which was forwarded to SDOP, Konta through the constable Preet Ram Kunjam and the relevant rojnamcha is exhibit P-38 and P-39. He was being instructed by the SDOP and then a police



team was constituted and proceed towards Banda Belpochcha village. When they reached near village Belpochcha jungle, they saw three persons in a motorcycle and they started fleeing after seeing them. They were intercepted and then they disclosed their names as Semal Deepak, Nara Bhaskar and Telam Mutta. They also disclosed that they are waiting for naxalite Madkam Rama. They also disclosed that they had explosive substance in their bags. On being searched, from Semal Deepak, 20 nos. batteries, 45 electronic detonators, one mobile phone and one naxalite banner was seized. From accused Nara Bhaskar, 33 nos. gelatin rods and wire and from Telam Mutta, 49 feet cordex wire and 10 gelatin rods were seized. Considering that the place are highly sensitive area, they were taken to Murliguda, CRPF Camp. The accused persons could not produce any document of possession of the seized explosive substances and then they were taken to Konta police station and FIR was registered. The further investigation was done by SDOP Konta.

In cross-examination, though the defence tried to bring discrepancies with respect to the timing of the search and seizure proceedings, but he duly answered the timing of the proceedings, which he conducted. He also described the location of the area, where they seized the explosive substances from the accused persons. He firmly denied that no article has been seized from the accused persons and duly proved the seizure made from the accused persons. He shown his ignorance about profession of the accused persons. From the evidence of this witness, the defence could not be able to extract any material, which makes his evidence doubtful and he remained firm



in the proceedings, which he conducted during search and the seizure of the explosive substances from the accused persons.

16. PW-1, M. Mallika Arjun is the independent witness, who has turned hostile, but has admitted his signature over the documents (exhibit P-1 to P-10).
17. PW-2, Riyajuddin has also turned hostile and not supported the prosecution case, but has admitted his signature over the documents (exhibit P-1, P-2 and P-10).
18. PW-3, Budla Shiva Reddy and PW-4 Jiri Venkat Ramanna also turned hostile and not supported the prosecution case. PW-5 Sodi Joga is the Patwari, who prepared the spot map (exhibit P-15). PW-6, Girijashankar Sao is the SDOP posted at Naxal Operation, Konta. He stated in his evidence that, he prepared the spot map (exhibit P-16) in presence of the accused Papi Putti Reddy. He recorded his memorandum statement (exhibit P-1) and based on his memorandum statement, the detonator, cordex wire and gelatin rod have been seized from shrubs at Murliguda road vide seizure memo (exhibit P-2). He also proved the seizure memo (exhibit P-17) from constable Luhdhar Markam. He arrested the accused Papi Putti Reddy and informed his family members. The seized articles were sent for its examination from BDS team along with the memo (exhibit P-19). He also sent a request letter (exhibit P-20) to the learned Special Court, South Bastar, Dantewada for permission for disposal of seized articles and after obtaining due permission, the seized articles were disposed on 25.05.2023 and a panchnama (exhibit P-21) was prepared. The



memo sent to the Superintendent of Police for disposal of the seized article is exhibit P-22. Along with the memo (exhibit P-23), the plain and gunpowder mixed soil were sent to Regional FSL Jagdalpur for its chemical examination, from where FSL report (exhibit P-24) was received. He recorded the statement of the witnesses. In cross-examination, he too remained firm and denied that he prepared the documents in the police station. He duly proved his part of the investigation which he conducted.

