



2026:CGHC:3423

PRASHANT
DEWANGAN

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Date: 2026.01.20
18:53:09 +0530**HIGH COURT OF CHHATTISGARH AT BILASPUR****ACQA No. 125 of 2021**

State Of Chhattisgarh, Through The Police Station Makdi, District
Kondagaon, Chhattisgarh.

... Appellant**versus**

1 - Tulsiram Shori, S/o Suklal Shori, Aged About 40 Years, R/o Village
Sorsiwani, Police Station Makdi, District Kondagaon Chhattisgarh.

2 - Shrilal @ Siroo Shori, Aged About 50 Years, R/o Village Sorsiwani,
Police Station Makdi, District Kondagaon Chhattisgarh.

... Respondents

For State/Appellant	: Mr. Dharmesh Shrivastava, Dy. A.G.
For Respondents	: Mr. Praveen Tulsyan, Advocate appears alongwith Mr. Vikas Patel, Advocate

Single Bench : Hon'ble Shri Justice Sanjay S. Agrawal**Judgment on Board****20/01/2026**

1. This appeal has been preferred by the State under Section 378 of the Code of Criminal Procedure, 1973, questioning the legality and propriety of the judgment dated 04/03/2020 passed by Chief Judicial

Magistrate, Kondagaon, District- Kondagaon (C.G.), in Criminal Case No.320/2018, whereby, the respondents have been acquitted with regard to the offence punishable under Sections 294, 323/34 and 506 Part II of IPC.

2. Briefly stated the case of the prosecution is that, on 04/08/2018, an FIR (Ex.P/1) was lodged by the complainant- Prem Netam before the Police Station- Makdi, District- Kondagaon, alleging inter-alia, that on 02/08/2018, when he was standing in front of his house, some shepherd persons along with the accused persons, came towards his field along with their cattles and, when he objected, the respondents/accused persons got annoyed and abused him, while alluring filthy words in the name of his mother and sister and assaulted him with hands and fists and also with the aid of sticks, as a result of which, he sustained injuries on his head and near the eyes and blood was oozing from his head and threatened to kill him. According to him, the alleged incident was seen by his wife, namely, Siyabati Netam (PW-2), who intervened the matter and, one Baratu Markam (PW-4) and Budhram Netam (PW-5) have also seen the alleged incident. Based upon the alleged allegations, the respondents have been charge-sheeted with regard to the offence punishable under Sections 294, 323/34 and 506 Part II of IPC.
3. In order to establish the alleged allegations, the complainant was examined as PW-1 and, a bare perusal of his testimony would show that, when he objected the respondents not to bring their cattles

- towards his field, they got annoyed and assaulted him and, have abused him with the name of his mother and sister and threatened to kill and, from his cross-examination, it appears that, on the date of incident itself, he lodged the report against the respondents. He has, however, not stated that he was assaulted by respondent No.1-Tulsiram Shori with the aid of stick, though the alleged fact was mentioned by him at the time of lodging the report (Ex.P/1). Even otherwise, the alleged stick, alleged to have been recovered from him on 17/08/2018 was, however, not found to be supported by its attesting witnesses, namely, Lalsai (PW-6) and Ghasiram (PW-7).
4. According to the complainant's alleged report (Ex.P/1), the alleged incident was seen by his wife, namely, Siyabati Netam, but has not supported the alleged allegations of her husband, as she (PW-2) denied specifically that on the date of the incident, her husband was either abused by them with filthy words, or was threatened to kill and, it reveals from her cross-examination that, her husband was not assaulted by the respondents. She has, thus, not supported the alleged allegations as was made by her husband in his report (Ex.P/1).
 5. It is to be seen further that, the alleged incident, as revealed from his report, was also seen by one Baratu Markam (PW-4) and Budhram Netam (PW-5), but from the perusal of the statement of Baratu Markam (PW-4), it appears that the complainant while consuming liquor started abusing the respondents with filthy words, while the

statement of Budhram Netam (PW-5) would show that, he came to know about the alleged incident from the complainant's wife, and who has, however, not supported the alleged version of her husband, as observed hereinabove. No cogent and reliable evidence has, thus, been led by the prosecution, so as to hold that, the trial Court has erred in acquitting the respondents from the commission of the alleged crime.

6. The appeal being devoid of merit is, accordingly, dismissed.

Sd/-
(Sanjay S. Agrawal)
Judge