19. PW-7, Rohit Shukla is the SDOP Konta, who stated in his evidence that, on 08.03.2023, he received an information from Inspector Shivanand Singh about secret information and then he instructed for constitution of police party, in which he himself was also a member along with other police personnel. They proceeded towards the informed place along with arms and ammunition, investigation kit, documents, laptop and printer. Since, the suspected place was highly sensitive area, they proceeded under the due protection. On the way, they met with the independent witnesses M. Mallika Arjun and Madvi Nitin. Near village Belpochcha, they saw three persons in a motorcycle, who after seeing them tried to flee. They were intercepted and then, they disclosed their names. He identified those three accused persons, who were found present. All the three persons disclosed that on the instance of commander of banned moist organization Vetty Bhima, they are going to deliver the explosive substance to Rama resident of village Gompad. On being searched, from Semal Deepak, 20 nos. batteries, 45 electronic detonators, one mobile phone and one naxalite banner was seized. From accused



Nara Bhaskar, 33 nos. gelatin rods and wire and from Telam Mutta, 49 feet cordex wire and 10 gelatin rods were seized. The seizure memos (exhibit P-3, P-4 and P-5) were prepared. On the same day, the seizure memo (exhibit P-6) was also prepared. The accused persons were arrested and their arrest have been informed to their family members. Spot map (exhibit P-26) was prepared and they came back to police station, where rojnamcha sanha entry was made vide (exhibit P-27) and then, FIR (exhibit P-28) was registered. In his cross-examination, he too has remained firm in search and seizure proceedings, which was conducted by him. Though he admitted that the recovery and seizure panchnama have not been prepared on the spot, but he stated that it has been prepared in presence of the witnesses. But for minor omission or contradiction, he supported the substantial part of the allegation about recoveries of the explosive substances from the accused persons.

20. PW-10 Dirdo Hunga is the Assistant Sub-Inspector of Police, and he too was a part of search and seizure party and also supported the prosecution case that, when they reached near Belpochcha, they saw three persons tried to flee after seeing them and they intercepted them. They disclosed their names and then, the detonator, naxalite poster, batteries, gelatin rod and cordex wire have been seized. The accused persons were taken to CRPF Camp, Murliguda, because the place where the accused persons were arrested was a dense naxalite affected and sensitive area. In his cross-examination, also the defence could not be able to elicit any material to disbelieve his testimony. He



being the part of search and seizure party, supported the prosecution case.

21. PW-12 Maheshwara Nand Netam, Assistant Sub-Inspector of Police was the member of search party, who proceeded towards Murliguda camp. During the MCP duty, another Assistant Sub-Inspector, Harishchandra Uike informed the SDOP that they took a suspected person at Konta police station, whose name is Papi Putti Reddy. When the said accused was interrogated at Konta police station, he disclosed that he is going to village Gompad on the instance of Rama for delivery of goods. He also disclosed that he was having detonators, gelatin rods, cordex wires and batteries, which he concealed in the truck at jungle. Two independent witnesses Riyajudin and Mallika Arjun were called and then on the instance of the accused, the said explosive substances were seized. In his cross-examination also, he remained firm in saying that, on the instance of the accused, they seized the explosive substances. This witness is relates to the proceeding of search and seizure from accused Papi Putti Reddy, who is the acquitted accused in the case.
22. PW-13, Harishchandra Uike is the Assistant Sub-Inspector has stated in his evidence that, on 19.03.2023, they conducted MCP near Murliguda and at that time, they arrested the suspected accused Papi Putti Reddy an on his interrogation, electronic detonator (105 nos.), pencil batteries (10-15 nos.), one bundle wire, 35 nos. gelatin rod have been seized from shrubs. This witness is also related with the seizure



of the explosive substance from the acquitted accused Papi Putti Reddy.

23. PW-14, Sunita Sodhi is the steno/typist posted at the office of District Magistrate Sukma and her evidence is with respect to grant of sanction for prosecution against the accused persons. She proved the documents (exhibit P-33 and P-34) which were the recommendation for sanction of prosecution dated 06.07.2023. She typed the said recommendation and forwarded it to the Superintendent of Police and the State Government.
24. PW-15, Smt. Hemin Baghe, who is the Deputy Secretary, State of Chhattisgarh has granted sanction for prosecution of the accused persons, which is exhibit P-35. Nothing substantial could be extracted from her cross-examination.
25. PW-17 is a protected witness, who stated in his evidence that at the time when he was aged about 14 years, he was being kept at child organization by Podium Raje and Podium Rage. He stayed there for about 4 years, thereafter, Madvi Suresh took him from there. In the year 2014, he was made Deputy Commander in LGS and having INSAS Rifle with him. He was a member of Burkapal Ambus in the year 2017 and subsequently, he was made a member of Konta Area Committee in the year 2018. He was made LOS Commander at Polampalli in the year 2019 and was having SLR weapon. In the year 2020, he had gone to Errabon Student Organization and met with Semal Deepak. In the year 2021, he called 6 bundles electronic wire from Semal Deepak and in the year 2022, 8 bundles of tiger bomb and



crackers. Semal Deepak supplied the electronic wire, tiger bomb, crackers to Madakamrama of village Gompad and in turn, he given it to Vetti Magadu, who was the in-charge of Konta area. In the year 2023, in the month of February-March, he again called electronic wire, gelatin detonator, walkie-talkie battery and cordex from Semal Deepak, but it was seized by the police on the way. He knew Nara Bhaskar and Telam Mutta, who was the associate of Semal Deepak.

In cross-examination, he stated that he surrendered for the police on 22.04.2024. He is not presently employed in the police service. He admitted that Semal Deepak was a contractor for construction of the road and culvert. Nara Bhaskar and Telam Mutta were also working as contractor along with Semal Deepak. He came to know about supply of the articles from Madakamrama. He admitted that Semal Deepak has directly not supplied the weapons to him. He further admitted that the gelatin codex wire, detonator are not available in open market.

26. PW-18 is another protected witness, who stated in his evidence that, on 10.03.2024 he surrendered at Superintendent of Police office, Sukma. In the year 2007, he got admitted in Naxalite organization through Sodhi Linge. He spent there for one year, and thereafter he had gone to Kistaram area. In the year 2012, he was made ACM and in the year 2020, he was made DVCM. He knew the accused Papi Putti Reddy since 2018 and he met with him at Buraklanka Jungle through Rajesh Kartam. Rajesh Kartam informed him that they will call supply of articles through Papi Putti Reddy. In the year 2018, he called



a Epson printer machine and Jio mobile, which was delivered by him to South Division DVC Secretary, Vikas Reddy alias Raghu Reddy. In the year 2020, he purchased two tablets electronic gadget of Samsung company through Papi Putti Reddy, which was delivered by him by Naxali Courier Sona Putti Papi Reddy.

In cross examination, he admitted that in his presence no article has been seized from Papi Putti Reddy on 19.03.2023. He is presently working at district Sukma. His statement was recorded by NIA officers at Sukma. He denied that the NIA officers have tutored him for giving evidence. This witness is also deposed against the acquitted accused Papi Putti Reddy.

27. PW-19 is another protected witness, who stated in his evidence that he surrendered on 22.04.2024. He entered into Naxalite organization in the year 2006 and up to 2010, he worked as a teacher under the Jantana government. From 2011 to 2013, he worked as LOS Commander at Kistaram area and from 2014 to 2023, he was president of Jantana Government at Kistaram committee. Prior to that, he was Secretary and DVC member of Kistaram Area committee. He knew the accused Papi Putti Reddy and met him in the year 2017-18 through Kamloo Prakash. In the year 2018-19, he called army cap, magazine pouch, battery and gelatin rod through Papi Putti Reddy, which was supplied by him to Naxalite organization, Hidma. In the year 2021, he purchased one Epson printer, medicines, codex wire, gelatin and detonator from Papi Putti Reddy, which was also delivered to Hidma. In the month of February 2023, he again called gelatin, codex



wire and detonator, which were again supplied to Hidma. Papi Putti Reddy was an active member of Naxalite organization and after supply of the articles, he further supplied it to Hidma.

In cross examination, he disclosed about recording of his statement by the police and from his evidence, it also transpires that he stated against the accused Papi Putti Reddy.

28. PW-20 Madvi Nitin is an independent witness, who stated in his evidence that on 08.03.2023 on the way, he met with the police persons who disclosed him about secret information and the accused persons and asked him to accompany. When they reached on the spot at Belpochcha village, the accused persons started running and they were intercepted by the police. On being searched of their bags, one mobile phone, 20 nos. of wireless set batteries, 45 detonators and naxalite banner were seized from the accused Semal Deepak, 33 nos. of gelatin rods, one bundle electric copper wire and one mobile phone was seized from Nara Bhaskar, 10 gelatin rods and codex wire 49 feet were seized from accused Telam Mutta. On being inquiry, all the three accused persons could not produce any document of its possession and then the police has seized the said articles and they have been arrested.

In cross-examination, he remained firm in saying that, when they reached on the spot along with the police persons, they arrested the accused persons and seized the incriminating explosive substance from them. Nothing substantive could be elicited from his evidence to



disbelieve him and his evidence is reliable with respect to seizure of the explosive substances from the appellants.

29. PW-21 Krishna Kumar Agrawal alias Kishan Agrawal has stated in his evidence that he is resident of Lal Bazar, Hyderabad. His father was having a shop of military store and after his death, he is running the said shop. Papi Putti Reddy was purchasing articles from his shop and make payment on his bank account. He also disclosed the mobile number of himself, his father and bank account details of them, in which the amount has been transferred by Papi Putti Reddy.

In cross-examination, he stated that he is having no license of the shop and his shop is also not registered. In further cross-examination, he sold the articles to military persons, but not to the civilians. In further cross-examination, he stated that his father has died on 18th April, 2022 and he brought the bank account statement from 01.01.2021 to 08.01.2025, which is exhibit P-40. He denied that he engaged in illegal selling of Naxalite articles and he also denied that he falsely implicated the accused Papi Putti Reddy. His evidence is also related to the accused Papi Putti Reddy, who has already been acquitted in the offence and he supplied the articles to Papi Putti Reddy, who made payment of the same.

30. DW-1 Purnachand Naidu deposed that he knew accused Semal Deepak, Nara Bhaskar and Telam Mutta as they were associated in road construction work, stating that on 08.03.2023, while they were engaged in earthwork on the Maraiguda–Godgubal Para road under a partnership arrangement, two constables from Konta Police Station



arrived at about 5:30 p.m. and asked the three accused to accompany them to the police station on the directions of the Station House Officer, Shivanand Singh. According to him, he and Pawan Kumar also went to the police station, where the SHO permitted them to leave after assuring that the accused would be released shortly, but on the following day they learnt that the accused had been arrested on allegations of supplying explosives to Naxalites. He further stated that about a week prior to the incident, the SHO had questioned them on suspicion of having links with Naxalites because they were working in an interior area, and about a week after the arrest he was threatened by the SHO not to disclose these facts.

During cross-examination, he admitted that there was no documentary proof of the alleged partnership, that he himself was not a registered contractor, and that criminal cases had previously been registered against him, with two ending in acquittal and one remaining pending. However, he consistently maintained that the accused were present with him at the work site throughout the day, that they were taken to the police station by the police from the work site, and that no search, seizure or recording of statements was conducted either at Maraiguda or in his presence at the police station on 08.03.2023.

31. Upon a comprehensive re-appreciation of the entire evidence available on record, this Court finds that the prosecution has succeeded in establishing beyond reasonable doubt that on the basis of prior secret information, a duly constituted police party apprehended the appellants near Belpochcha jungle while they were proceeding towards the



interior naxal-affected area carrying explosive substances. The evidence of PW-16 Shivanand Singh, PW-7 Rohit Shukla, PW-10 Dirdo Hunga and PW-20 Madvi Nitin is consistent on all material particulars regarding the receipt of secret information, constitution of the search party, interception of the appellants, recovery of explosive articles from their respective possession and preparation of seizure proceedings. Though certain minor discrepancies have been pointed out by the defence regarding the timing of the proceedings or the place where the seizure documents were prepared, such omissions are natural and do not affect the substratum of the prosecution case. Rather, the evidence consistently establishes that, considering the area to be a highly naxal-infested and sensitive forest region, the police party shifted the appellants and the seized articles to the nearby CRPF Camp for safety before completing the documentation. Such procedural course, in the peculiar facts and circumstances of the case, does not create any doubt regarding the genuineness of the seizure.

32. The contention of the appellants that the prosecution case deserves rejection because some of the independent witnesses have turned hostile also deserves to be rejected. It is well settled that merely because an independent witness has not supported the prosecution, the otherwise reliable testimony of official witnesses does not become unacceptable. The learned trial Court has rightly appreciated that the hostility of an independent witness does not eclipse the otherwise cogent and convincing evidence of official witnesses. In **Nathusingh v. State of M.P.**, (1974) 3 SCC 584, the Hon'ble Supreme Court categorically held that "the mere fact that they are police officers was



not enough to discard their evidence. No reason was shown for their hostility to the appellant." The same principle has consistently been reiterated by the Supreme Court that the evidence of police officials is to be tested on the same parameters as that of any other witness and cannot be rejected merely because of their official status.

33. The aforesaid principle has been further elaborated by the Hon'ble Supreme Court in **Anil v. State of Maharashtra**, (1996) 2 SCC 589, wherein it was held in paragraph 5 as under:

"5. There is, however, no rule of law that the evidence of police officials has to be discarded or that it suffers from some inherent infirmity. Prudence, however, requires that the evidence of the police officials, who are interested in the outcome of the result of the case, needs to be carefully scrutinised and independently appreciated. The police officials do not suffer from any disability to give evidence and the mere fact that they are police officials does not by itself give rise to any doubt about their creditworthiness."

34. Similar principles have been reiterated in **State (Govt. of NCT of Delhi) v. Sunil**, (2001) 1 SCC 652, wherein the Hon'ble Supreme Court authoritatively held that there is no legal presumption that police officers are untrustworthy witnesses and the Court cannot begin with an initial distrust of official acts. Their Lordships observed that it would be an archaic notion to approach police evidence with suspicion merely because no independent witness has supported the prosecution. Unless there are compelling reasons to doubt the fairness of the investigation or the credibility of official witnesses, their



testimony cannot be discarded solely on the ground that they are police personnel. Likewise, in **Ajmer Singh v. State of Haryana**, (2010) 3 SCC 746, while considering similar objections regarding absence of independent witnesses in recovery proceedings, the Supreme Court held:

“19.it is normally expected that there should be independent evidence to support the case of the prosecution. However, it is not an inviolable rule. Therefore, in the peculiar circumstances of this case, we are satisfied that it would be travesty of justice, if the appellant is acquitted merely because no independent witness has been produced.

20. We cannot forget that it may not be possible to find independent witness at all places, at all times. The obligation to take public witnesses is not absolute. If after making efforts which the court considered in the circumstances of the case reasonable, the police officer is not able to get public witnesses to associate with the raid or arrest of the culprit, the arrest and the recovery made would not be necessarily vitiated. The court will have to appreciate the relevant evidence and will have to determine whether the evidence of the police officer was believable after taking due care and caution in evaluating their evidence.”

35. Applying the aforesaid settled principles to the facts of the present case, we find that although PW-1, PW-2, PW-3 and PW-4 did not fully support the prosecution, PW-1 admitted his signatures on the seizure documents and PW-20, who was an independent witness accompanying the police party, has fully corroborated the prosecution



version regarding interception of the appellants and recovery of explosive substances from their possession. More importantly, the evidence of PW-7, PW-10, PW-16 and other official witnesses is consistent, natural and inspires confidence. Nothing substantial has been elicited in their lengthy cross-examinations to indicate any motive for falsely implicating the appellants or to create any serious dent in the prosecution case. Their evidence also stands corroborated by the documentary evidence, seizure memos, rojnamcha entries, FSL report and the sanction orders placed on record. We also find that the protected witness (PW-17), who was formerly associated with the banned organisation, has specifically deposed regarding the role of appellant Semal Deepak in supplying explosive materials to the banned organisation and has further identified Nara Bhaskar and Telam Mutta as his associates. His testimony lends additional corroboration to the prosecution case regarding the nexus of the appellants with the banned organisation.

36. The defence evidence led through DW-1 Purnachand Naidu is also not of such quality as would probalilise the defence version. His testimony suffers from inherent infirmities. Admittedly, no documentary evidence regarding the alleged road construction work, partnership arrangement or presence of the appellants at the work site has been produced. He also admitted that he was not a registered contractor and that criminal cases had previously been registered against him. His version is not only unsupported by any independent documentary evidence but is also contrary to the consistent and reliable testimony of the



prosecution witnesses. The learned trial Court has, therefore, rightly declined to place reliance upon his evidence.

37. The recovery effected from each of the appellants is distinct and specific. From appellant Semal Deepak, 45 electronic detonators, 20 batteries, one mobile phone and a naxalite banner were recovered; from appellant Nara Bhaskar, 33 gelatin rods, electric wire and one mobile phone were seized; whereas from appellant Telam Mutta, 49 feet cordex wire and 10 gelatin rods were recovered. None of the appellants could furnish any lawful explanation or documentary authority for possessing such explosive materials. The quantity and nature of the articles recovered, coupled with the place of interception, the prior secret information and the evidence regarding their intended delivery to active naxalite cadres, clearly establish conscious possession and active participation in facilitating the activities of the banned organisation. The ingredients of Sections 4(b) and 5 of the Explosive Substances Act, 1908 and Sections 23(1), 38(2) and 39(2) of the Unlawful Activities (Prevention) Act, 1967, as applicable to the respective appellants, thus stand fully established.

38. We also find no merit in the submission regarding alleged non-compliance with the mandatory procedural requirements. The prosecution has satisfactorily proved the receipt and recording of secret information, constitution of the search party, seizure proceedings, registration of FIR, preparation of spot map, forwarding of seized articles for expert examination, disposal of explosive substances after obtaining permission from the competent Court,



collection of remnants, FSL examination and grant of valid sanction for prosecution. The procedural safeguards contemplated under law have been substantially complied with and no prejudice whatsoever has been demonstrated to have been caused to the appellants.

39. In view of the foregoing discussion, we are of the considered opinion that the learned Special Judge has meticulously appreciated the oral and documentary evidence in its proper perspective and has recorded findings which are fully supported by the evidence available on record. The findings of conviction do not suffer from any perversity, illegality or misappreciation of evidence warranting interference by this Court in appellate jurisdiction.
40. Accordingly, both the criminal appeals, being devoid of merit, deserve to be and are hereby **dismissed**. The conviction and sentence imposed upon appellant Semal Deepak in Criminal Appeal No.2140 of 2025 and upon appellants Nara Bhaskar and Telam Mutta in Criminal Appeal No.1010 of 2026 by the judgment dated 22.04.2025 passed by the learned Special Judge (NIA/Scheduled Offences), Bastar at Jagdalpur in Special (NIA) Case No.9 of 2024 are hereby **affirmed**.
41. The appellants shall undergo the remaining part of their sentences.
42. 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 communicate the same to 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.

43. 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

ved



HEAD NOTE

In cases arising from Naxalite-affected areas, where the presence of independent witnesses may not always be feasible, the testimony of police officials cannot be rejected merely on the ground that they are official witnesses, and if their evidence is found to be cogent, trustworthy, reliable, and credible, it is sufficient to sustain a conviction.